Regular Board Meeting
Wednesday, August 12, 2026 6:00 PM

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

Agenda

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
2. **WELCOME GUESTS AND VISITORS**
3. **CHANGES OR ADDITIONS TO THE AGENDA**
4. **PUBLIC FORUM/COMMUNICATIONS**
5. **CONSENT AGENDA**
   - 5.1. **BOARD MINUTES**
   - 5.2. **FINANCIAL REPORT**
   - 5.3. **RESIGNATIONS**
   - 5.4. **HIRES**
   - 5.5. **SECOND READ POLICIES**
   - 5.6. **FIRST READ BOARD POLICIES**
   - 5.7. **MOTION**
6. **REPORTS**
   - 6.1. **ENROLLMENT**
   - 6.2. **FACILITIES REPORT**
   - 6.3. **TECHNOLOGY REPORT**
   - 6.4. **PRINCIPAL'S REPORT**
   - 6.5. **SUPERINTENDENT'S REPORT**
   - 6.6. **DIRECTORS REPORT**
7. **UNFINISHED BUSINESS**
   - 7.1. **BOARD GOALS**
8. **NEW BUSINESS**
   - 8.1. **MEAL PRICES**
   - 8.2. **EXECUTIVE ORDER 26-06**
     JUSTIFICATION FOR THE DECISION NOT TO RESTORE LOST STUDENT INSTRUCTIONAL TIME
   - 8.3. **NEW YEAR BOARD ORGANIZATION AND ANNUAL PROCEDURAL BUSINESS PURSUANT TO ORS 332.040 AND 255.335(5)**
     - 8.3.1. **ELECT BOARD CHAIR, VICE CHAIR AND APPOINT BOARD SECRETARY**
       - 8.3.1.a. **FOR CHAIR**
       - 8.3.1.b. **FOR VICE CHAIR**
       - 8.3.1.c. **FOR BOARD SECRETARY**
   - 8.4. **REVIEW STATUS OF LOCAL PUBLIC CONTRACT REVIEW BOARD**
   - 8.5. **ADOPT RESOLUTION #2026-27-001**
   - 8.6. **ADOPT RESOLUTION #2026-27-002**
   - 8.7. **ADOPT RESOLUTION #2026-27-003**
   - 8.8. **ADOPT RESOLUTION #2026-27-004**

9. **THE BOARD MAY RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**
10. **RECONVENE REGULAR SESSION**
11. **ANNOUNCEMENTS**
    - 11.1. **UPCOMING BOARD MEETING**
    - 11.2. **AGENDA SETTING TEAM**
12. **ADJOURN THE REGULAR MEETING**

Blachly School District #90

Code: BDDH-AR
Revised/Reviewed: 2/21/18; 11/17/21; 10/09/24

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 complete and submit the Intent to Speak card to the Board secretary prior to the meeting. Those attending virtually and want to provide public comment should notify the Board secretary by submitting an email to comments@blachly.k12.or.us as directed prior to the start of the meeting.

A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda. 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 submit this completed card to the Board secretary prior the start of the 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 NX 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.

Blachly School District #90

Code: BDDH
Adopted: 12/13/93
Revised/Readopted: 1/16/08; 11/19/08; 2/21/18; 1/19/22; 10/09/24

Public Comment at Board Meetings

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 complete and submit the Intent to Speak card to the Board secretary prior to the Board meeting.[1] 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.

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 equitable manner. If a person has more comments than time allows or is unable to comment due to time constraints, the

[1] When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

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 comments@blachly90.com . Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before 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 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

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).

Cross Reference(s):

BDDC - Board Meeting Agenda
KC - Community Involvement in Decision Making

Regular Board Meeting
Wednesday, June 10, 2026 6:00 PM

Triangle Lake Charter School--Library, 20264
Blachly Grange Rd., Blachly, OR 97412

Attendance Taken at 6:05 PM.

Bobbie Jo Brewster:	Present
Ciara Clark:	Present
Nicole Deering:	Present
Meleah Drago:	Present
Sara Gamache:	Present
Bev Schiesser:	Present

Present: 6.
Attendees: Brooklyn Gilbert, Kelly Goodwin, Katherine Tripp, Molly Rust

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
   Board Chair Drago called the meeting to order at 6:05pm.
2. **WELCOME GUESTS AND VISITORS**
3. **CHANGES OR ADDITIONS TO THE AGENDA**
   We are adding a resignation to the consent agenda as item 7.3, before Hires.
   Superintendnet Bottensek also informs the board that we are only presenting the required policies tonight. This is a shortened list than what was already posted.
4. **PUBLIC FORUM/COMMUNICATIONS**
   Public comments are accepted until the start of each meeting. To submit a comment, turn it in to the board secretary or email it in advance. A fillable Public Comment form, referred to in the attached AR, can be downloaded by clicking the menu/settings button. Written comments sent to comments@blachly.k12.or.us will be read during the meeting and should take less than three minutes. Verbal comments are limited to three minutes per person, with a total maximum of 15 minutes for all comments.

   There were no public comments.
5. **THE BOARD MAY RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**
   The board will convene an Executive session pursuant to ORS 192.660:
   (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations,

   Board Chair Drago recessed the regular session for the executive session at 6:07pm.
6. **RECONVENE REGULAR SESSION**
   Board Chair Drago called the regular meeting back to order at 7:27pm
7. **CONSENT AGENDA**
   7.1. **BOARD MINUTES**
   May 13, 2026 Board Minutes
   There were no changes to the minutes.
   7.2. **FINANCIAL REPORT**

Business Manager Molly Rust has provided the May check register, pro-card statement and financial report to the board for review.
Business Manager, Molly Rust, answered questions from the board about the Procard statement and check register for May. She clarifies what some of the purchases were for.
Ms. Rust presents her financial report. She states that there aren't a lot of changes this month. We have been able to maintain up to that 10% ending fund balance. State revenue gave us a payback of $150,000 this year, which will be helpful to prepare us for next year.

7.3. **RESIGNATION**

Superintendent Bottensek shares the resignation of Amy Davidson from the Cross Country head coaching position. She is unable to take the additional time off this year from her job to be able to take the time for coaching.

7.4. **HIRES**

Superintendent Bottensek presents the hire of Shane Mooney as the Head HS Football coach.
Superintendent Bottensek shares the hire of Shane Mooney as the Head High School Football coach.

7.5. **FIRST READ POLICIES**

Policies presented for first read:

CBG - Evaluation of the Superintendent, Required
EBB - Integrated Pest Management, Required
GBA - Equal Employment Opportunity, Required
GBN/JBA - Sexual Harassment, Required
JBA/GBN - Sexual Harassment, Required
Superintendent Bottensek reminds the board that she pulled all policies except the required for the board to review. They will see the others in August.
These will be up for a second read in August, and it will be the cleaned-up version that is ready to go to OSBA for our policy page.

7.6. **MOTION**

Director Clark moved to approve the consent agenda as amended. This motion, made by Ciara Clark and seconded by Nicole Deering, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Yea
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 6, Nay: 0

8. **REPORTS**

8.1. **ENROLLMENT**

Grade	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
On Campus	7	18	13	19	14	19	18	14	14	17	8	15	17	193
TLCS Online	17	19	18	23	23	15	22	15	9	6	6	4	3	180
Out of District Placement														2

Total Enrollment: 375

Superintendent Bottensek shares that enrollment has dropped two students since last month's report. Prior to that, we had been climbing a little each month since December.

8.2. **SPECIAL EDUCATION SERVICES REPORT**

Ms. Ronda Gardner, Special Education Director, will provide a report to the board.
Superintendent Bottensek shares Ms. Gardner's report. She is hoping to utilize the PASS program with more students next year as we are seeing positive results.

8.3. **STUDENT SERVICES REPORT**

Ms. Katherine Tripp, Assistant Principal, will provide a report to the board.
Assistant Principal, Katherine Tripp, shares her report with the board. She felt the declaration assembly went well. We received very positive feedback. The night of excellence followed and we had good attendance. Graduation went very well, we had a lot of community feedback that was very positive.
She shares that this week they are working on check-outs with students and staff and celebrating the end of the year.

8.4. **PRINCIPAL'S REPORT**

Principal Brittany Bottensek shares a report with the board.
Superintendent Bottensek shares her principals report. She points out upcoming important dates. She also shares that this year we have made calendars for every staff member that they will receive when they hand in their check out form. These are specific days for their specific position.

8.5. **SUPERINTENDENT'S REPORT**

Superintendent Brittany Bottensek will give a report to the board.
Superintendent Bottensek shares our lottery results that happened on June 4th. She shares where these numbers would put us at with enrollment. She shares KITS and Summer School dates with the board. She also shares the Rural Collaborative PD Groups video. She shares that she had her last superintendent academy meeting this week. And she and Ms. Tripp will be at COSA next week.

8.6. **DIRECTORS REPORT**

Director Deering shares that she went to the Academic Awards and Graduation. She felt both were amazing, well decorated and just overall went very well. She also loved the Picnic In The Field band performance. It was really great to be able to be outside and enjoying the music. She suggests doing dinner or dessert next year.
Director Gamache shares that she also went to the Academic Awards and Graduation.
Director Brewster shares that she also went to several end-of-year events. She did suggest that we adjust the steps on the stage set up at the declaration event to make it more accessible. But she thought this was a great event. She also attended the cardboard boat races, and that was a lot of fun, and it was a great day for it.

Director Clark shares that she went to the end-of-year celebration for the online program. It was great to meet some of our online families. She is also attending the field trip tomorrow for campus.
Director Schiesser really enjoyed graduation, the speeches were great, and the sound was good.
Board Chair Drago felt graduation was amazing, the kids did well in their speeches, the event flowed well and it was very classy.

9. **UNFINISHED BUSINESS**

9.1. **BOARD GOALS**

The board will continue to review and work through their goals.

2025-2026 Board Goals:
1. To address or resolve property boundaries with the Grange.
2. A monthly review of the Strategic Plan: Academic Success, Reading Program, Enrollment Rate, Volunteerism.
Superintendent Bottensek shares that she did have one clarifying question from the Grange, but there hasn't been any word back from their legal counsel. The State Grange will have a new president by next month. Sonny has shared her name and contact info with us. We did let the Grange representative know that we would not be meeting in July.
Superintendent Bottensek shares the data reports with the board. And explains how to read them. She shares that she will get the board an updated MAPs report in August so they are seeing all the classes.

10. **NEW BUSINESS**

10.1. **2024-2025 AUDIT REPORT**

Ms. Rust will present the final audit report for the 2024-2025 school year.

Board Chair Drago will ask for any public comment on the topic prior to asking for a motion.
Director Clark moved to approve the 2024-2025 Audit Report. This motion, made by Ciara Clark and seconded by Bev Schiesser, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Yea
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 6, Nay: 0

Ms. Rust shares the 2024-2025 Audit Report letter that the auditors have to provide to the board. She highlights some of the areas our auditors would like to see done better. Mostly these are just suggestions to get things done quicker. She shares that they use GASB a lot. This is basically the accounting model we have to follow as a government entity. She welcomes the board's questions, comments and feedback.

The board asks what is referenced on page 50. Ms. Rust responds that it has to do with instruction being over $8000 then budgeted and in athletics we also overspent. Director Schiesser asks if the audit doesn't want us working with LESD. Ms. Rust says that they are asking that our internet service provider has a valid NAS18, which LESD does not.

10.2. **HEALTH & SAFE SCHOOLS STATEMENT**

Superintendent Bottensek presents the updated Health & Safe Schools statement. The link to this document on our website is Health & Safe SchoolsPlan

Board Chair Drago will ask for any public comment on the topic prior to asking for a motion.
Director Schiesser moved to accept the health and safety schools plan as presented. This motion, made by Bev Schiesser and seconded by Ciara Clark, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Yea
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 6, Nay: 0

Superintendent Bottensek goes over what this report is for, who we have listed and where to find this report and the annual statement that we update every year. We shared the website and walked the board through how to get to these docs.

10.3. **SOCIAL STUDIES ADOPTION**

Assistant Principal, Katherine Tripp, shares the Social Studies curriculum that is being presented for adoption by the Board.

Board Chair Drago will ask for any public comment on the topic prior to asking for a motion.
Director Deering moves to adopt TCI History Alive Social Studies Curriculum for elementary, K-5th and Imagine Learning Social Studies Curriculum for secondary, 6-12th students. This motion, made by Nicole Deering and seconded by Ciara Clark, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Yea
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 6, Nay: 0

Ms. Tripp shares the new social studies standards and shared how we reviewed the new curriculum and the process we took to make our decision. She shares a little

detail about the curriculums we have chosen.
Director Deering feels that the option for digital curriculum for secondary is very helpful.

10.4. **MATH ADOPTION**

Assistant Principal, Katherine Tripp, shares the Math curriculum that is being presented for adoption by the Board.

Board Chair Drago will ask for any public comment on the topic prior to asking for a motion.
Director Clark moved to adopt Mid-School Math Curriculum for our secondary, 5th-8th grade, students. This motion, made by Ciara Clark and seconded by Sara Gamache, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Yea
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 6, Nay: 0

Ms. Tripp shares that we were adopting math outside the regular adoption cycle. We had a lot of help from a LESD representative. She shares the steps we took, what we looked at and how we rated each. We picked 5 different curriculum and chose two pilots from those five. She shares the vision for secondary math that they used while reviewing. She shares that they would like to pilot MidSchool math for Algebra 1 during the 26–27 school year and continue the adoption process for the HS mathematics.

10.5. **BANKING CHANGES**

Ms. Rust will present Resolution #2025-26-06 to switch banks for the district.
Director Clark move to approve resolution #2025-26-06, changing banks from US Bank and Selco to Oregon Community Credit Union, as presented. This motion, made by Ciara Clark and seconded by Bobbie Jo Brewster, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Abstain (With Conflict)
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 5, Nay: 0, Abstain (With Conflict): 1

Ms. Rust shares where our current banking is done and what is in each bank. She shares that she started researching after Director Deering's question about what our $500 service fee was for, and once she dug into this answer, she decided we were paying way too much. We spend about $6,000 a year in service fees. So, we had an

OCCU rep reach out to us about our banking and Ms. Rust set up meetings. She shares what we found out along with sharing the exact proposal we were given. This switch will earn us money and our service team will be in Junction City. All of our funds will be secured.

10.6. **ADOPTION OF 2026-2027 BUDGET AND APPROVAL OF BUDGET RESOLUTIONS**

The 2026-27 budget forwarded by the budget committee is recommended for adoption by the Board.

Director Schiesser moves to adopt the 2026-27 budget as forwarded by the budget committee including Resolutions #2025-26-07 and #2025-26-08 as presented. This motion, made by Bev Schiesser and seconded by Ciara Clark, Carried.

Bobbie Jo Brewster:	Yea
Ciara Clark:	Yea
Nicole Deering:	Yea
Meleah Drago:	Yea
Sara Gamache:	Yea
Bev Schiesser:	Yea

Yea: 6, Nay: 0

Ms. Rust presented the budget resolutions to the board along with their updated budget books.

11. **ANNOUNCEMENTS**

11.1. **UPCOMING BOARD MEETING**

The next Regular Board Meeting will be held on Wednesday, August 12th, 2026 at 6pm.

Superintendent Bottensek does let the board know what we plan to do with the refund received from the AirBNB for the senior trip. We plan to split this amount evenly among the campus seniors and mail them a check. This was an anomaly that we haven't had happen before, and we don't expect it to happen again, so we feel this is an appropriate way to handle this situation.

11.2. **AGENDA SETTING TEAM**

The board will decide who will be attending the August agenda-setting meeting.

Director Deering volunteers to attend the agenda setting meeting in August.

12. **ADJOURN THE REGULAR MEETING**

Board Chair Drago adjourned the regular meeting at 9:40pm.

Meleah Drago	Brittany Bottensek
Board Chair	Superintendent

OSBA Model Sample Policy

Code: CBG
Adopted:

Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance at least once each year. The evaluation will be based on the superintendent's job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

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

The Board's discussion and conferences with and about the superintendent and their performance will be conducted in an executive session, unless the superintendent requests a session open to the public.[1] Such an executive session will not include a general evaluation of any district goal, objective or operation or of any directive to personnel concerning district goals, objectives, operations or programs. Results of the evaluation will be written and placed in the superintendent's personnel file.

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

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 332.107
ORS 332.505
OAR 199-040-0027
OAR 199-040-0030
OAR 581-022-2405

[1] Notice must be provided to the superintendent in accordance with OAR 199-0040-0030. The superintendent must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

a. Identification of the Board;
b. The time, date and location of the meeting;
c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
d. Information on how the superintendent may make a request for an open hearing.

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

OSBA Model Sample Policy

Code: EBB
Adopted:

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the Board shall adopt an integrated pest management plan (IPM)[1] which emphasizes the least possible risk to students, staff and community members and shall adopt a list[2] of low-impact pesticides for use with the IPM plan. The IPM plan and list shall be available to the public through the district's website[3].

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:

   a. Protect the health and safety of students and staff;
   b. Protect the integrity of district buildings and grounds;
   c. Maintain a productive learning environment; and
   d. Protect local ecosystem health.

2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;

3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;

4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;

5. Evaluates the need for pest control by identifying acceptable pest population density levels;

6. Monitors and evaluates the effectiveness of pest control measures;

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[1] {See Integrated Pest Management Program for Oregon Schools at http://blogs.oregonstate.edu/schoolipm/. The program includes access to Resources & Forms including Model plans for large school districts and small school districts.}

[2] See ORS 634.705(5).

[3] Inclusion of the list and IPM in the district's Healthy and Safe Schools Plan satisfies this requirement as long as it is posted on the district's website.

7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;

8. Excludes the application of pesticides for purely aesthetic purposes;

9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;

10. Gives preference to the use of nonchemical pest control measures;

11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and

12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The Maintenance/Facilities Director is designated as the Integrated Pest Management Plan Coordinator and has the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;

2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;

3. Oversee pest prevention efforts;

4. Ensure identification and evaluation of pest situation;

5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;

6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;

7. Evaluate pest management results;

8. Keep for at least four years following the application date, records of applied pesticides that include:

    a. A copy of the label;
    b. A copy of the Safety Data Sheet (SDS);
    c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
    d. The pest condition that prompted the application;
    e. The approximate amount and concentration of pesticide applied;
    f. The location and description of the area where the pesticide was applied;
    g. The type of application and whether the application was effective;
    h. The name(s) of the person(s) applying the pesticide;

i. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
j. The dates and times for the placement and removal of warning signs; and
k. Copies of all required notices given, including the dates the IPM Coordinator(s) gave the notices.

9. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints; and

10. Conduct outreach to district staff about the district's IPM plan.

At least once every five years, the Board shall review the IPM plan, make any necessary updates and readopt the IPM plan.[4] The final IPM plan shall include the day, month and year the Board adopted or readopted the plan.

END OF POLICY

Legal Reference(s):

ORS 634.116 ORS 634.700 - 634.750

[4] For IPMs adopted prior to January 1, 2026, the Board shall review, update and readopt the IPM no later than January 1, 2027, or five years from the date of the most recent approval of the plan, whichever is later.

OSBA Model Sample Policy

Code: GBA
Adopted:

Equal Employment Opportunity

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

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (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. 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 communicated to all students, parents of students and employees through handbooks and will be published on the district website.

The superintendent will develop other specific recruitment, interview and evaluation procedures necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities.

END OF POLICY

Legal Reference(s):

ORS 174.100
05
ORS 326.051
ORS 332.505
ORS 408.225 – 408.237
ORS 652.210 - 652.220
ORS 659.850
ORS 659A.003
ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
ORS 659A.082
ORS 659A.109
ORS 659A.112

[1] 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.

ORS 659A.147
ORS 659A.820

OAR 581-021-0045
OAR 581-022-2405
OAR 839-006-0435 - 0480

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

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

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures[2].

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[3] shall include:

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

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

    a. Interferes with a student's educational activity or program;
    b. Interferes with a school or district staff member's ability to perform their job; or

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[2] Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNAA/JHFF).

[3] "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

c. Creates an intimidating, offensive, or hostile environment.

3. Assault when sexual contact occurs without consent[4].

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

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

Oregon Procedures

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

Brittany Bottensek, Superintendent at 541-925-3262 or bbottensek@blachly.k12.or.us

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

Response

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

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

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

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

[4] "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

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

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

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person[10] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[11]:

[10] Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

[11] Remember confidentiality laws when providing any information.

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

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

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

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

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

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

    a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
    b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[12];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

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

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

Federal Procedures

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

Reporting

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

Superintendent is designated as the Title IX coordinator and can be contacted at 541-925-3262. The Title IX coordinator will coordinate the district's efforts to comply with its responsibilities related to this

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

AR. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[14] The district shall treat complainants and respondents equitably by providing supportive measures[15] to the complainant and by following a grievance procedure[16] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.[17]

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.[18] The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

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

[15] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.[15] The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. §99.30(a))

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

[17] The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

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

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator.

No Retaliation

Neither the district or any person may retaliate[20] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX coordinator shall be prominently published in the school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

[19] Of the United Stated Department of Education.

[20] Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

OSBA Model Sample Policy

Code: JBA/GBN
Adopted:

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

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

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[1] shall include:

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

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

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

3. Assault when sexual contact occurs without consent[2].

[1] "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

[2] "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

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

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

Oregon Procedures

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

Brittany Bottensek, Superintendent at 541-925-3262 or bbottensek@blachly.k12.or.us

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

Response

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

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

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

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

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

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

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person[3] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[4]:

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

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

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

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

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

[3] Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

[4] Remember confidentiality laws when providing any information.

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

    a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
    b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[5];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

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

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

Federal Procedures

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

Reporting

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

Superintendent is designated as the Title IX coordinator and can be contacted at 541-925-3262. The Title IX coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook.

Response

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

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[6] The district shall treat complainants and respondents equitably by providing supportive measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

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

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

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

[9] The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

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

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator.

No Retaliation

Neither the district or any person may retaliate[11] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX coordinator shall be prominently published in the school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030

OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

[11] Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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.

When expressing personal opinions in public, the Board member should 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.] 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

Legal Reference(s):

ORS 332.045
ORS 332.055
ORS 332.057
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).

DELETE

OSBA Model Sample Policy

Code: BBAA
Adopted:

Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of their position when the Board is in a meeting which is being held in accordance with Oregon's Public Meetings Law. A Board member has the authority to act in the name of the Board only 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.

Board members may speak on behalf of the Board or district only when specifically authorized to do so. Any other statements do not represent the position of the Board or district. When expressing personal opinions in public, Board members are encouraged to clearly identify the opinions as their own.

All Board members shall maintain awareness of relevant district information and participate in Board functions and professional Board development activities.

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

1. Request for Records

   Any individual Board member who desires a copy of an existing record may make such a request to the superintendent. Requests involving confidential records or significant staff time will be referred to the Board for approval.

2. Requests for Legal Opinions{[1]}

   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. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to a Board Member

   When a Board member receives complaints or requests for action from staff, students or members of the public, the Board member will direct the staff, students, members of the public to the public

[1] {Consider how board members obtain legal advice and whether a cost is associated with that. Does the Board want individual board members to be able to contact attorneys at PACE or OSBA (no bill accrued) on their own, or does the Board want them to get Board approval first? Do you want individual Board members to be able to contact attorneys that will bill the district on their own, or do you want them to get board approval first?}

complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent. An individual Board member is not authorized to independently act on complaints.

4. Board Member's Communication with Administration

No individual Board member may direct the superintendent or other staff to action without Board authorization. No Board member will intervene in the administration of the district or its schools.

5. Contracts or Agreements

All district contracts 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.

6. Visits to Schools

A Board members may visit schools in accordance with Board policy BG – Board–Staff Communications.

7. Public Meetings Law

All Board members will comply with Public Meetings Law~~[, including participating in an approved[2] training at least once during each term of office{[3]}].~~

8. Mandatory Reporting

A Board member having reasonable cause to believe that any child with whom the Board member comes in contact has suffered abuse or that any person with whom the Board member comes in contact has abused a child shall immediately make an oral report or cause an oral report be made to Department of Human Services[4] or local law enforcement.

9. Oregon Ethics Laws

All Board members will adhere to Oregon Government Ethics laws, including filing the statement of economic interest as required by Oregon Revised Statute (ORS) 244.

10. Confidential Information

All Board members will not disclose confidential information received as part of Board service.

11. Other Laws, Policies, Agreements and Procedures

All Board members will follow all laws, Board policies, working agreements, and any other procedures established by the district.

PROPOSED

[2] Approved by the Oregon Government Ethics Commission.

[3] {Training is only required for districts with annual fiscal expenditures of $1M or more. See ORS 192.700.}

[4] (855) 503-SAFE (7233)

END OF POLICY

Legal Reference(s):

ORS 192.311 – 192.478
ORS 192.610 – 192.705
ORS Chapter 244
ORS 332.045
ORS 332.055
ORS 332.057
ORS 332.075
ORS 332.107
ORS 419B.010

38 OR. ATTY. GEN. OP. 1995 (1978)
S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

PROPOSED

OSBA Model Sample Policy

Code: BD
Adopted:

Board Meetings, Notices and Communications

Definitions

"Communication" means the expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

"Convening" means gathering in a physical location, using electronic, video or telephonic technology to be able to communicate contemporaneously among participants, using serial electronic written communication among participants, or using an intermediary to communicate among participants.

"Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the Board[1] is required, at any meeting at which a quorum is present.

"Decision-making process" means the process the Board engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.

"Deliberation" means discussion or communication that is part of a decision-making process.

"Executive session" means any meeting or part of a meeting of the Board that is closed to certain persons for deliberation on certain matters.

"Intermediary" means a person who is used to facilitate communications among members of the Board about a matter subject to deliberation or decision by the Board, by sharing information received from a member of the Board with other members of the Board. The term "intermediary" can include a member of the Board.

"Meeting" means the convening of the Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program or the attendance of members of the Board at any national, regional or state association to which the Board or the members belong.

"Public Meetings Law" means Oregon Revised Statutes (ORS) 192.610 – 192.705 and Oregon Administrative Rules (OAR) 199-040 and 199-050.

PROPOSED

[1] This policy is written to apply to the Board. Other bodies, including Board committees, may be subject to public meeting laws. This policy may help other bodies understand what is required, but is intended as direction for the Board.

"Quorum" means the minimum number of members of the Board required to legally transact business. For the Board, a quorum is [four{[2]}] Board members.

"Work session" or "workshop" means meetings held for the purpose of either presenting information to the Board to prepare for a regular or special meeting, or to allow the Board to engage in preliminary discussions or deliberations.

Board Authority at Meetings

The Board has the authority to act only when a quorum is present at a properly noticed regular, special or emergency meeting. The affirmative vote of [four{[3]}] members of the Board is required to transact any business.

Types of Meetings

The Public Meetings Law applies to all regular, special, emergency, executive session and work session meetings of the Board.

1. Regular Meetings

   The regular meeting schedule will be established at the annual organizational meeting each year and may be changed by the Board with public notice. The purpose of each regular meeting will be to conduct the regular Board business.

2. Special Meetings

   A special meeting may be scheduled when less than a quorum is present at a regular meeting and therefore no business may be conducted, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district, or other reasons. Special meetings may be convened by the Board chair, upon request of three Board members, or by common consent of the Board.

3. Emergency Meetings

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

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

[2] {ORS 332.055 establishes the quorum as a majority. If the Board has five members, three constitute a quorum. If the Board has seven members, four constitute a quorum. If the Board has nine members, five constitute a quorum.}

[3] {ORS 332.055 provides "the affirmative vote of the majority of members of the board is required to transact any business." If the Board has five members, three votes are required. If the Board has seven members, four votes. If the Board has nine members, five votes.}

be conducted in accordance with Public Meetings Law. The Board may make official decisions during a work session.

5. Executive Sessions

Executive sessions may be held during regular, special or emergency meetings for a reason permitted by law. (See Board policy BDC – Executive Sessions).

Communications Outside of a Board Meeting (Serial Meetings Prohibited)

Private meetings where a quorum of the Board engages in discussions or communications that are part of the Board's decision-making process on matters within the authority of the Board violate Public Meetings Law, except as part of an executive session.

A quorum of Board members shall not, outside of a meeting conducted in compliance with Public Meetings Laws, use a series of communications of any kind, directly or through intermediates, for the purpose of deliberating or deciding on any matter that is within the jurisdiction of the Board. This prohibition applies to using any one or a combination of the following methods of communication:

1. In-person;
2. Telephone calls;
3. Videos, videoconferencing, or electronic video applications;
4. Written communication, including electronic written communications, such as email, texts, and other electronic applications;
5. Use of one or more intermediaries to convey information among members; and
6. Any other means of conveying information.

Communications outside of a Board meeting may contain communications between or among members of the Board, including a quorum, that are:

1. Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board;
2. Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
3. Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

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

Important: Please do not reply or forward this communication if this communication could constitute a decision or deliberation toward a decision between and among members of the district board. Board member electronic communications on district business are subject to Public Meetings and Public Records Law.

A quorum of Board members may attend social meetings or gatherings so long as no discussions or deliberations are had.

Meeting Location, Public Accommodations and Logistical Requirements

All meetings will be open to the public except as provided by law.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law[4]. The Board may attend training sessions outside the district boundaries but may not 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, gender identity, age or national origin is practiced. Meeting locations shall be accessible to persons with disabilities.

Any Board meeting may be held in person, through the use of electronic or telephonic means, or in some combination of in-person, electronic or telephonic means.

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. For Board meetings (excluding executive session) held by telephone or other electronic means of communication, the district shall make available a place or an electronic means by which the public can listen to or view the meetings in real time. The place provided may be a place where no Board member is present.

For executive sessions where the media are statutorily authorized to be present, if any person, including any Board member, is attending the executive session by telephone, video, or other electronic means, the district shall provide members of the media the same attendance option. The district may establish reasonable security measures to ensure the media's attendance by telephone, video, or other electronic means is conducted through a secure connection or method.

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 persons who are deaf or hard of hearing. The request should include the name of the requester, sign language preference and any other relevant information requested. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate aids and services may be provided upon request and appropriate advance notice.

[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.{[5]}]

Recordings or minutes will be kept for all meetings in accordance with state law and Board policy BDDG – Recordings or Minutes of Board Meetings.

All meetings shall comply with applicable provisions of the Oregon Indoor Clean Air Act.

PROPOSED

[4] 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.

[5] {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.}

[The possession of a firearm, deadly weapon or any other instrument used as a dangerous weapon is prohibited at Board meetings, except as authorized by law.{[6]}]

Public Notice Requirements

The district posts public notice{[7]} of its meetings on the district's website or on a publicly accessible website hosted by a third-party that is linked to the district's website.

The public notice shall identify the following:

1. The time, date, location of the meeting, and, to the extent reasonably possible, will include the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means;

2. The agenda or list of the principal subjects anticipated to be considered at the meeting and will be specific enough to permit the public to recognize matters in which they are interested. The Board may amend the agenda or may add or remove items from the list of principal subjects prior to or during a meeting. See Board policy BDDC – Board Meeting Agenda for additional meeting agenda information; and

3. The name, telephone number, and email address of a person at the district office to contact to request an interpreter or other communication aids or a statement that the district will provide a sign language interpreter or other communication aids at the meeting.

The district will provide notice to interested persons and news representatives who have requested notice through means reasonably calculated to provide actual notice to interested persons known to the Board.

For all regular meetings, the meeting notice shall be provided with as much advance notice as reasonably possible, but no less than 48 hours' advance notice.

For all special meetings, the meeting notice shall be provided with no less than 24 hours' advance notice.

For an emergency meeting, public notice shall be provided with as much advance notice as reasonably possible given the emergency circumstances. The district shall attempt to contact the media and other interested persons to inform them of the emergency meeting by telephone, email, social media, or other method reasonably calculated to provide actual notice. If reasonably possible under the emergency circumstances, the emergency meeting notice shall be conspicuously displayed on the district's website or on a publicly accessible website hosted by a third-party hosted and linked to the district's website.

PROPOSED

[6] {ORS 166.670(1)(a) prohibits the possession of firearms or "any other instrument used as a dangerous weapon" on school grounds and in facilities occupied by the district, unless an exception applies. ORS 166.370(3)(g) provides an exception for persons "licensed under ORS 166.291 and 166.292 to carry a concealed handgun." ORS 166.377 allows districts to adopt a policy stating that this defense (the exception in ORS 166.670(3)(g)) does not apply "on the grounds of the schools controlled by the board." Some districts have adopted policy KGBB to do so.}

[7] {The public notice must be displayed conspicuously on the district's website. If the district does not maintain a publicly accessible website, the district shall satisfy the public notice requirements through other means such as posting on the Oregon Transparency Website, community postings, bulletin boards, newspaper notice, or any other means reasonably calculated to provide actual notice to the general public. Modify this sentence to communicate how the district publishes its public notices.}

If a meeting will include an executive session, the notice shall comply with the above notice requirements and the notice shall also identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. Example:

> "The Board will meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent."

If an executive session is to be part of an open regular, special, or emergency meeting, the notice shall comply with the above notice requirements and prior to entering the executive session, the Board chair shall make a public announcement and identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization (See Board policy BDC – Executive Sessions for additional information on executive sessions.)

Complaints

Complaints regarding Public Meetings Laws can be filed in accordance with Public Meetings Law complaint procedures outlined in Board policy KL – Public Complaints. Complaints must be filed within 30 days of the alleged violation.

~~[{[8]}Mandatory Training~~

~~Every member of the Board shall attend or view a training on Public Meetings Law as required by ORS 192.700 and Board policy BBAA – Board Member's Authority and Responsibilities.]~~

END OF POLICY

Legal Reference(s):

ORS Chapter 192
ORS 332.040 - 332.061
ORS 332.107
ORS 433.835 - 433.875
OAR 199-050-0005 – 199-050-0085

OR. ATTY. GEN. *Public Records and Meetings Manual*.

PROPOSED

[8] {Training is only required for districts with annual fiscal expenditures of $1M or more. See ORS 192.700.}

Code: BD/BDA
Adopted:

Board Meetings

{School boards must follow public meeting law regardless of whether the board adopts this policy. This policy reflects public meeting law as amended by House Bill 2805 (2023).}

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[1] of a quorum of the Board as the district's governing body to make a decision[2] or to deliberate[3] 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 Board, i.e. a work session. "Meeting" does not include any on-site inspection of any project or program or the attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

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[4]] [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[5]. 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

[1] "Convening" means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

[2] "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

[3] "Deliberation" means discussion or communication that is part of a decision-making process.

[[4] 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.]

[5] 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.

on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including the news media which have requested notice, 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 are 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. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

[{[6]}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.]

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

[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 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 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 be scheduled if less than a quorum is present at a meeting, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district or other reasons.] 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.

[6] {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.}

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, video or telephonic communications, serial electronic communications among participants and using an intermediary to communicate among participants. Such communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Communications outside of a Board meeting may contain:

a. Communications to, between or among members of a governing body that are:

(1) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
(2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
(3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or

b. 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 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 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 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)]

Complaints regarding public meetings laws can be filed with the Board in accordance with Board policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.[7]

[{[8]}**Mandatory Training**

Every member of the Board shall attend or view a training on public meetings law prepared or approved by the Oregon Government Ethics Commission (OGEC) at least once during the Board member's term of office and shall verify attendance in accordance with OGEC procedures.]

END OF POLICY

Legal Reference(s):

ORS Chapter 192 ORS 255.335 ORS 332.040 - 332.061 ORS 433.835 - 433.875

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

DELETE

[7] See House Bill 2805 (2023) Section 5(2) for requirements of the response.

[8] {This is required for Board members in districts with total expenditures for a fiscal year of $1 million or more. This number will be reviewed by OGEC at least once every five years. If the district has total expenditures of less than $1 million, this language can be kept, but "shall" should be replaced with "is encouraged to."}

OSBA Model Sample Policy

Code: BDC
Adopted:

DELETE

Executive Sessions

{Optional policy. School boards can only meet in executive session when statute allows. This policy can be a helpful resource for Board members in determining whether executive session can be used.}

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student.

An executive session may be included as an agenda item of an existing meeting [in accordance with Board policy BDDC - Board Meeting Agenda] or held as its own meeting. Proper notice is required.

If open session is held prior to the executive session, the presiding officer will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent.[1] (ORS 192.660(2)(a))

2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer[2], employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))

3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))

4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))

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

[1] This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. Prior to holding an executive session under ORS 192.660(2)(a), the Board must ensure
   a. The vacancy has been advertised;
   b. Regular hiring procedures have been adopted;
   c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and
   d. If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

[2] To determine whether the individual involved is considered a public officer, consult with legal counsel.

6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))

7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))

8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))

9. To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))

10. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))

11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))

12. To review matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;

2. Hearings on the expulsion of a minor student or examination of the confidential records of a student; and

3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential records; the discussion; and each Board member's vote on the issue.

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential except as provided by law. Board members and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required by law.

END OF POLICY

Legal Reference(s):

ORS 192.660 ORS 332.045 ORS 332.061


DELETE

OSBA Model Sample Policy

Code: BDC
Adopted:

Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 but may not take final action in executive session except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student in accordance with ORS 332.061.

An executive session may be included as an agenda item of a meeting open to the public in accordance with Board policy BDDC - Board Meeting Agenda or held as its own meeting. Public notice is required as outlined in Board policy BD – Board Meetings, Notices and Communications.

If an executive session is held as part of a meeting open to the public, the Board chair will announce the executive session in compliance with Board policy BD – Board Meetings, Notices and Communications and include and identify the appropriate statutory citation, appropriate subsection and the paragraph authorizing the session under ORS 192.660 or ORS 332.061 for holding such session and by noting the general subject of the executive session.

Example:

> "The Board will now meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent."

Prior to or at the beginning of the executive session, the Board chair may read the following[1]:

> "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room."

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent; may not include a discussion or negotiation of compensation (including salaries and benefits).[2]

[1] This statement should be amended if ORS 192.660 does not require that representatives of the news media be allowed to attend, ORS 332.061 allows the Board to vote in executive session, or the Board will not be returning to open session following the executive session. This statement can also be included on the agenda.

[2] This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. It also does not apply to the employment of the chief executive officer, other public officers, employees and staff members of the district unless:
a. The vacancy has been advertised;
b. Regular hiring procedures have been adopted;
c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and

(ORS 192.660(2)(a))

2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer[3], employee, staff member or individual agent who does not request an open hearing[4]; may not include a discussion or negotiation of compensation (including salaries and benefits). (ORS 192.660(2)(b))

3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))

4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))

5. To consider information or records that are exempt by law from public inspection.[5] (ORS 192.660(2)(f))

6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.[6] (ORS 192.660(2)(h))

7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing[7]; may not include a discussion or negotiation of compensation (including salaries and benefits or a general

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d. If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

[3] To determine whether the individual involved is considered a public officer, consult with legal counsel.

[4] Notice must be provided to the public officer, employee, staff member or individual agent in accordance with OAR 199-0040-0030. The public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

a. Identification of the governing body before which the matter will be considered (the Board);
b. The time, date and location of the meeting;
c. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
d. Information on how the public official may make a request for an open hearing.

[5] Consider including a reference to the law that exempts the information or records from public inspection in the notice.

[6] Legal counsel must be present in the executive session, either in-person or via electronic or telephonic communications.

[7] Notice must be provided to the chief executive officer, public officer, employee or staff member in accordance with OAR 199-0040-0030. The public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

a. Identification of the governing body before which the matter will be considered (the Board);
b. The time, date and location of the meeting;
c. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
d. Information on how the public official may make a request for an open hearing.

evaluation of an agency, goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.
(ORS 192.660(2)(i))

8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))

9. To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))

10. To consider matters relating to cyber security infrastructure and responses to cyber security threats. (ORS 192.660(2)(p))

11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))

12. To review matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;

2. Hearings on the expulsion of a minor student or examination of the confidential records of a student; and

3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential records; the discussion; and each Board member's vote on the issue.

Recordings or minutes shall be kept for all executive sessions in accordance with state law and Board policy – BDDG – Recordings and Minutes of Board Meetings.

Content discussed in executive sessions and recordings or minutes for executive sessions are confidential except as provided by law. Board members, district employees and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required or allowed by law.

END OF POLICY

PROPOSED

Legal Reference(s):

ORS 192.660
ORS 192.685
ORS 192.705
ORS 332.045
ORS 332.061
OAR 199-040-0015 - 0060
OAR 199-050-0015
OAR 199-050-0040
OAR 199-050-0050
OAR 199-050-0060

PROPOSED

OSBA Model Sample Policy

Code: BDDC
Adopted:

DELETE

Board Meeting Agenda

The Board chair, with the assistance of the superintendent, will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the [superintendent] [Board chair] at least [three] working days prior to the meeting.

[A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.]

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard may be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least [three] full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted [on the district website] [in each district facility] on the day of the meeting. [Members of the public may request a copy of the agenda through the superintendent's office.]

The district will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the request of the person with a disability in the selection of the appropriate auxiliary aid and/or service. Should the Board demonstrate such a request would result in a fundamental alteration in the service, program or activity or an undue financial and administrative burden, an alternate, equally effective communication will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):
10/08/15 | PH

ORS 192.630 ORS 192.640

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2015); 28 C.F.R. Part 35 (2015).
Americans with Disabilities Act Amendments Act of 2008.

DELETE

OSBA Model Sample Policy

Code: BDDC
Adopted:

Board Meeting Agenda

{[1]}The Board chair will direct the preparation of an agenda for all meetings of the Board. The Board chair may seek assistance from the superintendent or another Board member. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the Board chair or superintendent at least [five] working days prior to the meeting. The agenda will include the principal subjects anticipated to be considered at the meeting and be specific enough to permit the public to recognize the matters in which they are interested. When the agenda includes an executive session, the agenda shall identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. (See Board policy BDC – Executive Sessions for additional information.)

The Board chair may direct an amendment to the agenda until it is posted, including adding or removing items. The Board may also amend the agenda during a meeting by a majority vote of the Board. This includes adding items to the agenda during the meeting.

A consent agenda may be used by the Board. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be voted on and approved at the same time. An item on the consent agenda will be removed from the consent agenda upon request of a Board member prior to the consent agenda's consideration. The item removed from the consent agenda will then be placed on the regular agenda.

The agenda, together with supporting materials, will be distributed to Board members at least [three] full working days prior to the meeting. A copy of the agenda will be posted on the district website at least 48 hours prior to any regular meeting and 24 hours prior to any special meeting.

Copies of the agenda for the press and public will not contain any confidential information included in Board member packets.

END OF POLICY

Legal Reference(s):

ORS 192.630 ORS 192.640 OAR 199-050-0040

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

[1] {The Board is encouraged to review current practices for agenda preparation and Public Meetings Law.}

OSBA Model Sample Policy

Code: BDDG
Adopted:

Recordings and Minutes of Board Meetings

[{[1]}The Board will ensure a [{[2]}video] recording is made of all of its meetings and portions of meetings that are not held in executive session. These recordings will be posted on the district's website or social media site within seven days following the meeting.]

A video or audio recording of a meeting can be kept as the official record as long as all required content is included and it is kept in an allowable format[3]. Alternatively, the district may create written minutes. Written minutes do not need to be a verbatim transcript and can be kept in hard copy or electronic form[4].

The official record must give a true reflection of the matters discussed at the meeting and the views of the participants, and must include the following information:

1. All members of the Board present;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name for all actions taken[5];
4. The substance of any discussion on any matter; and
5. A reference to any document discussed at the meeting.

If written minutes are created for meetings which do not take place in executive session, those minutes shall be available to the public within a reasonable time{[6]} after the meeting. These minutes [will be published to the district website and] may be requested from the district office.

PROPOSED

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[1] {ORS 192.655 requires districts with an ADMr of 50 or more to record board meetings, and post the recording within seven days. Districts with fewer than 50 ADMr are exempt from this requirement and do not need to adopt this language.}

[2] {If the district lacks broadband internet, an audio recording is sufficient. See ORS 192.655.}

[3] Oregon Administrator Rule (OAR) 166-017-0045(4) requires moving images or audio recordings be kept in MP2, MP3, MP4, or WAVE formats.

[4] Oregon Administrator Rule (OAR) 166-017-0045(4) requires textual data or still images be kept in XML, ODT, TXT, PDF, RTF, PREG, JFIF, PNG, or TIFF formats.

[5] If minutes are kept in a recorded form, all voting will use a roll call vote and if minutes are kept in written form the minutes will identify the vote of each member by name under each board action.

[6] {The Oregon Attorney General's *Public Records and Meetings Manual* says, "three weeks arguably is within the reasonable time allowed by statute."}

Recordings or minutes[7] of executive sessions will be kept in the same manner as other meetings of the Board. If disclosure of material from executive session recordings or minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure. Executive session minutes of a hearing held under ORS 332.061 shall contain only material not excluded under ORS 332.061(2) and information[8] will not be disclosed in accordance with ORS 332.061.

Either the recording or minutes of Board meetings will be kept permanently. If written minutes are created for any meetings of the Board, any recordings will be kept for at least one year after the minutes are created.

END OF POLICY

Legal Reference(s):

ORS 192.610 - 192.705
ORS 332.061

OAR 166-017-0005 - 0095
OAR 166-400-0010(9)

OAR 199-050-0060

Attorney General's PUBLIC RECORDS AND MEETINGS MANUAL.

PROPOSED

[7] "...a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law." ORS 192.650(2)

[8] ORS 332.061 prohibits the disclosure of:
1. The name of the minor student;
2. The issue, including a student's confidential records;
3. The discussion; and
4. The school board member's vote on the issue.

OSBA Model Sample Policy

Code: CBA
Adopted:

Qualifications and Duties of the Superintendent

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district{[1]};

2. A master's degree or higher in the field of education, preferably in educational administration;

3. Successful teaching experience at the elementary or secondary school level;

4. Service as a superintendent or administrative experience in the central administration of a school system.

In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

The superintendent will have the following personal and professional qualities:

1. Success in leadership roles with staff, community and professional peers;

2. Ability to communicate effectively, both orally and in writing;

3. Scholarship, intelligence and excellent ability to plan and organize;

4. Training, experience and success in personnel selection, evaluation and development;

5. Knowledge of curriculum development, implementation and evaluation;

6. Knowledge of business and support service systems which facilitate planning, control and accountability;

7. Experience in administering collective bargaining agreements;

8. Ability to motivate other administrators and significantly involve them in the decision-making process;

9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

General Functions

1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.

{[1] Please contact the Teacher Standards Practices Commission (TSPC) with questions regarding licensure.}

2. The superintendent has the authority to formulate and delegate duties and responsibilities to subordinate administrative personnel. The delegation of such duties and responsibilities, however, will not relieve the superintendent of responsibility for the action taken under such delegation.

Specific Functions

The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;

2. Serve as educational leader to the Board, staff and community;

3. Act as the district's chief administrative officer;

4. Serve as district school clerk, performing such duties as required by law or by the Board;

5. Support the Board with scheduling meeting places, providing for required notices, and ensuring any required recordings or minutes are created for all Board meetings and for all committee meetings authorized by the Board, as appropriate;

6. Attend all regular and special meetings of the Board, except when excused;

7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;

8. Administer adopted Board policies;

9. Regularly review adopted Board policies and make recommendations for needed changes;

10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;

11. Provide an ongoing program of communication to and from the community, staff and Board concerning district programs and activities;

12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;

13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;

14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;

15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;

16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;

17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;

18. Resolve problems of operations and settle disputes referred through administrative channels;

19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;

20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;

21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;

22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;

23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;

24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;

25. Provide for performance evaluations of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;

26. Assign and control the promotion of students;

27. Maintain a continuous inventory of all district property, furniture, material and supplies;

28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;

29. Establish procedures to involve teachers, principals, supervisory personnel and representatives from student and community groups in the preparation and selection of courses of study and other instructional materials;

30. Recommend instructional materials, instructional supplies and school equipment to be purchased by the district;

31. Direct the preparation of the budget, prepare the budget message for presentation to the budget committee, supervise the administration of all fiscal policies of the district and serve as custodian of all district funds;

32. Develop and recommend to the Board long-range plans for educational programs, facilities and financial resources that are consistent with population trends, district goals and community needs;

33. Direct the district in its relationships with federal, state and local government agencies;

34. Cooperate with universities and colleges in their student-teacher training programs;

35. Attend local, state and national meetings, conferences and workshops as deemed beneficial to the interests of the district;

36. Visit, as may be required, all district schools as a regular part of a schedule and institute and carry out such regulations, as may be necessary, to attain their efficient operation;

37. Direct the administrative staff in establishing and changing, as needed, school attendance area boundaries subject to Board approval;

38. In cases of matters not specifically covered by Board policies, take appropriate action and report such action to the Board no later than the next regular Board meeting;

39. Have other power and duties as may be approved by the Board, and as may be necessary to fulfill the functions of the office of superintendent.

END OF POLICY

Legal Reference(s):

ORS 332.075
ORS 342.143
ORS 342.173
ORS 342.850
OAR 584-020-0000 - 0035
OAR 584-046-0003 - 0024
OAR 584-080-0151
OAR 584-080-0152
OAR 584-080-0161

OSBA Model Sample Policy

Code: DBEA
Adopted:

Budget Committee
(Version 2)

Organization, Membership and Terms of Office

The district budget committee will consist of the ~~[five]~~ [seven] members of the Board and ~~[five]~~ [seven] electors appointed by the Board as required by law. [The term of the appointed members of a budget committee in a district that prepares an annual budget, will each be three years, with appointments made so that, as nearly as practicable, the terms of one-third of the members end each year.] ~~[The appointive members of a budget committee in a district that prepares a biennial budget shall be appointed to four-year terms. The terms shall be staggered so that as near as practicable, one-fourth of the terms of the appointive members end each year.]~~ At least one member of the budget committee must be a member of the district's educational equity advisory committee.[1] The Board will establish appropriate timelines and procedures for the appointment of budget committee members.

A majority of the constituted committee is required for passing an action item. Majority for a [14-member budget committee is 8] ~~[10-member budget committee is 6].~~ Therefore, if only [8] ~~[6]~~ members are present, a unanimous vote is needed for passing an action item.

Presiding Officer and Orientation of Budget Committee

1. Organization: The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. Such meeting may be prior to or on the date the budget message and document are presented.

2. Background Information: Budget committee members will be provided with data for the ensuing year(s), such as the Board's educational plan, and other pertinent material bearing on the preparation of the district budget.

Meetings of the Budget Committee

The district's budget committee shall hold one or more meetings to receive the budget message, the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. No new program should be considered for the budget estimate that has not

[1] {The budget committee is not required to include a member of the educational equity advisory committee until a vacancy on the budget committee occurs by a member who is not also a member of the school district board.} The district is not required to include a member of the educational equity advisory committee on the budget committee if no member of the committee is willing or able to serve on the budget committee.

previously been submitted to the Board and approved as a part of the educational plan. The budget committee will determine levels of spending, but will not determine programs.

Final Action

The budget committee will approve an estimated district budget document for submission to the Board.

END OF POLICY

Legal Reference(s):

ORS 174.130
ORS 192.610 - 192.695
ORS 294.305 - 294.565
ORS 328.542
ORS 329.711
ORS 433.835 - 433.875
OAR 581-022-2307

House Bill 4066 (2026)

OSBA Model Sample Policy

Code: EBBA
Adopted:

Student Health Services */**

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices. A health services plan shall be developed, implemented, and updated annually. The plan shall describe a health services program for all students at each facility that is owned or leased where students are present for regular programming.

The district shall maintain a written prevention-oriented health services plan for all students. The health services plan will[1]:

1. Explain available health care space that is appropriately supervised and adequately equipped for providing health care and administering medication or first aid;

2. Refer to available communicable disease prevention and management plan that includes school-level protocols[2];

3. Outline a district-to-school communication plan[3];

4. Provide information about health screenings, including immunizations and TB certificate requirements;

5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed[4];

6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;

7. Describe how hearing, vision and dental screenings are managed and/or verified for required students[5];

8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more

[1] For exact language and complete requirement, see OAR 581-022-2220(1).

[2] For specific protocol content requirements, see OAR 581-022-2220(1)(b).

[3] For requirements of this plan see OAR 581-022-2220(1)(c).

[4] For more information regarding these requirements see ORS 336.201 and 339.869, OARs 581-021-0037, 581-015-2040, 581-015-2045, 851-045-0040 – 0060, and 851-047-0010 – 0030.

[5] For vision screening or eye examination or dental screening information see ORS 336.211 and 336.213.

new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school[6];

9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids[7];

10. Refer to adopted policy and procedures for medications in accordance with Oregon law[8];

11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities[9][~~; and~~][.]

~~12. [List the positions in the district which shall be required to obtain and maintain a first-aid/CPR/AED card in accordance with OAR 581-022-2220(3).]~~

[Any nurse(s) employed by the district and providing services to students on behalf of the district shall be licensed in Oregon to practice as a registered nurse or nurse practitioner or be a licensed practical nurse (LPN) in alignment with LPN supervision requirements of OAR 851-045-0050 – 0060.

A nurse employed by the district shall follow all applicable requirements of ORS Chapter 678 and OAR Chapter 851. This includes, but is not limited to, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of a student prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.[10]

An administrator or other staff who is not a nurse may supervise, evaluate or direct a school nurse or registered nurse for purposes related to the nurse's role as a school employee, including but not limited to assigning the nurse's work hours, locations and workload and other matters addressed through a collective bargaining agreement. An administrator may not direct the school nurse or registered nurse in the practice of nursing.

A nurse employed by the district will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.]

[The district provides a menstrual product dispenser with a variety of products in every student bathroom[11] which meets the requirements of law.]

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[6] For definitions for this policy see ORS 336.201.

[7] OAR 437-002-0360 lists various health and safety regulations that apply in the employment setting.

[8] Medication laws can be found in ORS 339.866 – 339.874 and OAR 581-021-0037; relevant Board policy includes JHCD/JHCDA - Medications.

[9] For guideline requirements see OAR 581-022-2220(1)(k).

[10] For additional delegation requirements see OAR 851-047-0030.

[11] ["Student bathroom" means a bathroom that is accessible by students, including a gender-neutral bathroom, a bathroom designated for females, and a bathroom designated for males. (OAR 581-021-0587)]

END OF POLICY

Legal Reference(s):

ORS 329.025
ORS 332.107
ORS 336.201
ORS 336.204
ORS 336.211 – 336.214ORS 342.458
OAR 581-021-0017
OAR 581-021-0031
OAR 581-021-0587
OAR 581-021-0590
OAR 581-022-2050
OAR 581-022-2220
OAR 581-022-2515

Every Student Succeeds Act, 20 U.S.C. § 7928 (2024).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2024).

OSBA Model Sample Administrative Regulation

Code: GBA-AR
Revised/Reviewed:

Veteran and State Servicemember Preference

Oregon law requires the district to grant a preference to qualified and eligible veterans, disabled veterans, state servicemembers and former state servicemembers at each stage during the hiring or promotion process who claim a preference. To be **qualified** for preference, an applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for preference[1] an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law[2].

The district is not obligated to hire or promote a qualified and eligible veteran, disabled veteran, state servicemember or former state servicemember. The district is obligated to interview all minimally qualified veterans or disabled veterans, and is also obligated to hire or promote a qualified or eligible veteran, disabled veteran, state servicemember or former state servicemember if the individual is equal to or better than the top candidate after the preference has been applied.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide a preference as required by Oregon law and the job posting will require applicants to provide certification[3] of eligibility for preference, in addition to other requested materials.

Selection Procedures{[4]}

[1] See Oregon Revised Statute (ORS) 408.235.

[2] See Oregon Revised Statute (ORS) 408.225 for definitions of veteran, disabled veteran, state servicemember and former state servicemember.

[3] An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

[4] {If the district chooses not to use a scored system the law requires that the district give special consideration in the district's hiring decision to veterans, disabled veterans, state servicemembers and former state servicemembers and the district will need to be able to demonstrate the method used for providing special consideration. ORS 408.230(2)(c).}

Step 1: Before the review of any applications the [District Office] will establish an evaluation scoring guide based on the minimum qualifications and any special qualifications listed in the job posting.

Step 2: The [administrator] will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [administrator] shall evaluate whether the skill experience obtained in service are transferable skills to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the [administrator] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the [administrator] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.

Step 6: The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.

The district may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect to the position.

In the event the district chooses not to appoint an applicant covered by this administrative regulation, the district shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant.

Filing a Complaint

A veteran, disabled veteran, state servicemember or former state servicemember is encouraged to contact the [District Office] if there are any concerns or questions concerning the application of or the process used for preference.

An applicant claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

OSBA Model Sample Administrative Regulation

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed:

Family and Medical Leave *

(Version 1)

{This administrative regulation (AR) is intended for districts with 50 or more employees.. If the district has 25 or more and fewer than 50 employees, use version 2 (Oregon Family Leave Act (OFLA)) of GCBDA/GDBDA-AR(1) - Family Leave *.}

Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave.[[2]] In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or

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

An employee of the district who has separated and is reemployed within 180 days, or experiences a temporary cessation of schedule hours may be eligible for OFLA in accordance with ORS 659A.156.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

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

In addition:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;

2. An employee unable to work because of a disabling compensable injury[3] need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

Qualifying Reason

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

1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care[4] or continuing treatment by a health care provider[5].

2. Parental leave[6] (separate from eligible leave as a result of a child's serious health condition):

    a. Bonding with and caring for the employee's newborn child (within 12 months following birth);
    b. Bonding with and caring for a newly adopted child or newly placed child in foster care{[7]} under the age of 18 (within 12 months of placement);

[3] As defined in ORS 656.005.

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

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

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

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

c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.

3. Military caregiver leave: leave for the care for a covered servicemember if the eligible employee is the spouse, child or next-of-kin of the servicemember with a serious injury or illness;

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

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

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

2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care; or leave taken to care for an employee's child whose school or child care provider has been closed[8] in conjunction with a statewide public health emergency declared by a public health official.[9]

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

Definitions

1. Family member:

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

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

[9] The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:
1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

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

(1) Spouse[12];
(2) Parent[13]; or
(3) Child[14].

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

(1) Spouse or domestic partner;
(2) Child or the child’s spouse or domestic partner;
(3) Parent or the parent’s spouse or domestic partner;
(4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
(5) Grandparent or the grandparent’s spouse or domestic partner;
(6) Grandchild or the grandchild’s spouse or domestic partner; or
(7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.[15]

2. Child:

a. For the purposes of FMLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child on covered active duty regardless of that child’s age.
c. For the purposes of OFLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, the child of the employee’s spouse or domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”
d. For the purposes of sick child leave under OFLA, the child must be under the age of 18 or substantially limited by a physical or mental impairment as described in ORS 659A.104.

3. In loco parentis:

[12] “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

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

[14] “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

[15] “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:
1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

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

4. Next of kin:

For the purposes of FMLA , "next of kin" means the nearest blood relative other than the covered servicemember's spouse, parent or child in the following order of priority (unless otherwise designated in writing by the servicemember):

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

5. Covered servicemembers:

For the purposes of FMLA, "covered servicemember" means:

a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who:

(1) Is undergoing medical treatment, recuperation or therapy;
(2) Is otherwise in outpatient status; or
(3) Is otherwise on the temporary disability retired list for a serious injury or illness; or

b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, "covered veteran" means an individual who was:

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

7. Public health emergency:

For OFLA a "public health emergency" means;

a. A public health emergency declared under ORS 433.441.
b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee's leave period for FMLA, the district will use [the calendar year] [any fixed 12-month "leave year"] [the 12-month period measured forward from the date the employee's leave begins] [a "rolling" 12-month period measured backward from the date the employee uses any FMLA leave].

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

The leave period for the purposes of Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district's designated leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period (12-month period)[16]. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for:

1. Birth of a child or to care for a child after birth;

2. Placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement; or

3. Care of the employee's parent with a serious medical condition.

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

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

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

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

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

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.[17]

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

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

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12[18]. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek[19]. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.[20] However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

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

Intermittent Leave

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

[17] Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

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

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

[20] See 29 CFR § 825.200(h).

Intermittent leave is taken in separate periods of time (i.e., hours, days, weeks, etc.), rather than in one continuous period of time, and/or requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

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

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

Alternate Work Assignment

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

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

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

1. The employee accepts the position voluntarily and without coercion;

2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;

4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and

5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

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

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;

2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;

4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternative position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

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

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

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

2. Limitation on Leave Near the End of the Term[22]

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

a. When the qualified leave begins more than five weeks before the end of the term, the district may require the employee to continue taking leave until the end of the term if:

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

b. When the qualified leave begins during a five-week period before the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required by the district to remain on leave until the end of the term if:

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

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

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

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

For the purposes of OFLA leave, if an employee[23] begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or vacation leave during the leave period [~~{~~[24]~~}to the extent that the total combined amount of accrued paid leave and benefits received from PFMLI does not exceed an amount equal to the employee's full wage replacement during the period of leave].~~ [The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave.] The district will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees taking OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.[25] The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

[24] {Select one of the two bracketed options based on district practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) for additional guidance.}

[25] See also ORS 342.934(4)(d) in reduction force situations.

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

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

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

Application

For purposes of FMLA, an eligible employee requesting FMLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

For purposes of OFLA, an eligible employee shall provide at least [{[26]}30] days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice[27] to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information[28] to determine the requested leave qualifies as FMLA or OFLA leave as provided by law. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination.

An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

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

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

[28] See OAR 839-009-0260 for OFLA and 29 CFR § 825.305 et. al. for FMLA.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.[29]

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice[30] within 24 hours before or after commencement of the leave.

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

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

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate[31], to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate[32], to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district or be paid as otherwise allowed by law. The district will not delay the use of

[29] See 29 CFR § 825.304.

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

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

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

qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

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

1. The name of the child requiring home care;

2. The name of the school or child care provider that is subject to the closure;

3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.[33] The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.[34]

Record Keeping

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

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

Federal vs. State Law

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

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[33] https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf {Electronic posting **is not** sufficient to satisfy this requirement but may be used to supplement the physical posting.}

[34] https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf {Electronic posting **is** sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.}

Board Maintenance Report

August 2026

Completed Projects

- All classrooms requiring floor buffing and waxing have been completed.
- New roll-up serving doors have been installed in the cafeteria.
- Lower hallway doors have been replaced.
- The gym floor was prepared and received a new coat of finish.
- Irrigation and fertilization of the lawns and football field have continued throughout the summer, and the football field is ready for the upcoming season.
- LED lighting upgrades were completed in the cafeteria, band room, kitchen, gym entry, and library. Existing ballasts were removed to improve efficiency and reduce maintenance.
- The Pioneer Building is now officially under District ownership.
- A new access road and turnaround were constructed on the east end of the football field to provide improved access to the ODS building.
- Shelving was installed in the staff room, and materials from the upper hall office were relocated.
- A dedicated IT office was created in the upper hall.
- The bus parking area was graded and several loads of rock were added to improve the surface.
- The paint parking lot was cleaned, restriped with fresh parking lines, and handicap parking areas were repainted.
- New classroom chairs were installed in the 2nd Grade classroom, the High School History classroom, and the AVID classroom.
- The annual Integrated Pest Management (IPM) training has been completed.
- The breezeway was pressure washed to improve the appearance of the campus.
- Routine mowing, weed eating, irrigation maintenance, and landscape cleanup continue across the campus to keep the grounds in excellent condition.

Projects in Progress

- The Transportation Office is receiving a fresh coat of paint, new flooring, and two new energy-efficient windows.
- A new mini-split HVAC system is being installed in the Technology Room to improve temperature control and protect equipment.
- The modular office on the west end of the football field is being repainted to restore siding that has been stained by irrigation water.
- The District's six-year cycle of school-wide lead testing is underway to ensure compliance with state requirements and maintain a safe learning environment.
- Plans are under review for a new 200-square-foot climate-controlled storage area in the bus barn. The space will house the donated fireproof cabinets from Blachly Lane Electric, along with seasonal storage totes and other District materials.

- Maintenance staff are evaluating a freezer monitoring system that will continuously record temperatures and send alerts if temperatures move outside of acceptable ranges, helping protect food inventory and improve food safety.
- Cracked windows in two classrooms are scheduled for replacement as part of ongoing facility maintenance.

Looking Ahead

Custodial staff returned to campus on August 3rd and are focused on final preparations for the start of the school year. Current efforts include touch-up painting, detailed classroom and common area cleaning, and ensuring all facilities are ready for the arrival of teachers and students. Staff are also providing ongoing cleaning and support for the Summer School and KITS programs while preparing those spaces for the transition into the regular school year.

Maintenance staff will continue completing current projects, responding to routine maintenance requests, and focusing on preventative maintenance, campus safety improvements, energy efficiency projects, and continued enhancement of District facilities and grounds. As the new school year begins, the department remains committed to providing safe, clean, and well-maintained learning environments for students, staff, and the community.

Technology Department Board Report for August 2026

During the past month, the Technology Department completed several significant equipment, infrastructure, security, and device-management projects across the district:

- Received and prepared **15 new iPads** and **50 new Chromebooks** for deployment. The Chromebooks will partially replace damaged devices and provide inventory to support initial online-student device requests.
- Processed **105 Chromebooks** returned at the end of the school year. Each device was inspected, groomed, and reset with a clean operating system for future deployment.
- Deprovisioned **22 Chromebooks** due to damaged cases, missing keys, scratched displays, and other conditions that made them unsuitable for continued service.
- Replaced and deployed **three new network copiers**, including updated print-server and Group Policy configurations.
- Configured a dedicated student printer that is available from district student devices. Students cannot access staff, office, or other restricted printers.
- Expanded the district's surveillance system by installing additional security cameras.
- Redesigned the district's wireless network to provide more secure and reliable access. District-owned staff computers now authenticate automatically through machine certificates, while authorized staff personal devices use individual Active Directory credentials through the district's RADIUS server.
- Created new managed wireless configurations for student Chromebooks and iPads. Wireless credentials are deployed directly to the devices and are not displayed to students, reducing the likelihood of students obtaining and using the student-network password on unauthorized devices.
- Established certificate-enrollment and deployment processes to support secure staff wireless authentication.
- Completed a comprehensive Group Policy audit and cleanup. Redundant, obsolete, and conflicting policies were removed, reducing the environment from **28 Group Policy Objects to 12 clearly defined policies**. Remaining policies were reorganized and properly scoped for workstations, servers, printers, wireless access, drive mappings, certificates, and time synchronization.
- Created complete configuration reports and backups before removing legacy policies, providing documentation and a recovery path if needed.

Together, these projects improved device availability, student-device readiness, wireless security, printing controls, network manageability, surveillance coverage, and the overall consistency and reliability of the district's technology environment.

District Board Meeting: Triangle Lake Charter School Report

August 2026 Meeting

- **KITS Program**
  - **6 students participating this summer**

- **Summer School is currently in session**
  - **K-8: 34 students**
    - **Reading, Math, Physical Education and STEM & Art**
      - **K-5 Swim Lessons (PE)**
      - **6-8 Enrichment Field Trips on Thursday**
  - **High School: 10 students**
    - **Credit Recovery Courses**

- **Sports Update:**
  - **HS Fall Practices begin on August 17th**
    - **Volleyball: 5:00-7:00pm**
    - **Football: 5:00-7:20pm**
    - **Cross Country: 5:30-7:00pm**
  - **Activity Routes will run both east and west of the school**
  - **MS Sports practices begin the first day of school on September 8th**

- **Current Open Positions**
  - **Music/Band Teacher**
  - **Instructional Assistant**
  - **Bus Driver**
  - **Head MS Football Coach**
  - **Head MS Volleyball Coach**

- **Upcoming events:**
  - **MS/HS Registration Event August 26th from 2-6pm**
    - **Class schedules**
    - **Forms/Fees**
    - **Locker Check-out**
    - **Chromebooks**
  - **First Day of School September 8th**
  - **School Pictures September 17th**
  - **Welcome Back Night September 17th 6:00-7:30pm**

August 2026 District Board Meeting

Superintendent Report - Ms. Bottensek

- **Summer Programs**
  - **KITS**
    - **July 20th - August 27th**
      - **Monday to Thursday, 9:00am-12:00pm**
  - **Summer School**
    - **August 10th - August 27th**
      - **Monday to Thursday, 8:00am-2:45pm.**

- **2026-27 Enrollment**
  - **Enrollment will be monitored closely as we begin the 2026-27 school year. A significant decline from projected enrollment may require budget adjustments to ensure expenditures remain aligned with available revenue.**

- **Food Services:**
  - **Community Eligibility Provision (CEP)**
    - **The Community Eligibility Provision (CEP) is a meal service option that allows schools and school districts to serve breakfast and lunch at no cost to all enrolled students without the burden of certifying students for meal benefits.**
    - **A school may elect for CEP if at least 25 percent of its students are "directly certified," or otherwise identified for free meals through means other than household applications.**
      - **Blachly's Identified Percentage is 41.8%**
    - **Beginning with this school year, adult meal accounts will be required to maintain a positive balance in order to purchase meals. Adult meal charges will no longer be permitted when an account has a negative balance.**
  - **Fresh Fruit & Vegetable Program**
    - **K-8 Grant will continue into this school year through September. We are in the process of reapplying in hopes of being able to continue to offer this program.**

- **Lane County Rural District Professional Development Collaborative**
  - **This partnership continues into this school year with our kick off date being Friday, September 18th. We are excited to expand this collaborative by adding two additional districts.**
    - **Blachly**

        - **Crow-Applegate-Lorane**
        - **Mapleton**
        - **Marcola**
        - **McKenzie**
        - **Oakridge**
        - **Lowell**
        - **Lane ESD**
    - **We are excited to expand this PD opportunity to include additional school and district level positions.**
    - **In additional to professional learning together on the four Fridays throughout the school year, staff will also have the opportunity to do learning walks in other schools.**

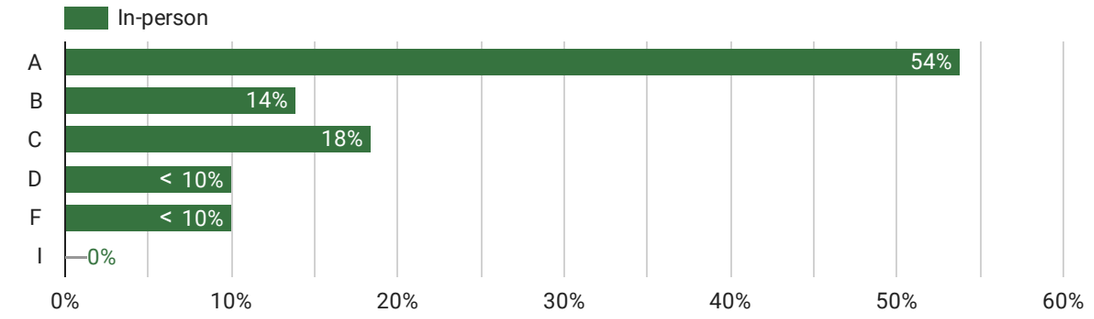
- **Teacher contract negotiations are ongoing. We have already met once in August and have another meeting coming up later this month.**

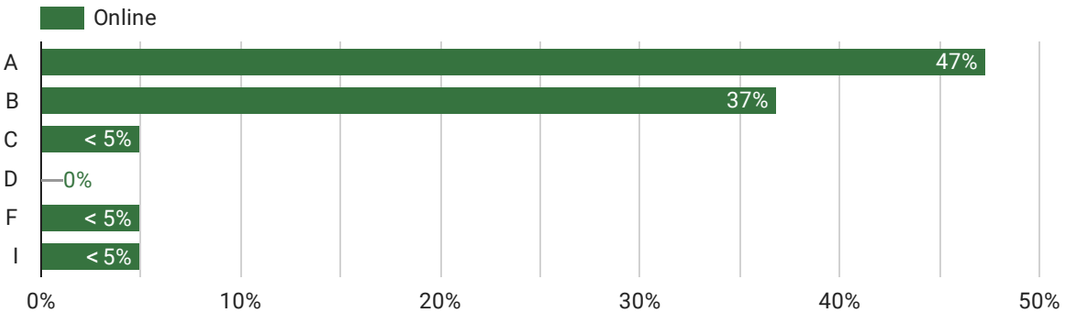
- **Transportation:**
    - **Norm Baker, who has served the district as a bus driver, has taken on the additional role of Transportation Manager.**
    - **All district buses have undergone their annual maintenance and inspections throughout the summer in preparation for the 2026-27 school year.**
    - **One of our home-to-school routes will continue to be contracted through First Student at the start of the school year while we work to hire an additional district bus driver.**

- **Professional Development:**
    - **COSA Superintendent Academy Year 2**
        - **Yearlong group**
        - **Monthly virtual meetings**
        - **4 in-person learning sessions at conferences throughout the year.**
    - **COSA Summer Conference:**
        - **August 3rd & 4th**
        - **Lane County Rural District Professional Development Collaborative Superintendents presented a breakout session about the work we did together to support our staff with meaning professional development.**
            - **Singletons Become Mingletons: Rural Lane County's Professional Development Collaborative**
    - **Administrator University Course:**
        - **ADMN 648 – Admin Practicum I**
        - **ADMN 649 – Admin Practicum II**

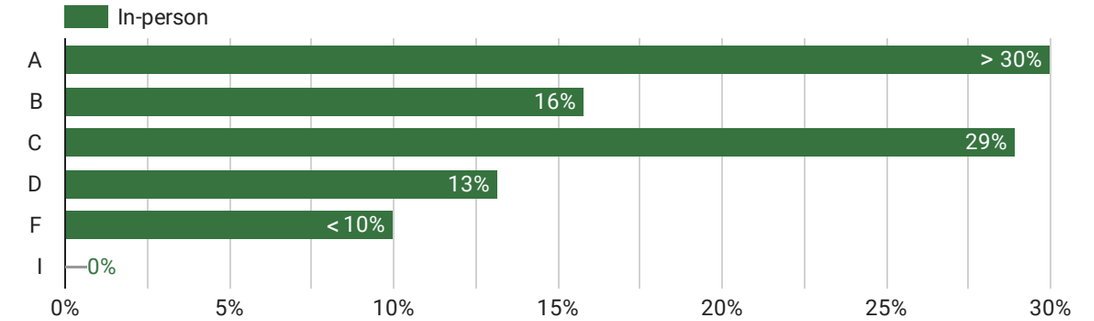
Spring 2026 TLCS Course Grades - HS 9-12 (Page 1)

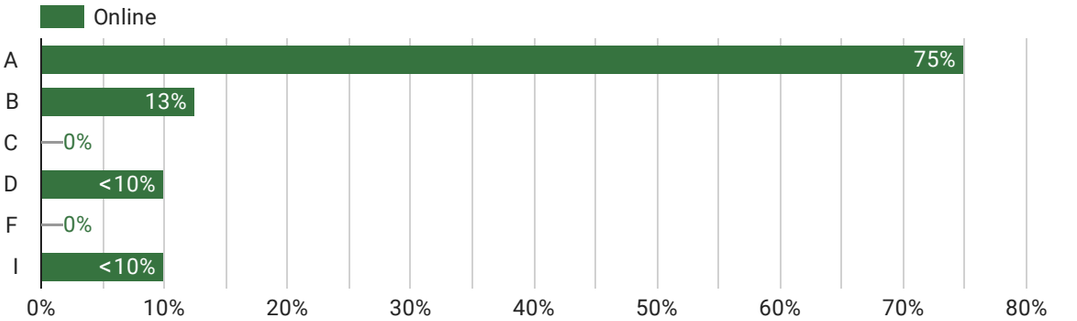
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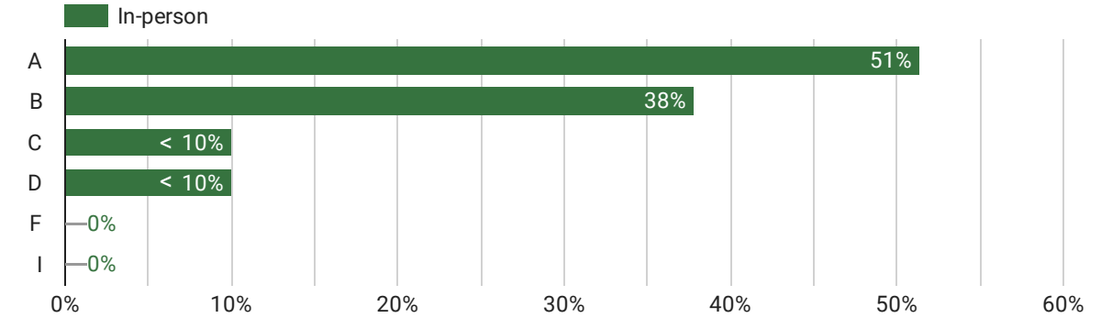


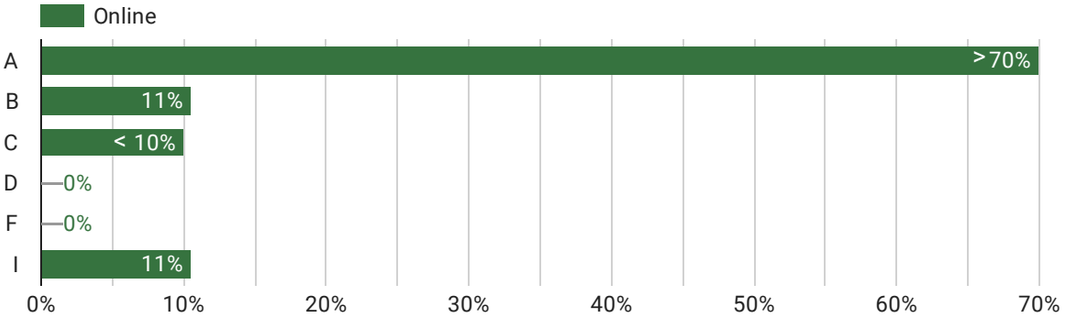
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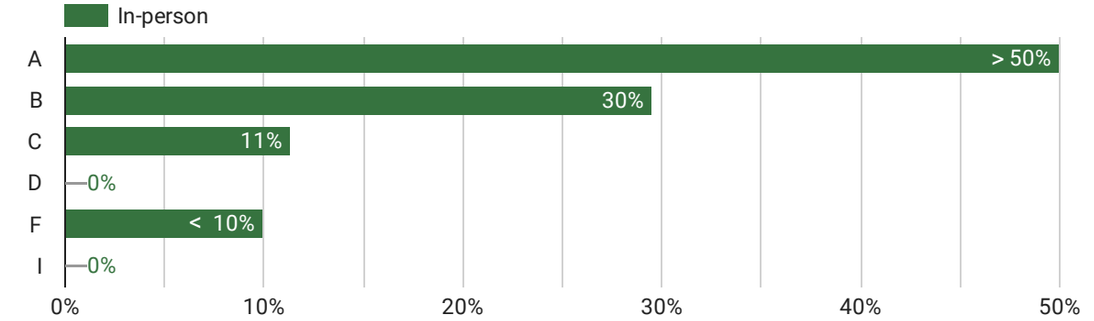


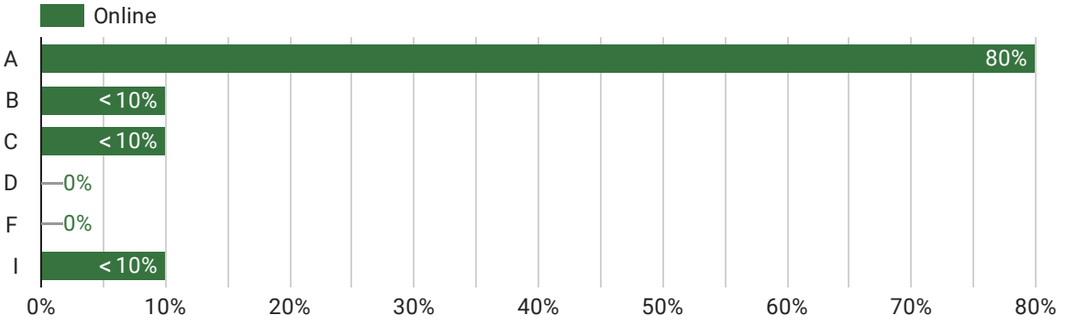
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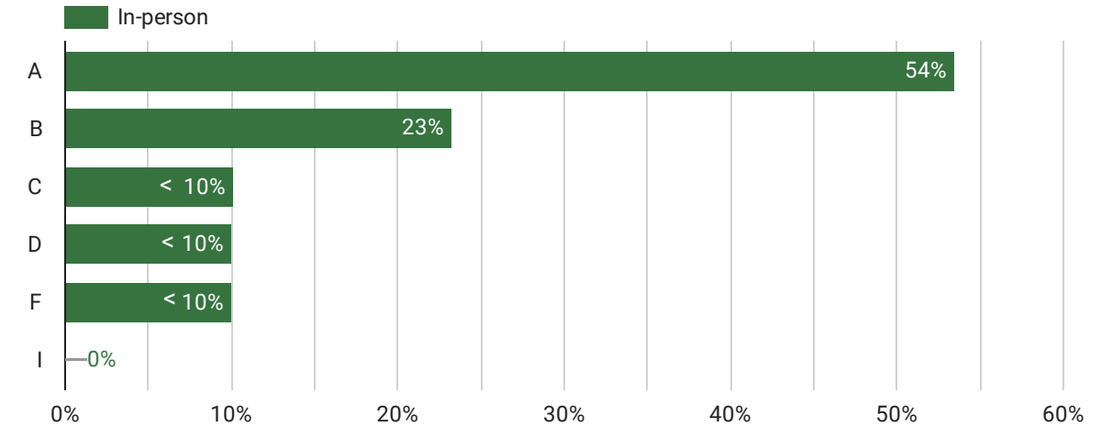
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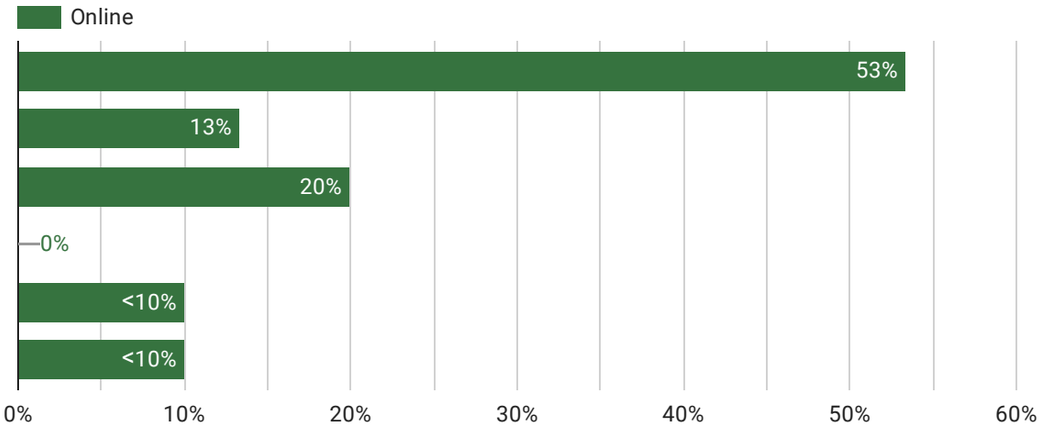




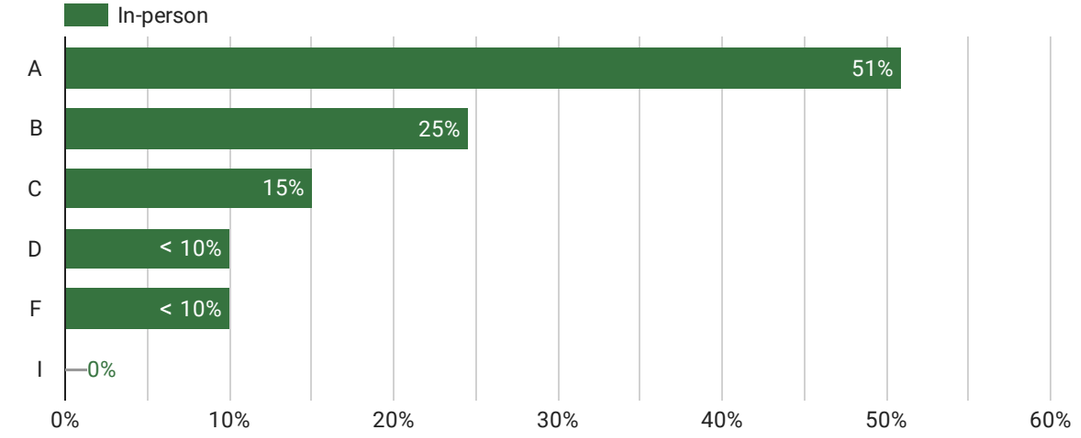
Spring 2026 TLCS Course Grades - HS 9-12 (Page 2)

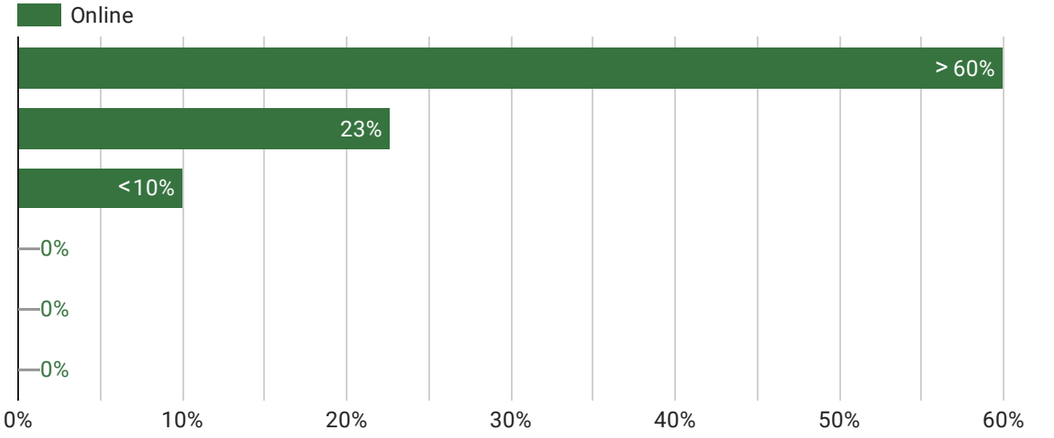
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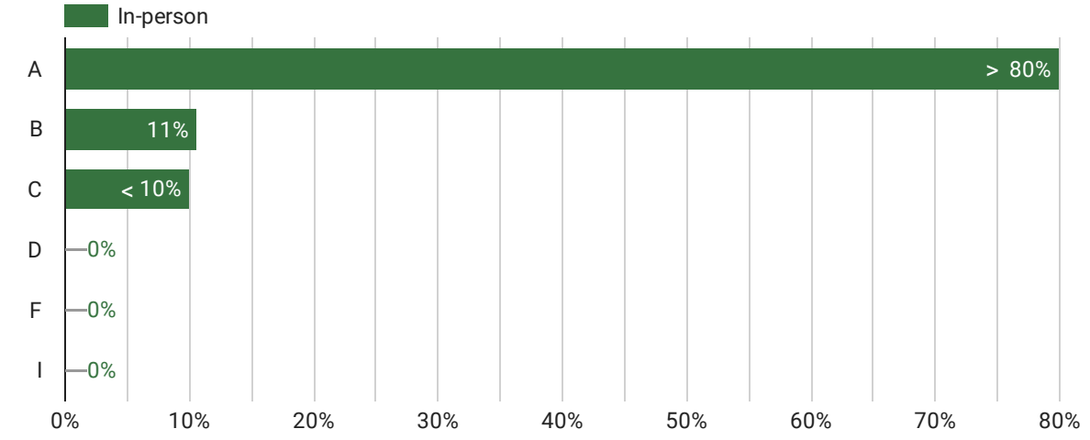


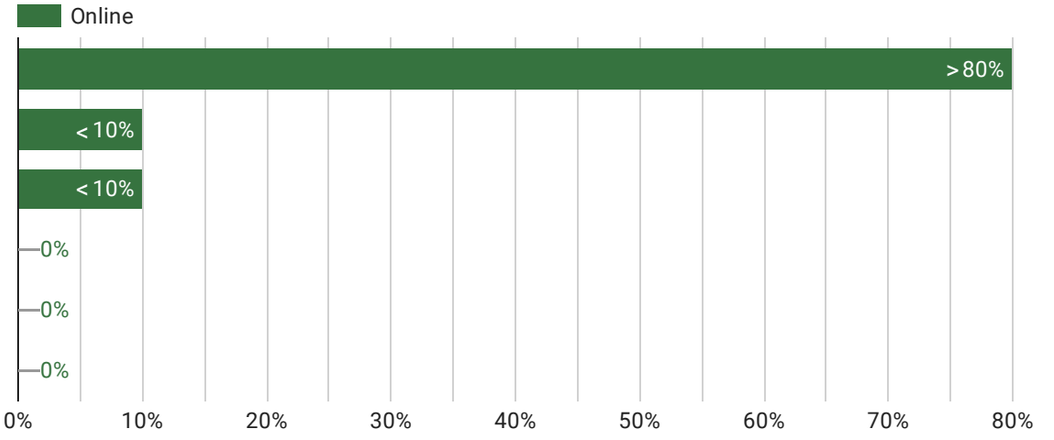
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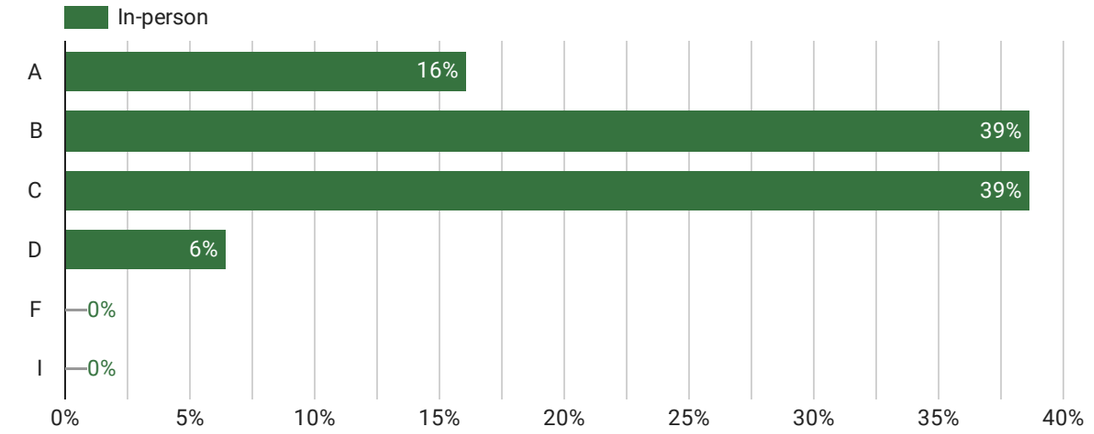
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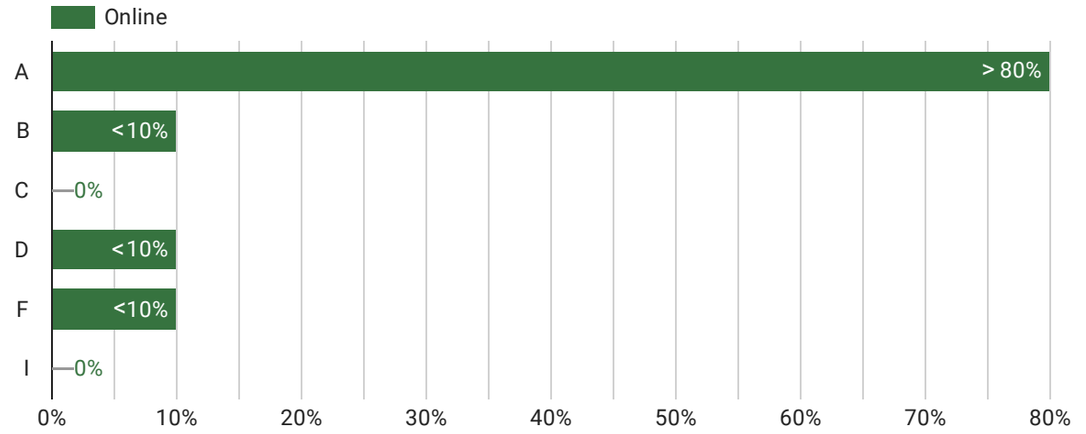




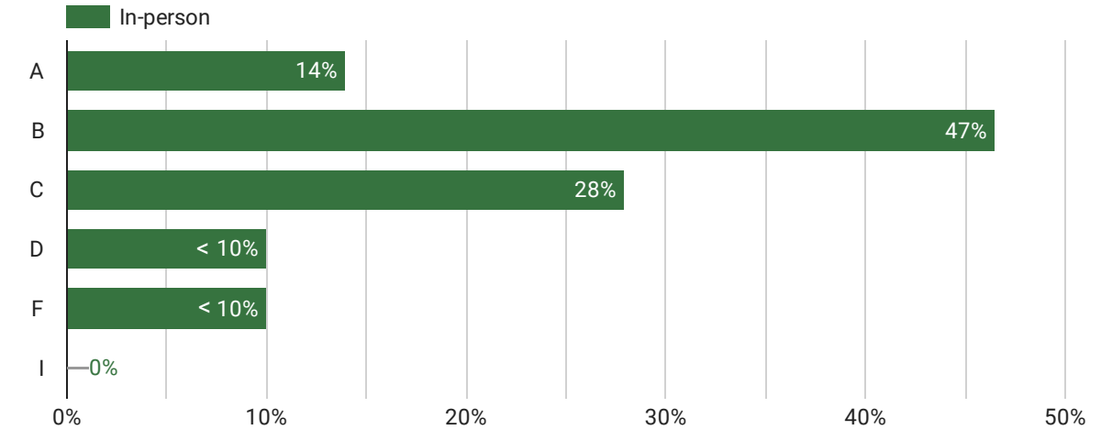
Spring 2026 TLCS Course Grades - MS 6-8 (Page 1)

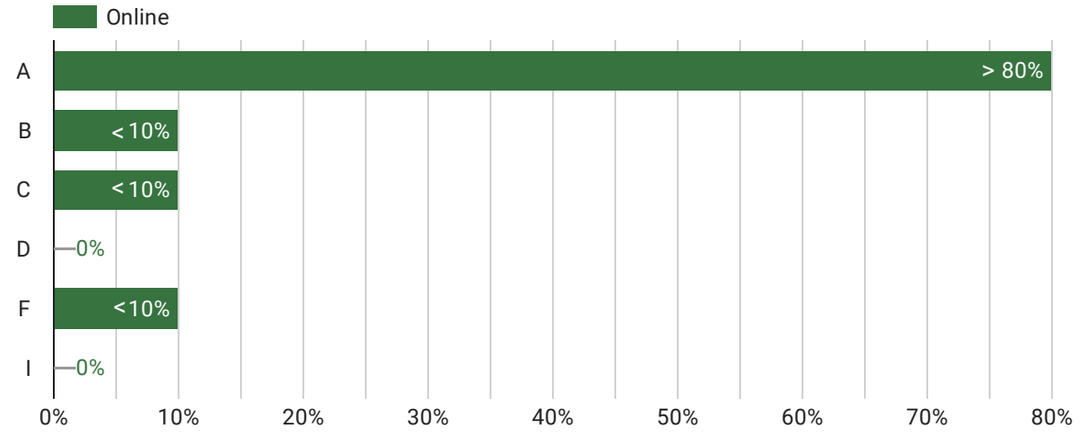
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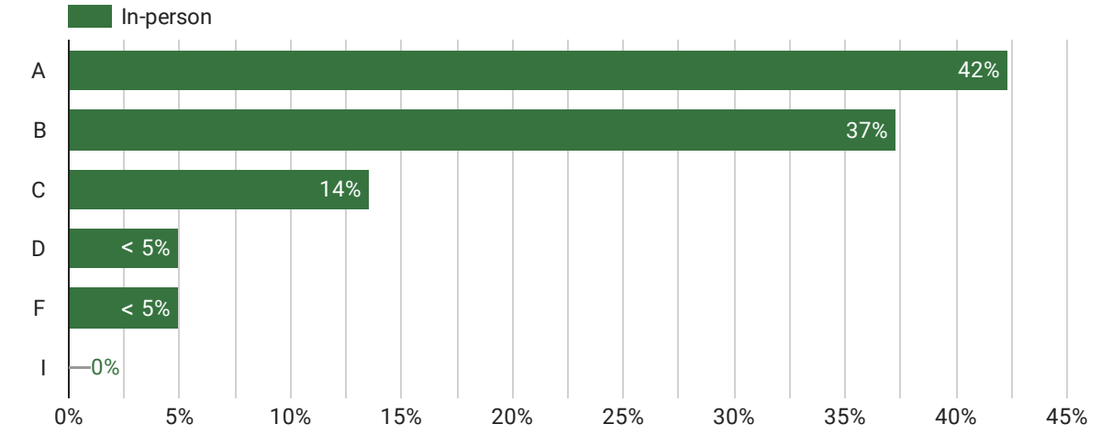


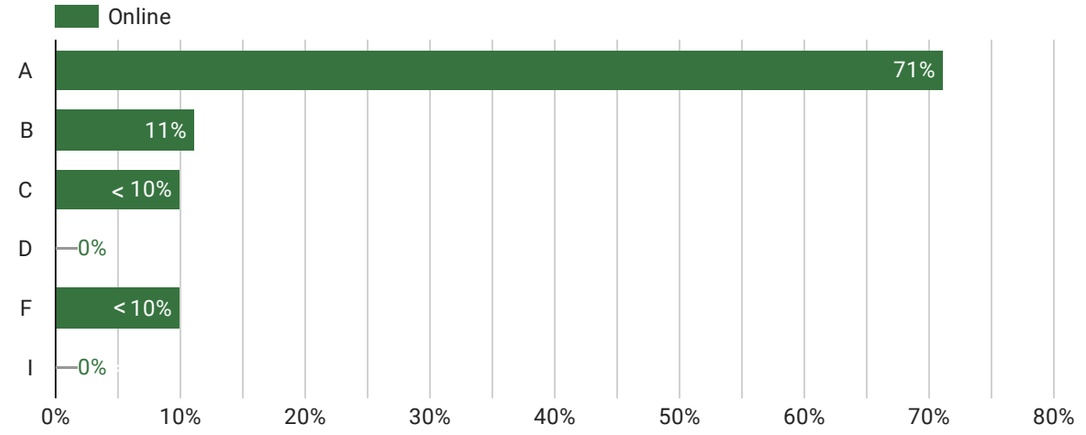
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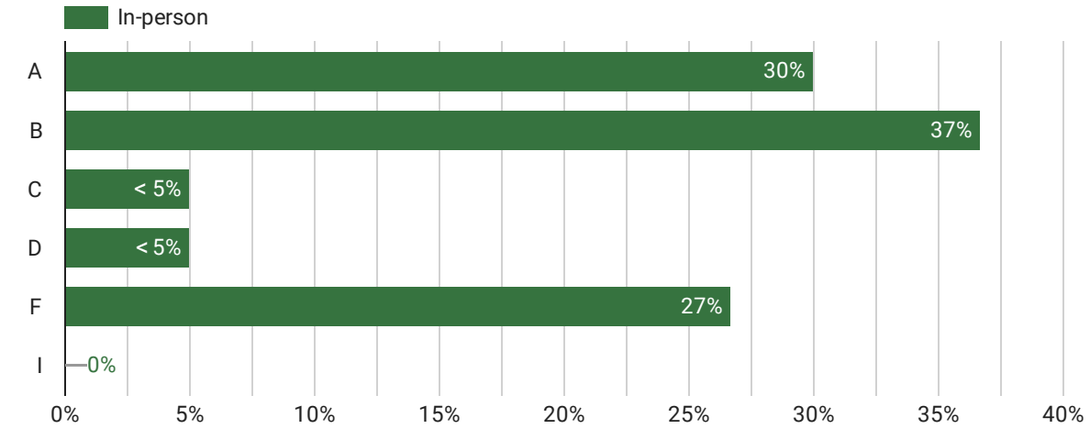
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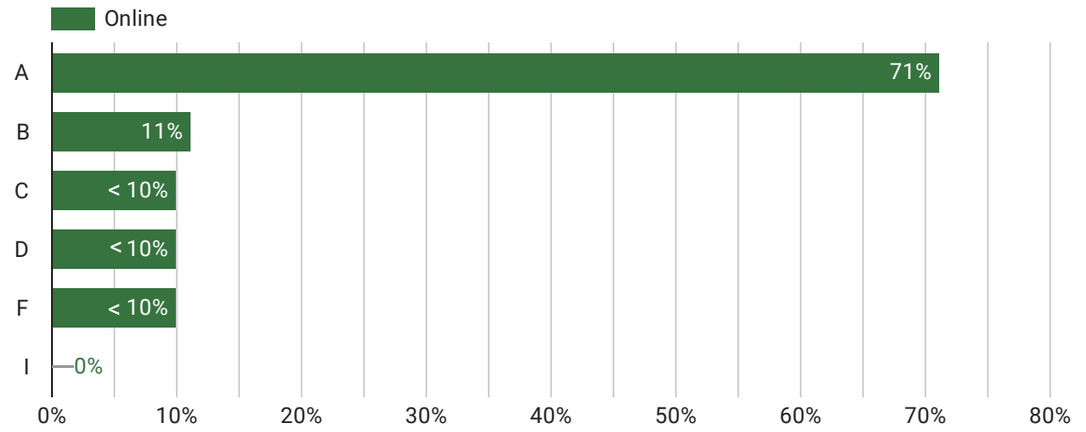




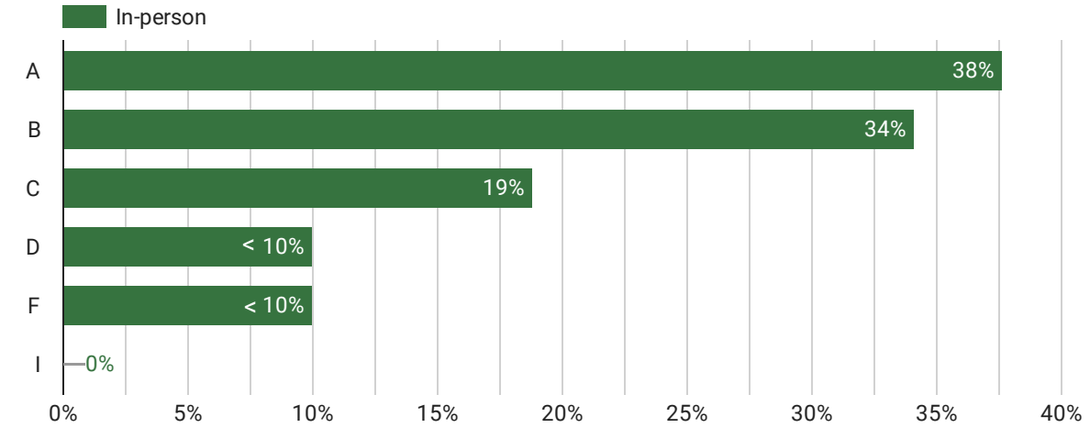
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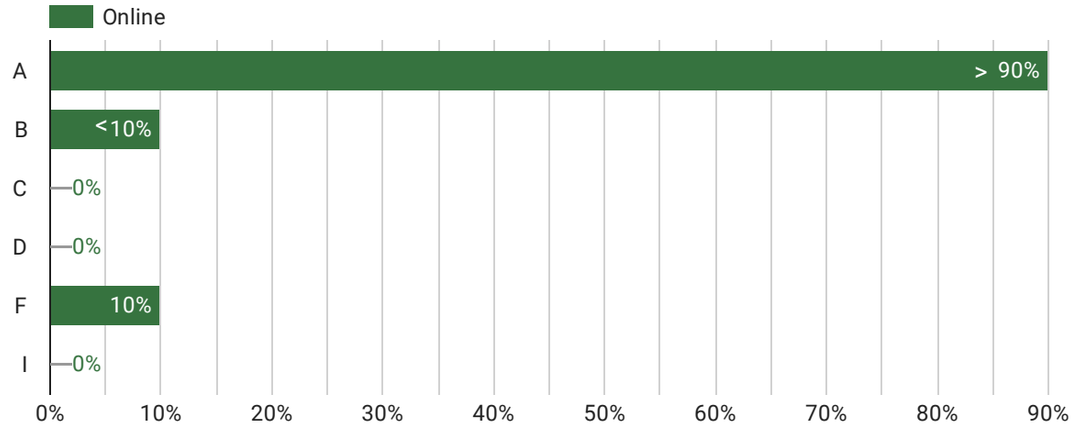
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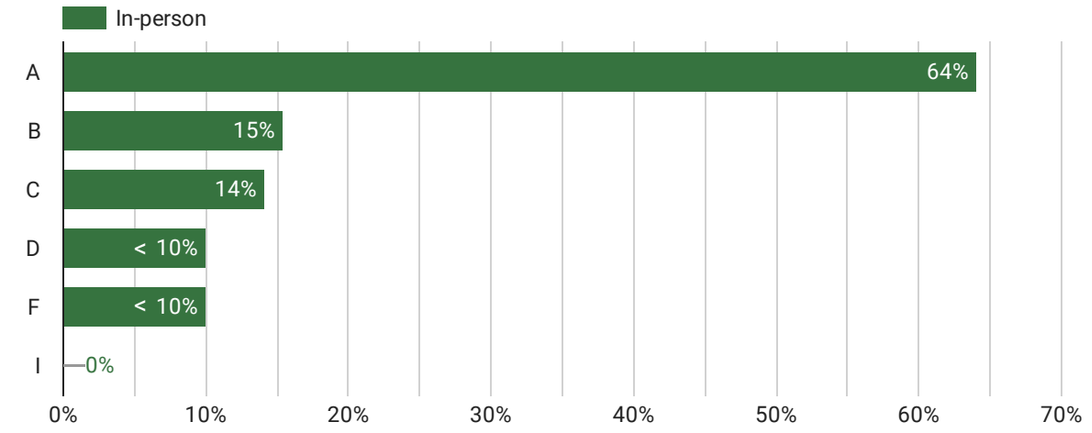


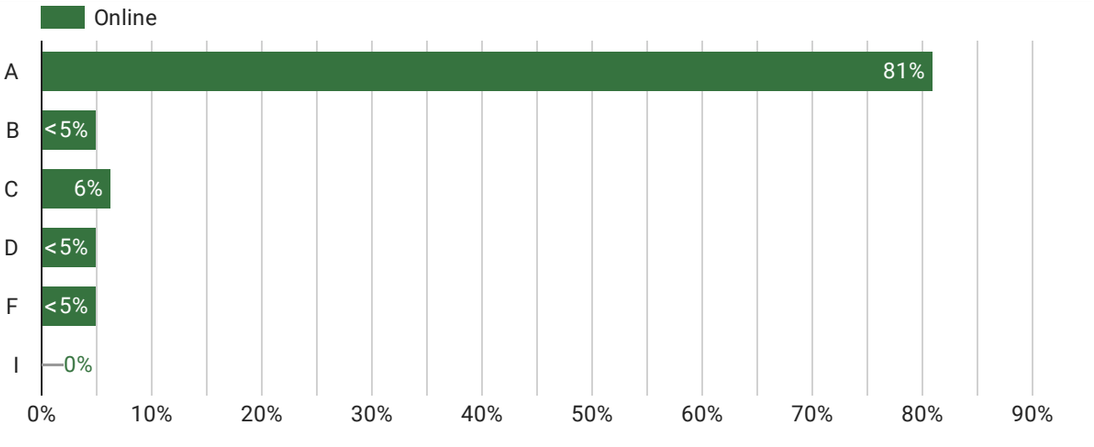
Electives / FC





Health & PE





Preserving Student Instructional Time

Executive Order 26-06



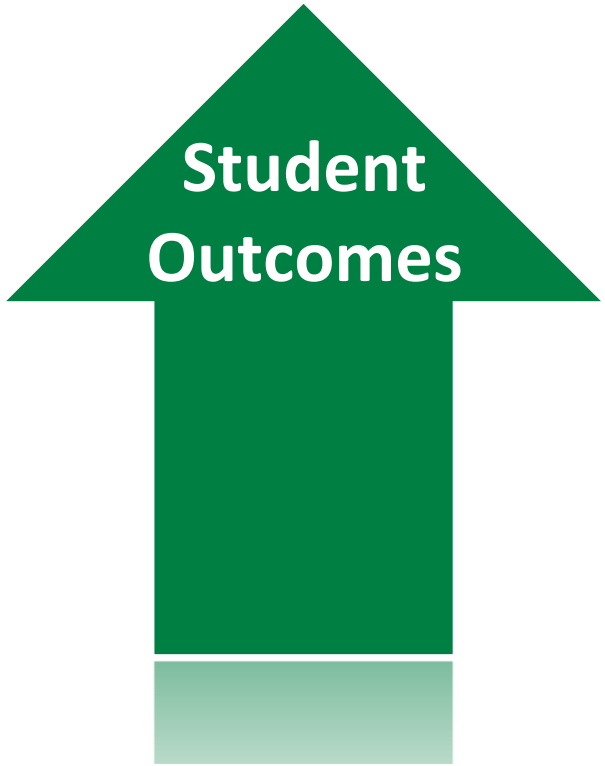
Instructional Time

is critical for enhancing academic achievement, reducing educational inequality, and improving student outcomes.

Executive Order 26-06: Preserve a Baseline

Core Concept

Instructional time is a non-negotiable condition for improving outcomes.



The Directive

Preserve a baseline from which to stabilize and restore reduced instructional time while continuing to strengthen the system.

Instructional Time

Preserving Student Instructional Time

On April 16, 2026:

- Governor Kotek issued EO 26-06 Preserving Student Instructional Time
- The State Board of Education adopted:
  - A new temporary rule: OAR 581-022-2323: Preserving Student Instructional Time
  - Temporary revisions to:
    - OAR 581-022-2320: Required Instructional Time
    - OAR 581-002-0035: Waivers

The Four Objectives of the Temporary Rules



Prohibit Further Reductions

Districts and charter schools are prohibited from further reducing instructional time in the 2025-26 school year and moving forward.



Restore Reduced Time

If time was reduced in 25-26 or 26-27, it must be restored no later than the start of the 2027-28 school year.



Public Transparency

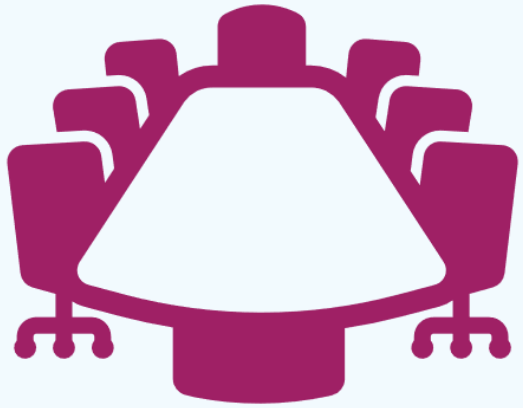
Requires public transparency if time is not restored. ODE will track and publish instructional time annually across all districts.



Limited Waivers

Waivers for instructional time requirements are strictly limited to declared national or state disasters or public health emergencies.

Next Steps for Districts and Charters Schools that Have Reduced Time in 2025-26 and/or 2026-27



- **STEP 1**: Engage with the local school board or governing body to determine whether to restore time.
  - Time must be restored to no less than 2024-25 planned levels by the start of the 2027-28 SY.
- **STEP 2:** Submit required documentation to ODE by July 15: Restoration plan OR evidence of public justification for not restoring time.
- Note: Reductions and restoration plans relative to the Executive Order will be discussed and determined using hours of ***student instructional time*** as the unit of measurement.

Definitions

Instructional Time

Defined in Division 22:
OAR 581-022-0102: Definitions
OAR 581-022-2320: Required Instructional Time

Time in which students are both:

- Engaged in **regularly scheduled instruction, learning activities, or learning assessments**
- Learning under the direction of a licensed teacher or an EA under the supervision of a licensed teacher

Student Instructional Time

Defined in Executive Order 26-06

Think of it as student contact time, or the **total hours** students are at school "**bell-to-bell,**" including **recess, lunch, passing time, and hours of instructional time**

Has Our District/School Reduced Time?

Did we reduce instructional time in 2025-26 or for 2026-27? In other words:

- During the 2025-2026 school year, Blachly School District experienced a reduction of approximately 27.37 hours of student instructional time due exclusively to weather-related school closures and delayed starts. These schedule adjustments were implemented solely to ensure the safety of students and staff during hazardous weather and road conditions.
- The reduction was not the result of budget reductions, staffing shortages, collective bargaining agreements, or any district decision to permanently reduce instructional time.

FAQ: Impact of Unforeseen Closures

Q: How do closures due to inclement weather or other unforeseen events impact a district or public charter school's restoration plan?

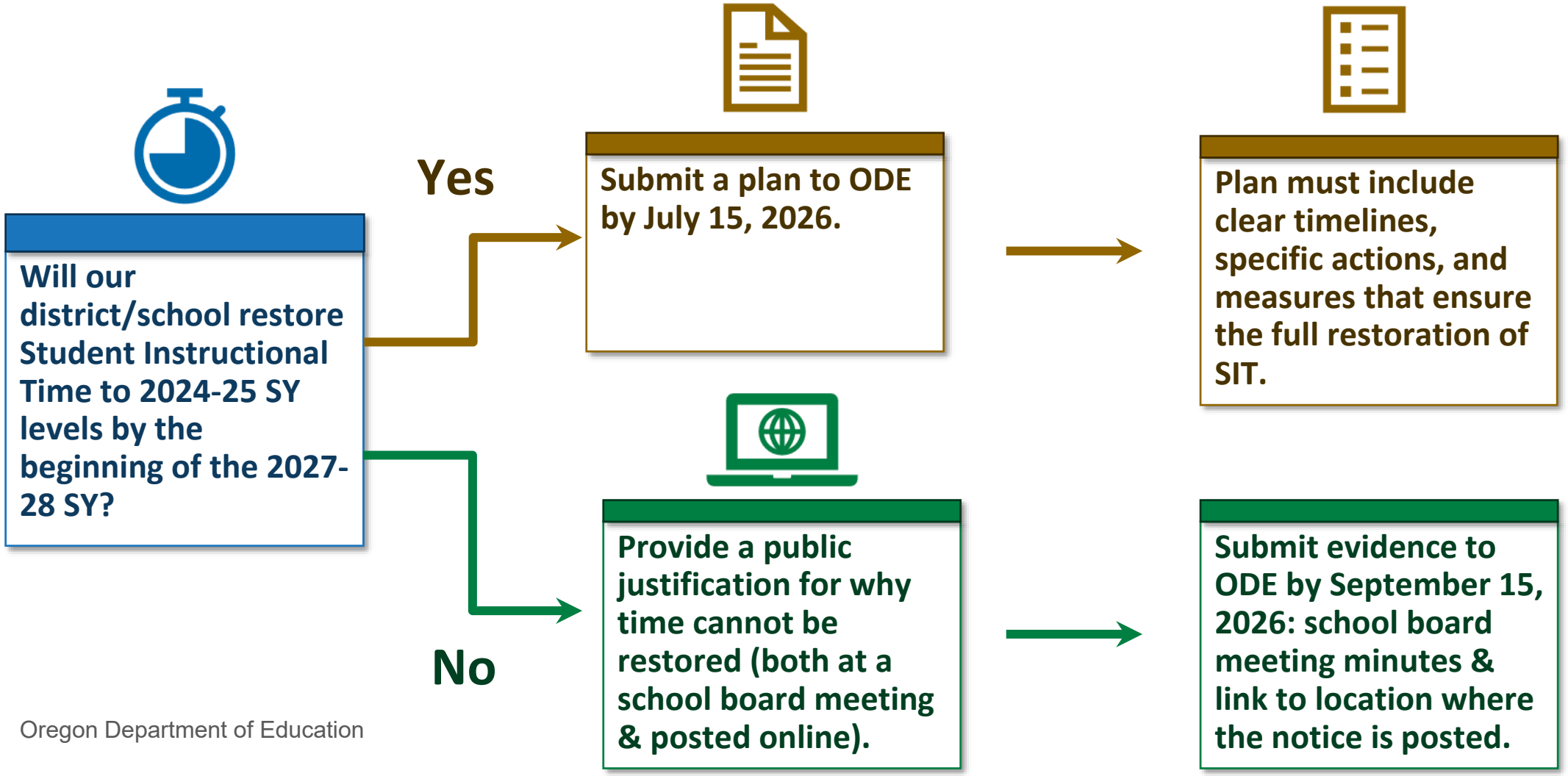
A: Districts and public charter schools should continue to address closures due to inclement weather or other unforeseen circumstances as they have in the past.

Any district or charter school that has reduced time and subsequently submitted a restoration plan to ODE will need to adopt an academic calendar for 2027-28 that restores student instructional time to planned 2024-25 levels, regardless of whether the district or charter school experiences closures due to unforeseen events in the 2026-27 school year.

What Is Our District/School Student Instructional Time Planned for the 2027-2028 School Year?

- Grade Levels:
  - K-11: 1,137.13 instructional hours
  - 12: 1,106.40 instructional hours
- These instructional hours exceed the minimum instructional time required under Oregon's Division 22 Standards.

Decision Point: Restoration or Justification?



Recommendation → Public Justification

- The reduction in instructional time during the 2025-2026 school year resulted solely from unavoidable weather-related closures and delayed starts that were implemented to protect the health and safety of students and staff.
- The district's instructional calendar was not intentionally reduced as a result of budgetary, operational, or staffing decisions.
- Blachly School District continues to provide instructional hours that exceed Oregon's Division 22 minimum instructional time requirements.
- The district's adopted instructional calendar already provides instructional hours consistent with the district's planned instructional program, making an additional restoration plan unnecessary.
- The Board has determined that the district's adopted instructional calendar already provides students with a comprehensive instructional program that exceeds Oregon's minimum instructional time requirements. Because the loss of instructional time was temporary, weather-related, and not the result of a permanent reduction to the school calendar, additional restoration of instructional time is not warranted.

Questions

BLACHLY
SCHOOL DISTRICT 90
EDUCATIONAL EXCELLENCE
Superintendent: Brittany Bottensek

August 13, 2026

TO: Staff, Students, Parents, Guardians, and Community Members

RE: Blachly School District #90 Justification for the Decision Not to Restore Lost Student Instructional Time as Required by Executive Order 26-06 and OAR 581-022-2323

On April 16, 2026, Governor Tina Kotek issued Executive Order 26-06 to protect and restore student instructional time in Oregon schools, taking action to prioritize academic outcomes and ensure every student has access to consistent, high-quality learning. According to Section 4(c) of the Executive Order, *"If a district, at the direction of its board, chooses not to restore lost student instructional time, the district must publicly explain its justification for that choice."* OAR 581-022-2323 was subsequently adopted by the State Board of Education to implement the Executive Order.

Student instructional time is defined in OAR 581-022-2323 as the total hours students are in school, bell-to-bell, including recess, lunch, passing time, and instruction.

Amount of Student Instructional Time Reduced in the 2025-2026 School Year

During the 2025-2026 school year, Blachly School District experienced a reduction of approximately 27.37 hours of student instructional time due exclusively to weather-related school closures and delayed starts. These schedule adjustments were implemented solely to ensure the safety of students and staff during hazardous weather and road conditions. The reduction was not the result of budget reductions, staffing shortages, collective bargaining agreements, or any district decision to permanently reduce instructional time.

Amount of Student Instructional Time Planned for the 2027-2028 School Year

Blachly School District plans to provide instructional time consistent with its adopted instructional calendar, which includes:

- Grades K-11: 1,137.13 instructional hours
- Grade 12: 1,106.40 instructional hours

These instructional hours exceed the minimum instructional time required under Oregon's Division 22 Standards.

BLACHLY
SCHOOL DISTRICT 90
EDUCATIONAL EXCELLENCE
Superintendent: Brittany Bottensek

Justification

On August 12, 2026, the Blachly School District Board of Directors approved the decision not to develop a separate instructional time restoration plan for the following reasons:

- The reduction in instructional time during the 2025-2026 school year resulted solely from unavoidable weather-related closures and delayed starts that were implemented to protect the health and safety of students and staff.
- The district's instructional calendar was not intentionally reduced as a result of budgetary, operational, or staffing decisions.
- Blachly School District continues to provide instructional hours that exceed Oregon's Division 22 minimum instructional time requirements.
- The district's adopted instructional calendar already provides instructional hours consistent with the district's planned instructional program, making an additional restoration plan unnecessary.
- The Board has determined that the district's adopted instructional calendar already provides students with a comprehensive instructional program that exceeds Oregon's minimum instructional time requirements. Because the loss of instructional time was temporary, weather-related, and not the result of a permanent reduction to the school calendar, additional restoration of instructional time is not warranted.

Blachly School District remains committed to providing high-quality educational opportunities while maintaining the safety and well-being of students and staff. When severe weather conditions occur, the district will continue to make decisions that prioritize student safety while ensuring compliance with Oregon's instructional time requirements.

Sincerely,

Brittany Bottensek
Superintendent
Blachly School District #90

Meleah Drago
Chair, Board of Directors
Blachly School District #90

Blachly School District #90

Code: DJC
Adopted: 5/19/10
Revised/Readopted: 11/17/21
Orig. Code(s): DJC

Bidding Requirements

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[1];

5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;

6. Public improvement contracts exempted by the Local Contract Review Board (LCRB) upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings and other substantial benefits to the district;

7. 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 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.

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

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).

[1] Attorney General rules may still apply.

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.

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

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

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

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

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

END OF POLICY

Legal Reference(s):

ORS Chapters 279, 279A, 279B and 279C

OAR Chapter 125, Divisions 246-249

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

Cross Reference(s):

DJ - District Purchasing
DJCA - Personal Services Contracts
FEF/FEFB - Construction Contracts - Bidding and Awards

Blachly School District #90
Triangle Lake Charter School
20264 Blachly Grange Road
Blachly, OR 97412
(541)925-3262
www.blachly90.com

RESOLUTION Blachly S.D #2026-27-001

BE IT RESOLVED, that the Board of Directors, School District #90, Lane County, hereby adopts the following for the fiscal year 2026-27:

- Designate The Register Guard the official district newspaper;
- Establish regular monthly board meeting day as the second Wednesday, at 6 pm, at Triangle Lake Charter School;
- List official depositories of funds (Local Government Investment Pool, U.S. Bank, Oregon Community Credit Union, and SELCO Credit Union);
- Designate Superintendent Brittany Bottensek, or an appointed designee, as chief administrative officer, clerk of the district, federal program coordinator, custodian of funds, executive officer, and administrator of the food services fund;
- Authorize Superintendent Brittany Bottensek,_____(new board chair), _____ (new board vice chair) to sign checks.
- Designate Molly Rust as the one who shall prepare or supervise preparation of the budget document under the direction of the executive officer;
- Adopt new minimum pay rates for substitute teachers in 2026-27 at $265.80 per 9-hour day for the first 10 days in one assignment; after the first ten (10) days the pay rate becomes $265.80 per 9-hour day.
- Designate Brown & Brown Northwest, as the official insurance agent for the district. Our property and casualty insurance is through Property and Casualty Coverage for Education (PACE). Sam Jones is our account executive. Our premium for 2026-27 will be $114,189. Additional carriers sponsored by PACE include Fuel Tank coverage from ACE American Insurance Company for 529 Workman's Compensation insurance coverage by SAIF is estimated at $21,844.07 and separate Crime Coverage for Triangle Lake Charter School, price to be determined.
- Designate Pauly, Rogers and Co., P.C. as financial auditors for Blachly School District and Triangle Lake Charter School;
- Designate PACE crime coverage of up to $1,000,000 with $10,000 deductible each in lieu of surety bonds for the Superintendent and financial managers (ORS 332.525);
- Designate The Hungerford Law Firm and the OSBA Legal Department as district legal counsel.

Adopted by the Blachly School Board of Directors at a regular school board meeting held on August 12, 2026.

_____	_____
(Elected)	Brittany Bottensek
Board Chair	Superintendent

Blachly School District #90
Triangle Lake Charter School
20264 Blachly Grange Road
Blachly, OR 97412
(541) 925-3262
www.blachly90.com

RESOLUTION
Blachly S.D #2026-27-002

BE IT RESOLVED, that the Board of Directors, School District #90, Lane County, hereby authorizes the General Fund (Fund 100) to transfer money to the individual grant funds, the food service fund (Fund 295) and athletics fund (298) to be repaid by the end of the ensuing fiscal year.

Adopted by the Blachly School Board of Directors at a regular school board meeting held on August 12, 2026.

_____
Board Chair

_____
Brittany Bottensek
Superintendent

Blachly School District #90
Triangle Lake Charter School
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Blachly, OR 97412
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www.blachly90.com

RESOLUTION
Blachly S.D #2026-27-003

BE IT RESOLVED, that the Board of Directors, School District #90, Lane County, hereby authorizes Superintendent Brittany Bottensek, Assistant Principal Katherine Tripp and Executive Secretary Amanda Gast to handle all Student Body transactions and Superintendent Brittany Bottensek and Assistant Principal Katherine Tripp to sign checks.

Adopted by the Blachly School Board of Directors at a regular school board meeting held on August 12, 2026.

_____
Board Chair

_____
Brittany Bottensek
Superintendent

Blachly School District #90
Triangle Lake Charter School
20264 Blachly Grange Road
Blachly, OR 97412
(541) 925-3262
www.blachly90.com

RESOLUTION
Blachly S.D #2026-27-004

BE IT RESOLVED, that the Board of Directors, School District #90, Lane County, hereby authorizes Executive Assistant to the Superintendent Bri Simington, Executive Secretary Amanda Gast and Business Manager Molly Rust to use a signature stamp to sign checks as authorized by Superintendent, Brittany Bottensek, using written or electronic media during his absence from the district.

Adopted by the Blachly School Board of Directors at a regular school board meeting held on August 12, 2026.

_____
Board Chair

_____
Brittany Bottensek
Superintendent