



LINCOLN COUNTY SCHOOL DISTRICT

Dr. Majalise Tolan
Superintendent

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Board of Directors NOTICE OF A BOARD MEETING Lincoln County School District Business Meeting of the Board

Date **Tuesday, July 9, 2024**

Time **6:30 PM**

Place **Zoom, Online, Newport, OR 97365**

The Lincoln County School District Board of Directors has scheduled a Lincoln County School District Business Meeting of the Board of the Board beginning at 6:30 PM.

Public comment will only be heard if a specific public comment time is designated on the agenda. Not all meetings of the Board have public comment.

If you are a member of the community and wish to speak before the Board, please email the following information to eddie.symington@lincoln.k12.or.us by **12:00 pm on the business day prior to the meeting: Name, address and phone number (optional), and topic.** Once your request is received, you will be contacted with details regarding making the comment during the meeting. Public comment cards will also be available at the door and must be completed and given to the Board Secretary. All public comment will follow Board Policy BDDH – “Public Comment at Board Meetings.”

The session will be streamed and can be accessed by visiting our [website](#).

The agenda is attached.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting.

THIS NOTICE SATISFIES THE REQUIREMENTS OF ORS 192.630, 192.640 AND 332.045.

For further information or to request accommodations, please contact:
Eddie Symington, Assistant to the Superintendent and School Board
Lincoln County School District | 1212 NE Fogarty | Newport, OR 97365

LINCOLN COUNTY SCHOOL DISTRICT
Board of Directors – Lincoln County School District Business Meeting of the
Board
Tuesday, July 9, 2024 - 6:30 PM
Zoom, Online, Newport, OR 97365

Agenda

- 1. Call to Order & Reading of Land Acknowledgment
- 2. Roll Call- Establishment of a quorum
- 3. Election of Officers
 - 3.a. Chair of the Board
 - 3.b. Vice-Chair of the Board
- 4. Introductions
- 5. Communications
 - 5.a. Written
 - 5.b. From the Audience (This time is reserved for public comment on topics published on the Board's agenda)
 - 5.c. Recognition
 - 5.d. LCEA Report
- 6. Consultant Reports/Staff Reports/Student Reports
 - 6.a. First Student Report

Board Meeting 07/09/2024-Report Prepared by Darleen Van Riper, Location Manager First Student

Talking Points-Please contact me at Darleen.vanriper@firstgroup.com with any comments or questions.

1. Summer Activities at First Student Lincoln County

When most everybody enjoys the beginning of their summer break, we start with our preparations for the new school year. These preparations include deep cleaning the buses and making sure that their annual inspections are completed. While a few drivers and monitors are lifting seats; scrubbing floors; and wiping walls, our technicians are making sure that our vehicles are in top shape for the next school year. Other summer activities include archiving old files and preparing for new data such as finances, incident reports, and safety log. We also prepare our new location book that includes safety reminders, policy updates, HR information and any information that is location specific. Once we have completed these preparations, we can then focus on routing.

2. SY 2024/2025 Routing

Registrations have been coming in slowly and routing has not yet taken off. Once more students populate in our system, we will focus on routing, so we are ready for our dry runs in the end of August. As you will see in our comparison data, we are not expecting at this point to bring back any combined routes, so we will still be operating with approximately fifty-four routes.

3. National Hiring Week & Recruiting

Next week is National Hiring Week, and to combat the driver shortage this year, we are driving our recruiting efforts to new levels. So far, every week, we sat at Worksource in Lincoln City and Newport; had a booth at the various markets throughout the county; participated in parades and events such as Beachcombers and Touch-a-Truck; and canvased parking lots and events, distributing flyers. Our regional recruiting team joined us for the Kite Festival and Touch-a-Truck in Lincoln City. The team covered mostly the north area of the county by networking and talking with local businesses, asking them to post our flyer in their windows. We will have a bus at the County Fair over the 4th of July Weekend to continue our recruiting efforts with games and crafts. Safety Dog will be present and many of our recruiters will join in on the fun. During National Hiring Week, we will also continue our regular recruiting events as well as hold a Walk-in Thursday event in Toledo for folks to come and join us for a chat about becoming a school bus driver. If you know of anyone looking for a part time job, please send them our way on Thursday, 07/11/2024 at the Toledo Office from 10:00 AM to 2:00 PM.

4. Upcoming Employee Events

Not only will we be out and about recruiting, we will also hold employee events to keep in touch with our employees. Feel free to join us, should you be in the area:

07/10/2024 from 10:00AM to Pau (end)-Lu'au at Ona Beach Park

08/07/2024 from 11:00AM to 3:00PM-Chili Cook Off with Ice cream Social at the Toledo Office

08/19/2024 from 8:00AM to 12:00PM-Kickoff Meeting at the Toledo Fire Station Meeting Hall.

5. Driver/Candidate Comparison Report (as of 7/9/2024) Data is subject to frequent changes.

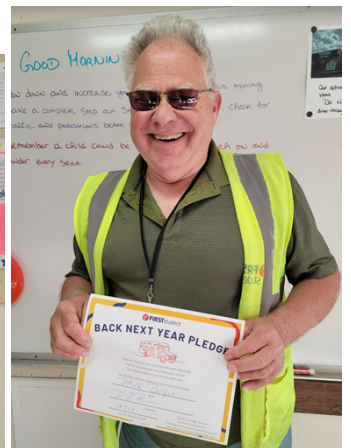
	6/4/2024		7/3/2024	
Lincoln County Bus Routes	73	Driver Shortage	73	Driver Shortage
Drivers on hand (LOA excluded)-Expected to Return	45	28	43	30
Out of Town Drivers	0	28	0	30
Routes not currently serviced (combos)	17	11	19	11
Other Considerations:				
Cover Drivers positions not staffed	4	32	4	34
Route Monitor positions not staffed	1		3	
Drivers on LOA/FMLA/WC (Regular & Casual)	1		0	
Casual Drivers with limited availability	8		8	
LCSD & FS Staff (1 & 7) Available to Drive	8		8	

The number of drivers on hand derives from the Intent to Return surveys; the number does not include “maybes” or those who are truly retiring.

We currently have 11 candidates in the training pipeline at varying stages

with one candidate slated to test on 07/13/2024. With our recruiting efforts, we are hopeful to add more candidates to the list, so we can bring back routes.

Summer 2024 in Pictures



7. Board Reports
8. Superintendent's Report
- 8.a. First Read of Policy - Batch 1

OSBA Model Sample Policy

Code: IGBAF

Adopted:

Special Education - Individualized Education Program (IEP)**

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21 years of age, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district; or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

Legal Reference(s):

ORS 343.068
ORS 343.151
ORS 343.155
ORS 343.321 - 343.333

OAR 581-015-2000
OAR 581-015-2190

OAR 581-015-2195
OAR 581-015-2200
OAR 581-015-2205
OAR 581-015-2210
OAR 581-015-2215
OAR 581-015-2220
OAR 581-015-2225

OAR 581-015-2229
OAR 581-015-2230
OAR 581-015-2235
OAR 581-015-2055
OAR 581-015-2600
OAR 581-015-2065
OAR 581-015-2265

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 - 300.6, 300.22 - 300.24, 300.34, 300.43, 300.105 - 106, 300.112, 320.325, 300.328, 300.501 (2012).

OSBA Model Sample Policy

Code: IGBAF-AR
Revised/Reviewed:

Special Education - Individualized Education Program (IEP)/***

{Required administrative regulation (AR). This AR is designated as required because the district is required to do everything in this AR; having this AR may help demonstrate compliance during the ODE audit process.}

1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s). This includes all district employees assigned to work with a student with specialized needs to assist with the educational, behavioral, medical, health or disability-related support needs of the student.
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.
- b. The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- g. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.

- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
 - c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
 - d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
 - e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
 - f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.
3. IEP Team Members
- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
 - b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the

district will take other steps to consider the student's preferences and interests in developing the IEP.

c. Participation by other agencies:

- (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
- (2) If the district refers or places a student in an education service district, state-operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

d. Participation by other employees:

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

4. Agreement for Nonattendance and Excusal

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

5. IEP Content

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

- (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short-term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short-term objectives. The goals and, if appropriate, objectives:
- (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
- (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
- (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.

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

~~6. Individualized COVID-19 Recovery Services[†]~~

✓ Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:

- ~~a. Special education and related services;~~
- ~~b. Supplementary aides and services;~~
- ~~c. Additional or intensified instruction;~~
- ~~d. Social emotional learning support; and~~
- ~~e. Peer or adult support.~~

~~The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.~~

- ~~a. IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.~~
- ~~b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.~~
- ~~c. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.~~

~~Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.~~

- ~~a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.~~
- ~~b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.~~

[†]The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

~~When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.~~

~~The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.~~

~~After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:~~

- ~~a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;~~
- ~~b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services~~
- ~~c. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.~~

~~If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.~~

~~Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.~~

~~Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.~~

7.6. Agreement to Amend or Modify IEP

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

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

8.7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:

- (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
- (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
- (1) For a student whose behavior impedes their learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
- (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon

Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) 411-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).

- (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
 - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- e. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

9.8. Incarcerated Youth

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

10.9. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.

- e. The district's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

11.10. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive FAPE. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

12.11. Transfer Students

- a. In state:

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

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

- b. Out of state:

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

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in the OARs.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.

- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

13-12. Abbreviated School Day

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

“Abbreviated school day program” means an education program:

- a. In which a school district restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district; and
- b. That results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

Abbreviated school day programs are only allowed when all requirements in state law are met.²

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

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

² See ORS 343.324.

OSBA Model Sample Policy

Code: IGBAG
Adopted:

Special Education - Procedural Safeguards**

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

Procedural Safeguards Notice

The district provides to parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special

¹ If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child for further provision of special education or related services.

education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.

The district provides the *Procedural Safeguards Notice* in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

1. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
2. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
4. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
5. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

Access to Records

A parent is entitled at any reasonable time to examine all of the records of the district pertaining to the identification, evaluation and educational placement of their child and the provision of FAPE to their child. Records must be provided without undue delay, which may not exceed 10 business days, as defined

in ORS 192.311, from the date of the request for the records. Records may be redacted only to the extent necessary to protect personally identifiable information of other children unless disclosure is authorized by law or court order.

END OF POLICY

Legal Reference(s):

ORS 343.155

ORS 343.165

ORS 343.173

ORS 343.177

ORS 343.181

OAR 581-001-0005

OAR 581-015-2000

OAR 581-015-2030

OAR 581-015-2090

OAR 581-015-2095

OAR 581-015-2190

OAR 581-015-2195

OAR 581-015-2305

OAR 581-015-2310

OAR 581-015-2325

OAR 581-015-2330

OAR 581-015-2345

OAR 581-015-2360

OAR 581-015-2385

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.500 - 300.505, 300.515, 300.517.

OSBA Model Sample Policy

Code: JBAA-AR
Revised/Reviewed:

Section 504 – Students**/*

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

Definitions

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

¹ HIV - Human Immunodeficiency Virus

bodily functions including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions;

4. "Program or activity" includes all district programs and activities. The district will also ensure that contracts with those who provide services to the district, such as alternative programs, also provide students with disabilities an equal opportunity to participate in the program or activity;
5. "Potentially disabling conditions" under Section 504, if they substantially limit a major life activity, may include, but are not limited to:
 - a. Attention deficit disorder (ADD);
 - b. Behavior disorders;
 - c. Chronic asthma and severe allergies;
 - d. Physical disabilities such as spina bifida, hemophilia and conditions requiring students to use crutches;
 - e. Diabetes.

District Responsibilities

The superintendent or designee will:

1. Provide written assurance of nondiscrimination whenever the district receives federal money in accordance with application guidelines;
2. Designate an employee to coordinate the district's compliance efforts with Section 504;
3. Provide procedures to resolve student, parent and employee complaints of discrimination;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district's policy of compliance with Section 504 prohibiting nondiscrimination in admission or access to or treatment or employment in district programs or activities. District aids, benefits and services will afford students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities, in the most integrated setting appropriate to the student's needs. Notice will specify the employee designated by the district to coordinate the district's Section 504 compliance efforts;
5. Annually identify and locate students with disabilities who are Section 504 qualified in the district and who qualify for services;
6. Annually notify students with disabilities and their parents or guardians of the district's responsibilities under Section 504;
7. Provide parents or guardians with procedural safeguards:
 - a. Notice of their rights under Section 504, including the right to request an impartial hearing as provided by Oregon Administrative Rule (OAR) 581-015-2390;
 - b. An opportunity to review relevant records.

8. Provide all employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support access to the 504 Plan.

Transportation

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

Evaluation

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

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

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

Placement

In interpreting evaluation data and making placement decisions, the evaluation team will:

1. Draw upon information from a variety of sources;
2. Ensure that all relevant information is documented and considered;
3. Ensure that the student is educated with students without disabilities to the maximum extent possible.

Reevaluations

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

Discipline

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

Complaints

Student, parent or staff complaints of noncompliance with the provisions of Section 504 will be reported to the superintendent or designee and processed [as provided in Board policy AC - Nondiscrimination and

the accompanying administrative regulation] [in accordance with established district complaint procedures].

OSBA Model Sample Policy

Code: JGA
Adopted:

Corporal Punishment**

{Optional policy. While State law prohibits the use of corporal punishment, having a policy which states this is optional.}

The use of corporal punishment in any form is strictly prohibited in the district. No student will be subject to the infliction of corporal punishment.

“Corporal punishment” is defined as the willful infliction of, or willfully causing the infliction of, physical pain. Corporal punishment does not include the use of physical force authorized in ORS 161.205 (2), (4) or (5) for the reasons specified therein, or physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

No teacher, administrator, other school personnel or school volunteer will subject a student to corporal punishment or condone the use of corporal punishment by any person under their supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or school official.

[A parent or legal guardian of a minor child may use reasonable physical force upon the minor child when and to the extent the person reasonably believes the physical force is necessary to maintain discipline or promote the welfare of the minor child, unless the physical force constitutes abuse as defined in ORS 418.257 or 419B.005.]

✓ A staff member is authorized to employ reasonable physical force upon a student ~~when and~~ only to the extent that the application of physical force is consistent with ORS 339.285 - 339.303 and is not corporal punishment as defined in ORS 339.250(9). Physical force shall not be used to discipline or punish a student.

A staff member found in violation of this policy may be subject to discipline up to and including dismissal. A volunteer found in violation of this policy by administration may be subject to sanctions and/or prohibited from volunteer service in the district.

The superintendent shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

ORS 161.205
ORS 332.107
ORS 339.240

ORS 339.250
OAR 581-021-0050 – 0075

OAR 584-020-0040

OSBA Model Sample Policy

Code: JGAB
Adopted:

Use of Restraint or Seclusion**

{Required policy. The requirement for this policy comes from OAR 581-021-0556(12).}

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator[, or volunteer], it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting a student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door

for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Seclusion cell" means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.
4. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
5. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.
6. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
7. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.
 8. "Prone restraint" means a restraint in which a student is held face down on the floor.
 9. "Supine restraint" means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The district shall only utilize the ² a training program ~~of for restraint or seclusion for use to train staff and use in the district. As required by state regulation, the selected program shall be one which has been approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and seclusion.~~

The district shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without alteration in accordance with law.

² ~~{The district must identify the program utilized for training.}~~

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics³ of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office and on the district's website, and to the Board. At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

✓ | The complainant, whether an organization or an individual, may appeal a district's final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023. [This appeal process is identified-represented in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.]

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written

³ Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

documentation of the use of restraint or seclusion by district staff. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

END OF POLICY

Legal Reference(s):

ORS 161.205

ORS 339.250

ORS 339.285

ORS 339.288

ORS 339.291

ORS 339.294

ORS 339.297

ORS 339.300

ORS 339.303

OAR 581-021-0061

OAR 581-021-0550

OAR 581-021-0553

OAR 581-021-0556

OAR 581-021-0563

OAR 581-021-0566

OAR 581-021-0568

OAR 581-021-0569

OAR 581-021-0570

OAR 581-022-2267

OAR 581-022-2370

OSBA Model Sample Policy

Code: JGAB-AR
Revised/Reviewed:

Use of Restraint or Seclusion**

{Required administrative regulation. ORS 339.294 requires a district to establish procedures to follow during and after an incident involving the use of restraint or seclusion. This administrative regulation helps support those procedures.}

Procedure

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

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

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

seclusion was administered by a person without training. The administrator will ensure written notice of the same to the superintendent.

4. An administrator will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the district must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, staff of the district will immediately attempt to verbally or electronically notify a parent or guardian.
6. A district Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:
 - a. Name of the student;
 - b. Name of staff member(s) administering the restraint or seclusion;
 - c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
 - d. Location of the restraint or seclusion;
 - e. A description of the restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
 - i. Information documenting parent or guardian contact and notification.
7. A documented debriefing meeting must be held within two school days after the use of restraint or seclusion. The parent or guardian of the student must be invited to attend the meeting³, and the meeting will include staff members involved in the intervention ~~must be included in the meeting~~ and any other appropriate personnel. The debriefing team shall include an administrator. At the debriefing meeting, the district shall review, in its entirety, any audio or video recording⁴ preserved as a record of the incident involving restraint or seclusion in accordance with law. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

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

⁴ [To the extent practicable without altering the meaning of the record, the district shall segregate or redact from such a record any personally identifiable information of other students before disclosure to the student's parent or guardian. If the district is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the district shall disclose the record to the student's parent or guardian in its original format and without any alteration. "Disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student's parent or guardian upon request in its original and unaltered format except to the extent that the redaction is needed to protect the personally identifiable information of another student. (ORS 339.294; OAR 581-021-0556(10))]

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

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

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

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, including a behavioral specialist and a district representative who is familiar with the restraint and seclusion training practices adopted by the district.
3. Prior to the implementation of any behavioral support plan that includes restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. [When a behavior support plan includes restraint or seclusion the parents [will] [may] be provided a copy of the district Use of Restraint or Seclusion policy at the time the plan is developed.]
5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

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

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

Emergency Procedure Plan

The district shall have an emergency services procedure program that meets the standards of the State Board of Education and which will provide as much protection as possible for the children at school.

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and use of force on school property. The superintendent will consult with community and county agencies while developing this plan. The superintendent or designee shall be responsible for coordinating the various aspects of the program and for developing appropriate rules and regulations to carry out the policy.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the emergency services procedure program will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plan for the care of students during an emergency situation.

END OF POLICY

*Delete OSBA
and revised.*

Legal Reference(s):

ORS 192.660(2)(k)
ORS 332.107
ORS 433.260

ORS 433.441
OAR 437-002-0161

OAR 581-022-0705
OAR 581-022-1420

Cross Reference(s):

EEAC - School Bus Safety Program
GBE - Staff Health and Safety
JHCC - Communicable Diseases

*Eddie ~
These need to be
adopted for 24-25
school year.
Thy,
Sheila*

OSBA Model Sample Policy

Code: EBC/EBCA

Adopted:

D

Emergency Procedures and Disaster Plans

(Delete this double coded policy and consider EBC.)

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and safety threats on district property. The superintendent will consult with community and county agencies while developing this plan.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plan for the care of students during an emergency situation. The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

[In the case of long-term disruption to district operations as a result of a pandemic flu, declared public health emergency or other catastrophe, the district emergency plan shall at a minimum include the following:

1. Who is in charge of the district plan;
2. What steps the district will take to stop the spread of disease;
3. How sick students will be identified;
4. Transportation plan for sick students;
5. Disease containment measures for the district;
6. Communication plan for staff, students and parents;
7. Continuing education plan for students;
8. Procedures for dealing with student privacy rights;
9. Employee leave procedures during a pandemic flu or other catastrophe;
10. Employee pay and benefit plan and procedures;

11. Facility utilization by other agencies procedures;

12. Business operations plan for offsite operation or alternative measures.]

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 332.107](#)

[ORS 433.260](#)

[ORS 433.441](#)

[OAR 437-002-0161](#)

[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

OSBA Model Sample Policy

Code: EBC
Adopted:

Emergency Plan and First Aid**

~~{Highly recommended policy. This policy informs districts about requirement for an emergency procedures plan (OAR 581-022-2225), and other minimum standards for providing emergency care to students.}~~

The district will maintain a comprehensive safety program for all employees and students. This program will include a plan for responding to emergency situations. The superintendent will consult with community and county agencies while developing this plan. The district's emergency plan will meet any requirements of the State Board of Education.

Copies of the emergency plan will be available in every school office and other strategic locations throughout the district. Parents or guardians will be informed of the district's plan.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Each school in the district shall have, at a minimum, at least one staff member with a current first-aid/CPR/AED card for every 60 students enrolled and who are trained annually on the district and building emergency plans. Emergency planning will include the presence of at least one staff member with a current first-aid/CPR/AED card for every 60 students for school-sponsored activities where students are present.

The district shall provide instruction to staff and students in the emergency plan and safety program.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[ORS 192.660\(2\)\(k\)](#)
[ORS 332.107](#)
[ORS 433.260](#)
[ORS 433.441](#)

[OAR 437-002-0042](#)
[OAR 437-002-0120 - 0139](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)
[OAR 581-053-0003\(40\)](#)
[OAR 581-053-0220\(3\)\(e\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

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

OSBA Model Sample Policy

Code: EBCA
Adopted:

Safety Threats**

~~{Required policy. Requirement for policy comes from ORS 339.324 which outlines actions of a school district when a safety threat action has occurred.}~~

“Safety threat action” means a lockdown, lockout, shelter in place or evacuation that: (a) is initiated by a school in response to a safety threat; and (b) is not a planned drill.

When a school or the district initiates a safety threat action, the school or district shall issue an electronic communication as expediently as possible and not later than 24 hours after initiation of the safety threat action. The communication will be issued in culturally appropriate languages to effectively communicate with parents and guardians of students attending the school at which the safety threat action occurred.

The communication must include:

1. A general description of the issue that caused the safety threat action to be taken;
2. The duration of time the safety threat action was taken, from when the action was initiated until when it concluded;
3. Actions taken by the school or district to resolve the situation that caused the safety threat action and actions taken to protect student safety; and
4. An explanation of how the situation was resolved.

The communication shall be provided in a manner which communicates relevant facts and details as may be necessary or useful for parents and guardians to understand any potential threats to student safety, and to assist parents and guardians in helping students understand and mentally process the incident and any resulting trauma.

A communication will also be issued to employees of the school at which the safety threat action occurred, and must include the same information as above and any additional information as may be permitted by relevant confidentiality and privacy requirements.

The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 332.107](#)

[ORS 339.324](#)

Pediculosis (Head Lice)

(Excludes students with live lice only. Allows attendance of students with nits.)

The Board recognizes that district programs should be conducted in a manner that protects and enhances student and employee health and is consistent with recognized health practices. Consequently, in order to prevent the spread of pediculosis (head lice) in the school setting, district staff shall institute guidelines for classrooms that will assist in the prevention and spread of head lice. Students with suspected cases of lice will be referred to the school nurse or designee for assessment. Students found with live lice will be sent home at the end of the day with information materials and a "lice kit" to aid with elimination of the live lice. Students sent home from school will be readmitted after parents have notified the school that treatment has occurred. Students found with nits (lice eggs) only will not be excluded, but will be subject to periodic checks to confirm continuing absence of live lice.

Successful treatment of head lice requires a coordinated approach as recommended by health authorities. It is the district's intent to aid in eliminating the current infestation, and to prevent a repeat episode.

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

END OF POLICY

Legal Reference(s):

ORS 433.255
ORS 433.260

OAR 333-019-0010
OAR 437-002-0360
OAR 581-022-0705

National Association of School Nurses, Pediculosis Management in the School Setting: Position Statement Revised 2011.
American Academy of Pediatrics: Position Statement on Head Lice 8-1-2012.
Centers for Disease Control and Prevention Head Lice Information for Schools 2011.

*Delete policy & AR
& replace with
OSBA JHCCF
standalone
(NO AR)*

*No
rush*

Pediculosis (Head Lice)

(Excludes students with live lice only. Allows attendance of students with nits.)

As provided by Oregon Administrative Rule (OAR) 333-019-0010, students found to have contracted head lice will be excluded from school at the discretion of the local school or health district. The presence of nits (lice eggs) only is not considered excludable.

Information about head lice shall be sent home to all parents/guardians at the beginning of the school year and may be sent home periodically throughout the school year.

Staff shall maintain the privacy of students identified as having head lice.

School employees who find a student they believe to have contracted head lice, will be subject to the following procedure:

1. School employees shall report all suspected cases of head lice to the school nurse or designee;
2. The school nurse or designee shall examine the student;
3. If live (crawling) lice are found on the hair, the parent/guardian shall be notified by the end of the day via phone, email and/or a note sent home with the student, along with information materials and a "lice kit". The school nurse or designee may notify parents/guardians in the affected classroom to encourage them to check their children and to treat, if appropriate, and/or examine other students most likely to have direct head to head contact with the affected student;
4. The parent/guardian of the affected student shall be provided information on the methods to eliminate infestation. Treatment information, district policy requirements and readmittance provisions will be provided to the parent.

Parents/guardians will be encouraged to verify treatment with the school nurse or designee as soon as possible after notification. If the parent/guardian is unable to afford treatment, the student will be referred to the district nurse.

Following treatment, the parents/guardians are encouraged to notify the school of their student's condition so that appropriate preventative measures may be implemented at school;

5. Following treatment the student will be readmitted to school;
6. Parents will notify the school that treatment has occurred;
7. The student will be subject to screening by designated personnel to determine the treatment's effectiveness. The student will be readmitted to school or denied admittance, as appropriate. The

OSBA Model Sample Policy

Okay as is

Code: JHCCF
Adopted:

Pediculosis (Head Lice)

(Version 3)

~~(A student with nits and/or infested with live lice will be allowed to remain in school.)~~
{Optional policy.}

A student with a suspected case of head lice may be referred to designated trained staff for a screening. The screening will be done in a confidential manner by trained personnel.

School personnel will notify the parent or guardian of a student found with head lice and may provide information on ~~appropriate~~ treatment. The student will be allowed to remain in school.

~~The suggested school measures for head lice control, as provided in *Head Lice Guidance* published by the Oregon Department of Education and the Oregon Health Authority, Public Health Division,[†] shall be followed.~~

~~Suggested school measures for head lice provided in *Communicable Disease Guidance for Schools* issued by the Oregon Department of Education and Oregon Health Authority will be consulted.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

~~NATIONAL ASSOCIATION OF SCHOOL NURSES, *Pediculosis Management in the School Setting*, (POSITION STATEMENT REVISED 2016).~~

~~THE AMERICAN ACADEMY OF PEDIATRICS, (MAY, 2015).~~

~~CENTERS FOR DISEASE CONTROL AND PREVENTION, (2015).~~

~~OREGON DEPARTMENT OF EDUCATION, *Head Lice Guidance*.~~

[†]~~<http://www.oregon.gov/ode/students-and-family/healthsafety/Pages/Student-Health-Conditions.aspx>~~

Public Records

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

1. A public records request shall be submitted in writing through the superintendent's office at 459 SW Coast Hwy., Newport, OR 97365.
2. Upon receipt of a written request, the district shall respond within five business days¹ acknowledging receipt of the request or completing² the district's response to the request. If the district provides an acknowledgment of the request, it must:
 - a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request. If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:
 - a. The staff or volunteers³ necessary to complete a response to the public records request are unavailable;
 - b. Compliance would demonstrably impede the district's ability to perform other necessary services; or

¹"Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

²The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

³Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

OSBA Model Sample Policy

Code: KBA-AR
Revised/Reviewed:



Public Records Request

{Highly recommended administrative regulation}

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

1. A public records request shall be submitted in writing through the [district office] at [address] to [the] name of superintendent or other designee. *Susan Schuytema Schuytema, communications specialist.*
Majalise Tolan,
2. Upon receipt of a written request, the district shall respond within five business days² acknowledging receipt of the request or completing³ the district's response to the request.

*1212 NE Fogarty St.
Newport, OR 97365*

If the district provides an acknowledgment of the request, it must:

- a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
 4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:

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

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

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

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

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

5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.
6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.
7. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.
8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
9. Where the labor effort exceeds ~~30 minutes~~ labor, material and out-of-pocket charges will be ~~reimbursed to the district~~ charged to the requester. ~~Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of [\$.25 per page].~~

~~§~~⁵ Costs will be as follows:

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

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

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

d. Printing: \$0.25 per page.

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

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

OSBA Model Sample Policy

Code: LBEA
Adopted:

Resident Student Denial for Virtual Public Charter School Attendance**

{Conditionally Required. This policy is required if the district plans to deny enrollment of a student to attend a virtual public charter school. OAR 581-026-0007}

~~The district will annually calculate the percentage of the number of students residing in the district, who are enrolled in a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to a virtual public charter school, subject to the requirements in Oregon Administrative Rule (OAR) 581-026-0305(2).~~

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district. The district will semiannually, by [October 1 and April 1], calculate the percentage of students residing in the district, who are attending a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to such a virtual public charter school.

~~The district may send a notice of approval or disapproval to a parent of a student who has sent a notice to the district of intent to enroll the student in a virtual public charter school not sponsored by the district (See OAR 581-026-0305(3)). The district may respond with an approval or disapproval to a parent within 14 days of receipt of the notice from the parent.~~

A parent must give notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment.

If the district is not approving the enrollment, the district must respond with a decision to not give approval within 10 calendar days of receipt of the notice of intent from the parent. Such decision must include:

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;
2. The right to appeal the decision to the State Board of Education;
3. A list of two or more other online options available to the student; and
4. A copy of OAR 581-026-0305 and OAR 581-026-0310.

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;
2. The number of students residing in the district enrolled in public charter schools located in the district;

3. The number of students residing in the district enrolled in virtual public charter schools;
4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

If the student was enrolled in a virtual public charter school while living in another district and has maintained continuous enrollment in such school since moving into, and residing in this district, approval is not required.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 338.125](#)

[OAR 581-026-0305](#)

[OAR 581-026-0310](#)

[House Bill 3204](#) (2023).



Watch for information coming soon for a **Policy Update webinar.**

Summer Board Conference

August 9–11, 2024
Salem, OR

Annual Convention

Nov. 7-9, 2024
Portland, OR

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- AC – Nondiscrimination, Required
- BBF – Board Member Standards of Conduct (*Version 1 or 2*), Highly Recommended
- BBFC – Reporting of Suspected Abuse of a Child, Optional
- BCBA – Student Representative(s) on the Board, Optional
- BCBA-AR – Student Representative(s) on the Board, Optional, *New*
- CB – Superintendent, Highly Recommended
- CBC – Superintendent’s Contract, Optional
- CBG – Evaluation of the Superintendent, Required
- CCG – Evaluation of Administrators, Required
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- DJC - Bidding Requirements, Highly recommended, *New*
- DJC-AR – Exemptions from Competitive Bidding and Special Procurements, Delete
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- EBCA – Safety Threats**, Required, *New*
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- GBEB – Communicable Diseases in Schools, Highly Recommended
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- GBEBA – Staff – HIV, AIDS, and HBV, Delete
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- GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Delete
- GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Required, *New*
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- IGBAF – Special Education – Individualized Education Program (IEP)**, Required
- IGBAF-AR – Special Education: Individualized Education Program (IEP)**/*, Required

Policy Update is a subscription publication of the Oregon School Boards Association

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503-588-2800 or
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This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that policies should be reviewed by the district’s legal counsel.

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JHCC-AR – Communicable Diseases - Students, Delete
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KBA-AR – Public Records Request, Highly Recommended

CIVIL RIGHTS COORDINATOR

Summary

[House Bill 2281](#) (2023), effective January 1, 2024, requires a district school board to designate one or more civil rights coordinators for the district. According to HB 2281, the civil rights coordinator may be an employee of the district or the district may contract with an ESD for the services of a civil rights coordinator.

HB 2281, Section 1 (see page 2 of the bill specifically) outlines the minimum responsibilities of a civil rights coordinator. Of note is the requirement to comply with rules adopted by the State Board of Education so OSBA is watching for news about these rules. Additionally, the bill includes use of the term “discrimination” which is defined further by ORS 659.850 and is used in the new bill. The bill further outlines a requirement for the Department of Education to make training available annually for these coordinators.

Finally, ORS 659.855, which allows the Superintendent of Public Instruction to sanction a public elementary or secondary school program if found in noncompliance with ORS 659.850 and 659.852, has been updated to include noncompliance with ORS 332.505(2) – Civil Rights Coordinator.

The bill can be read in its entirety with the link provided above.

There is no current requirement for language to be added to board policy or administrative regulation. The district may choose to add the proposed language to policy AC – Nondiscrimination. Oregon Administrative Rules from the Oregon State Board of Education are anticipated later this year, which will likely prompt another update to policy.

The district should consider posting notice of the designated civil rights coordinator and contact information together with the notice of nondiscrimination (and other notices) on the district's website.

Collective Bargaining Impact

None

Local District Responsibility

Review the recommendations for policy changes and present them to the board for adoption.

Policy(ies) and AR(s) Impacted by these Revisions

AC – Nondiscrimination, Required

STUDENT REPRESENTATIVE(S) ON THE BOARD

Summary

The practice of installing student representative(s) on local school boards has increased, and therefore a desire for more policy and administrative regulation options has been voiced. OSBA policy services staff present the model policy and administrative regulation published herein as options for establishing a student representative on a local school board. Oregon does not mandate a student representative, it is up to local decision makers.

Collective Bargaining Impact

None

Local District Responsibility

Review the proposed policy and/or administrative regulation to determine whether it is appropriate for the board. The policy requires adoption by the board to enact and the administrative regulation may be submitted to the board for their review. A policy and administrative regulation is recommended, although not required.

Policy(ies) and ARs Impacted by these Revisions

BCBA – Student Representative(s) on the Board, Optional
BCBA-AR – Student Representative(s) on the Board, Optional, *New*

SUPERINTENDENT'S CONTRACT

Summary

With the passage of [Senate Bill 283](#) (2023), the law was revised regarding superintendent contracts to remove mention of laws relevant to education service district boards added by Senate Bill 1521 in 2022 to ORS 332.505.

Collective Bargaining Impact

None

Local District Responsibility

Update policies with the recommended revisions if they are present in the board's policy manual and submit to the board for readoption.

Policy(ies) and ARs Impacted by these Revisions

CB – Superintendent, Highly Recommended
CBC – Superintendent’s Contract, Optional

EVALUATION OF THE SUPERINTENDENT AND ADMINISTRATOR(S)

Summary

There are not significant changes to policy on evaluation of the superintendent and administrators. However, it has been included in this update as a reminder to the board to review policy on evaluation of the superintendent to ensure current practice and contract language align, and for the superintendent to review administrator contract language with the same lens. If needed, revise policy language if different terms now apply.

Collective Bargaining Impact

None

Local District Responsibility

If the board has adopted a version of required policy CBG – Evaluation of the Superintendent or CCG – Evaluation of Administrators (as listed herein), take time to review the superintendent and administrator contracts to ensure there is not conflicting language adopted in board policy regarding the regularity of an evaluation. Revise board policy as needed and readopt.

Policy(ies) and ARs Impacted by these Revisions

CBG – Evaluation of the Superintendent, Required
CCG – Evaluation of Administrators, Required

PROCUREMENTS

Summary

OSBA recommends deleting the current versions of DJC – Bidding Requirements, DJC-AR – Exemptions from Competitive Bidding and Special Procurements, DJCA – Personal Service Contracts and DJCA-AR – Personal Service Contracts, and replacing them with the new proposed versions of DJC and DJC-AR. The proposed DJC outlines the procurement requirements for Small Procurement, Intermediate Procurement, Regular Procurement, Emergency Procurement, Sole-Source Procurement and Personal Services Contracts.

Additionally, the proposed policy DJC – Bidding Requirements, reflects the new amounts for the procurement levels passed in House Bill 1047 (2023) and went into effect January 1, 2024. The policy also defines “public improvements” for purposes of the procurement levels, defines “community benefit contract” and the “Construction Manager/General Contractor procurement.”

The proposed administrative regulation, DJC-AR – Exemptions from Competitive Bidding and Special Procurements, has been updated and continues to provide guidance for procurements which are exempt from competitive bidding or are special procurements.

Collective Bargaining Impact

None

Local District Responsibility

Revise and readopt highly recommended policy DJC – Bidding Requirements and consider whether to also add optional DJC-AR – Exemptions from Competitive Bidding and Special Procurements.

Policy(ies) and ARs Impacted by these Revisions

DJC – Bidding Requirements (*Versions 1 & 2*), Delete

DJC – Bidding Requirements, Highly recommended, *New*

DJC-AR – Exemptions from Competitive Bidding and Special Procurements, Delete

DJC-AR – Exemptions from Competitive Bidding and Special Procurements, Optional, *New*

DJCA – Personal Service Contracts, Delete

DJCA-AR – Personal Service Contracts, Delete

HEALTH SERVICES

Summary

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop “a written prevention-oriented health services plan for all students” (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR’s), included herein, which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

ODE [resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact

Review any terms and conditions of an applicable agreement.

Local District Responsibility

Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

Policy(ies) and ARs Impacted by these Revisions

EBBA – First Aid**, Delete

EBBA – Student Health Services**, Highly Recommended, *New*

EBBA-AR – First Aid - Infection Control, Delete

EBBAA – Infection Control and Bloodborne Pathogens, Optional

EBBB – Injury or Illness Reports, Required

GBEB – Communicable Diseases in Schools, Highly Recommended

GBEB-AR – Communicable Diseases in Schools, Highly Recommended

GBEBA – Staff – HIV, AIDS, and HBV, Delete

JH – Student Welfare**, Optional

JHC – Student Health Services and Requirements**, Delete (in lieu of new EBBA)

JHCA/JHCB – Immunization and School Sports Participation**, Highly Recommended

JHCC – Communicable Diseases - Students, Delete

JHCC-AR – Communicable Diseases - Students, Delete

JHCCA – Students - HIV, HBV and AIDS**, Delete

EMERGENCY PROCEDURES, FIRST AID and SAFETY THREATS

Summary

[House Bill 3584](#) was passed in the 2023 legislative session. The bill requires districts to adopt policy language about using electronic communication to notify parents, guardians and employees within 24 hours of a safety threat action that was not a drill. The bill states the communication should be “provided in a manner that communicates relevant facts and details as necessary and useful.” (HB 3584, Section 1., (3)(b)) More detail can be found by reading the entire bill.

This update includes a revision of other policies identified herein, resulting from recommendations on reorganization and may include recoding and/or reassigning content to a different policy or policy section.

Collective Bargaining Impact

None

District Responsibility

Review the recommendations regarding board policy changes and make decisions regarding new and updated policy. Any policy revisions, additions or recommendation to rescind a policy should be submitted to the board for action.

Policy(ies) and ARs Impacted by these Revisions

EBC/EBCA – Emergency Procedures and Disaster Plans, Delete

EBC – Emergency Plan and First Aid**, Highly Recommended, *New*

EBCA – Safety Threats**, Required, *New*

EBCB – Emergency Procedure Drills and Instruction, Highly Recommended

SEXUAL HARASSMENT DEFINITION

Summary

House Bill 2280 (2023 Legislature) modified the definition of sexual harassment affecting schools and has since been followed up with new rule revisions. The revised definition changes the meaning of assault within the sexual harassment context and adds a section describing the meaning of “without consent,” which is also a new definition added to the law. When considering these recommended revisions, please review the designated names and positions listed for receiving such reports and amend as needed.

Collective Bargaining Impact

None

Local District Responsibility

Review recommended changes and board-adopt revisions to required policy GBN/JBA (JBA/GBN) – Sexual Harassment, in the board’s policy manual.

Policy(ies) and ARs Impacted by these Revisions

GBN/JBA – Sexual Harassment, Required

JBA/GBN – Sexual Harassment, Required

REPORTING CHILD ABUSE

Summary

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency’s current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. Reports must still be submitted to DHS as directed or to a law enforcement agency.

The form found in **GBNAB/JHFE-AR(2) (JHFE/GBNAB-AR(2))** – Abuse of a Child Investigations Conducted on District Premises, is included for convenience and reference; **no updates were made.**

Collective Bargaining Impact

None

Local District Responsibility

The district should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

Policy(ies) and ARs Impacted by these Revisions

BBF – Board Member Standards of Conduct (*Version 1 or 2*), Highly Recommended
BBFC – Reporting of Suspected Abuse of a Child, Optional
GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements**, Required
GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child, Required
GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises, Highly Recommended, (no updates)
JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements**, Required
JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child, Required
JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on District Premises, Highly Recommended, (no updates)

FINGERPRINTING

Summary

Newly revised rules regarding fingerprint collection offer the addition of a statewide vendor identified by DAS as an authorized fingerprint collector and removed the option for volunteers to appeal to ODE on a fitness determination issued by ODE. The other resulting changes come from a decision to have a stand-alone board policy.

Collective Bargaining Impact

None

Local District Responsibility

Review the recommended changes and issue them to the board for re adoption. To clean up duplicate language, a new version of model policy GCDA/GDDA – Criminal Records Checks and Fingerprinting * has been developed and eliminates the need for an administrative regulation. Consider a complete delete/rescind of the old policy version and adopt the revised version to implement new policy language for GCDA/GDDA, before adopting, refer to the board’s existing version for direction on choosing brackets in the new version; make changes to reflect current practices as needed.

Policy(ies) and ARs Impacted by these Revisions

GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Delete
GCDA/GDDA – Criminal Records Checks and Fingerprinting *, Required, *New*
GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting, Delete

SPECIAL EDUCATION and ABBREVIATED SCHOOL DAY

Summary

Board policy IGBAG – Special Education – Procedural Safeguards** and administrative regulations IGBAF-AR – Special Education – Individualized Education Program (IEP)**/* and JBAA-AR – Section 504 – Students**/* are being updated.

Changes in IGBAF-AR – Special Education: Individualized Education Program (IEP)**/* and JBAA-AR – Section 504 – Students**/* are due to the passage of Senate Bill 756 (2023) which requires district employees who are assigned to work with students who are on an IEP or 504 Plan, be invited to attend the student’s IEP meeting or 504 Plan meeting. The section

of the administrative regulation (AR) “Individualized COVID-19 Recovery Services” is deleted since the provision has sunset (see OAR 581-015-2229). IGBAF-AR is also updated to include information regarding abbreviated school days.

Changes in Board policy IGBAG are due to the passage of SB 758 (2023) to add language to the Independent Educational Evaluations section stating parents are entitled to examine their student’s record pertaining to identification, evaluation and educational placement, and the provisions of a free appropriate public education (FAPE) and setting a 10 business day timeline.

The legal references to IGBAF – Special Education – Individualized Education Program (IEP**) and JBAA – Section 504 – Students** (version 1 and 2) are updated to add references to the new laws.

Collective Bargaining Impact

Consider impact of requirement that certain staff be allowed to attend IEP and 504 meetings and be compensated for attendance.

District Responsibility

Revise and readopt required Board policy IGBAG – Special Education – Procedural Safeguards**; revise required administrative regulations IGBAF-AR – Special Education – Individualized Education Program (IEP)**/* and JBAA-AR – Section 504 – Students**/* if present in the board’s policy manual. Also, update the legal references to IGBAF – Special Education – Individualized Education Program (IEP)** and JBAA – Section 504 – Students** as noted in the documents attached.

Policy(ies) and ARs Impacted by these Revisions

IGBAF – Special Education – Individualized Education Program (IEP)**, Required
IGBAF-AR – Special Education: Individualized Education Program (IEP)**/*, Required
IGBAG – Special Education – Procedural Safeguards**, Required
JBAA – Section 504 – Students**, *Version 1 and 2*, Highly Recommended
JBAA-AR – Section 504 – Students**/*, Highly Recommended

COMPULSORY ATTENDANCE AND HOMESCHOOL REQUIREMENTS

Summary

School districts are still required to monitor for nonenrollment and irregular attendance issues and to send related notices in accordance with ORS 339.080, however, as the Oregon Department of Education has recently noticed, citations for compulsory attendance are no longer issued.

However, after collaboration with their ESD about which entity will be responsible for tracking whether any students who are homeschooled have registered with the ESD or are complying with ORS 339.035, a district may choose to issue a citation. After discussion with the ESD, if the district will be responsible for tracking such students, the district may choose to add bracketed language in JEA-AR – Compulsory Attendance Notices[and Citations]**, regarding their actions concerning citations related to violation of homeschool statute (ORS 339.035) for registration and testing. A school district or ESD superintendent may issue a citation for violations of ORS 339.035. Before doing so, there must be specific notice given, as provided by law, and proposed model language is included in JEA-AR.

Additionally, a violation of compulsory attendance law is no longer a Class C violation, however violation of ORS 163.577 (1)(c) (failing to supervise a child) is still a Class A violation.

The model policy and administrative regulation have been revised and updated to reflect changes.

ODE staff anticipates some upcoming changes to the Uniform Citation Form and will communicate as soon as it is available.

Collective Bargaining Impact

None

Local District Responsibility

If the district has highly recommended policy JEA – Compulsory Attendance**, review and adopt revised and updated language resulting from changes to rules, and suggested revisions to highly recommended JEA-AR – Compulsory Attendance Notices[and Citations]** may be made and issued to the board for review.

Policy(ies) and ARs Impacted by these Revisions

JEA – Compulsory Attendance**, Highly Recommended

JEA-AR – Compulsory Attendance Notices[and Citations]**, Highly Recommended

RESTRAINT OR SECLUSION RECORD AND CORPORAL PUNISHMENT

Summary

The procedures for responding to an incident of restraint or seclusion are found in ORS 339.294 and were amended by [Senate Bill 1024](#) (2023; see Section 3 which begins on page 5 of the SB). These amended procedures are represented in the recommended changes to model administrative regulation, JGAB-AR – Use of Restraint or Seclusion** and policy JGAB – Use of Restraint or Seclusion**. There are several changes to highlight of which two are: 1) addition of immediate notice to the parent or guardian of any existing record, including audio or video, of the incident (which will be preserved in the original format without alternation), and 2) such record shall be reviewed at the debriefing meeting, to which parents shall be invited.

Additional information regarding the preservation and disclosure of such records, which have record retention and disclosure implications, are outlined in the new [SB](#), subsection 9 and 10.

The changes are a result of the adopted language from the bill and related, revised OARs recently adopted by the State Board.

A change to ORS 161.205 on issues of corporal punishment was put into effect by Senate Bill 577; also effective now.

Collective Bargaining Impact

None

Local District Responsibility

The district's responsibility is to update the current board policies and administrative regulation (AR) and comply with the new procedural requirements related to incidents of use of restraint or seclusion. The revised AR should be implemented and submitted to the board for review; recommended policy revisions should be submitted to the board for review and readoption.

Policy(ies) and ARs Impacted by these Revisions

JGA – Corporal Punishment**, Optional

JGAB – Use of Restraint or Seclusion**, Required

JGAB-AR – Use of Restraint or Seclusion**, Required

HEAD LICE (PEDICULOSIS)

Summary

Guidance on exclusion of students found with head lice has changed in recent years. There is now a consensus from other agencies, i.e., National Association of School Nursesⁱ, Center for Disease Control and Preventionⁱⁱ, Oregon School Nurses Association, which recommends against excluding students with head lice or nits from the classroom. Additionally, a rule, originally found in an Oregon Health Authority rule (OAR 333-019-0010), which allowed schools to create exclusionary practices for head lice, has since been repealed. Refer to [Communicable Disease Guidance for Schools](#) published by Oregon Health Authority and Oregon Department of Education for instructions on management.

As a result, OSBA is removing versions 1 and 2 of its model policy JHCCF – Pediculosis (Head Lice) and administrative regulations, leaving only what was a third version of the policy JHCCF – Pediculosis (Head Lice), which keeps a student in the classroom. See the *Communicable Disease Guidance for Schools* for more information.

¹ NASN – [Head Lice Management in Schools](#)

¹¹ CDC – [Head Lice Information for Schools](#)

Collective Bargaining Impact

None

Local District Responsibility

Review the district's policy regarding management of head lice, if applicable, and update or rescind.

Policy(ies) and ARs Impacted by these Revisions

JHCCF – Pediculosis (Head Lice), *Version 1*, Delete

JHCCF-AR – Pediculosis (Head Lice), *Version 1*, Delete

JHCCF – Pediculosis (Head Lice), *Version 2*, Delete

JHCCF-AR – Pediculosis (Head Lice), *Version 2*, Delete

JHCCF – Pediculosis (Head Lice), was *Version 3*, now stand-alone, Optional

PUBLIC RECORDS

Summary

The purpose of this summary is to make schools aware of some minor changes to the definition of public records under ORS 192.005, which describes any information generated by the school in course of business “necessary to satisfy the legal, administrative, fiscal, **tribal cultural** or historical policies, requirements or needs of the state agency or political subdivision.” (ORS 192.005 (5) as amended by House Bill 2112 (2023)) Other changes made in ORS 192, specifically 192.050 include updating terminology to how terms are used in today’s public operations, e.g., analog or digital audio and video tape technology changing to ***audio or video technology*** or ***audio recording and video recording***. Additionally, in ORS 192.060, any records made under ORS 192.040 and 192.050 “shall be properly indexed and **filed so as to facilitate access and retrieval.**” (ORS 192.060 as amended by House Bill 2112 (2023)) There are no policy changes resulting from this bill.

However, there are some other implications on appropriate administrative regulation (AR) language which are discussed herein under ‘district’ below.

Collective Bargaining Impact

None

Local District Responsibility

Review the district’s written procedures related to submitting public records requests. If there are separate written procedures made available which name the person or persons, and their address(es), for submitting public records requests, no modifications may be necessary. If the school operates under KBA-AR – Public Records Request, and if the AR does not name the person or persons to which a public records request should be submitted, make the addition using recommended bracketed language included herein and issue a revised AR for implementation and submit to the board for review.

Policy(ies) and ARs Impacted by these Revisions

KBA-AR – Public Records Request, Highly Recommended

ABOUT POLICY UPDATE

Policy Update is a subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts, education service districts, community colleges, and public charter schools.

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

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

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

TRY OUR ONLINE POLICY DEMO

OSBA's online policy service has a demo site for districts interested in a public online policy manual. This service saves time, resources and reams of paper. With one centrally located policy manual updated electronically, you have instant access to current district policies.

Go to policy.osba.org and select "Policy Online Demo." The online manual includes a subscription to *Policy Update* and policy manual maintenance service to help keep policies current.

OSBA offers several options. Contact Policy Services to determine the best option for you, 800-578-6722 or 503-588-2800.

8.b. Summer School Update

9. Adoption of the Consent Calendar

9.a. Minutes of the Board

9.b. Human Resources

9.b.1. Board Personnel Action

Board Agenda — July 9, 2024 — Personnel Action

Licensed Hire (s):

Allison, Rebecca	Social Studies Newport Middle
Aros, Jessie	School Psychology Intern/North Area
Basham, Katie	Literacy TOSA/TLC
Borton, Tracy	Future Bound Teacher/Taft 7-12
Brecheisen, Amie	Music Teacher/Taft 7-12
Brody, Paul	Social Studies Teacher/Taft 7-12
Burghardt, Will	PE Teacher/Newport High
Burns, Denise	Elementary Teacher/Crestview Heights
Chambers, Corrie	Social Studies Teacher/Toledo Jr-Sr
Dracup, Holly	Elementary Teacher/Crestview Heights
Duncan, Julia	Special Education Teacher/Yaquina View
Ericksen, Tera	Grade 4 Teacher/Taft Elementary
Francis, Liz	Special Education Teacher/Taft 7-12
Galarneau, Daniel	Music Teacher/Toledo Jr-Sr
Goodland, Skyanna	Math Teacher/Taft 7-12
Jimmerson, Patrick	Music Teacher/Crestview Heights
Leben, Stephanie	Language Arts Teacher/Taft 7-12
Lindsey, Breanna	Grade 6 Teacher/Toledo Elementary
Malpass, Daphne	Grade 3 Elementary/Taft Elementary
Martinez, Adam	Grade 6 Teacher/Taft Elementary
Mattson, Claire	Grade 4 Teacher/Sam Case
Mendoza, Josh	Music Teacher/Newport High-Newport Middle
Merrill, Jeanie	School Counselor/Toledo Elementary

Mobley, Melanie	Elementary Teacher/Crestview Heights
Munoz, April	Grade 1 Teacher/Yaquina View
Pearce, Jacob	CTE Teacher/Newport High
Pearson, Lauren	Grade 1 Teacher/Oceanlake
Phillips, Debbie	Elementary Teacher/Crestview Heights
Ramsay, Elida	Special Education Teacher/Taft 7-12
Regan, Francis	Speech Language Pathologist/Newport Middle
Scott, Fletcher	Speech Language Pathologist/Location TBD
Stevens, Hayden	Health/PE Teacher/Taft 7-12
Truax, Sara	PE/Health Teacher/Newport Middle
Tucker, Jake	PE Teacher/Taft 7-12
Watford, Scott	Spanish Teacher/Taft 7-12
Williams, Mychal	Health/PE Teacher/WHS

Classified Hire (s):

Hudson, Whitney	Student Support Facilitator/Crestview Heights
Martinson, Kathleen	Early Learning Site Coordinator/Toledo Jr-Sr
Kasey Postlewait	Program Assistant/Compass Center
Rube, JoBeth	Graduation Coach/Taft 7-12
Smith, Haley	Special Education Teaching Asst II/Crestview Heights
Terhune, Lianne	Special Education Teaching Asst II/Taft Elementary
Vanorder, Alex	Information & Records Clerk III/Newport High

Resignation(s):

Leake, Skylar	Customer Service Coordinator Teaching and Learning Center	Resignation 7/24/2023 – 6/30/2024
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Musick, Andrea	SIS Specialist Teaching and Learning Center	Resignation 5/3/2021 – 6/28/2024
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Resignation and Rehire(s):

Susan Van Liew	Assistant Superintendent Teaching and Learning Center	Retirement 8/27/1990 – 6/30/2024
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10. Action Items

10.a. Board

10.a.1. 24-25 Organizational Resolution

RESOLUTION 2024/25 – 1

DESIGNATION OF DISTRICT OFFICERS, CLERKS, AGENTS, AND DEPOSITORIES OF FUNDS

DISTRICT CLERKS

WHEREAS, Majalise Tolan, Superintendent of Lincoln County School District, is designated by law as Clerk/Chief Administrative Officer of said District for the 2024-2025 fiscal year;

WHEREAS, it is advisable for additional staff members to be designated as Deputy Clerk/Chief Financial Officer;

BE IT RESOLVED, that Rich Belloni and Kim Cusick are appointed as Deputy Clerks for the 2024-2025 fiscal year.

BE IT FURTHER RESOLVED, that the named Clerk and Deputy Clerks be covered in the amount of \$1,000,000 through the district's crime policy.

BUDGET OFFICER

BE IT RESOLVED, that Majalise Tolan is hereby designated to serve as Budget Officer of the Lincoln County School District for the fiscal year 2024-2025.

GRANT OFFICER

WHEREAS, grant funding may become available through Federal, State or other sources; and

WHEREAS, certain available grant funds may be deemed beneficial toward improvement of the District's educational system;

BE IT RESOLVED, that the Superintendent, and/or Deputy Clerks be named as the Local Agency Representative and shall hereby be authorized to file application(s) and execute for and on behalf of the District and otherwise act as the District's representative in all activities related to grants for the fiscal year 2024-2025.

LEGAL COUNSEL

BE IT RESOLVED, that the Hungerford Law Firm; Garrett, Hemann, Robertson pc; The Lawrence Company; Macpherson, Gintner & Diaz; and Yaquina Law; are hereby designated to serve as General Counsel for the Lincoln County School District for the fiscal year 2024-2025.

AUTHORIZATION TO FILL VACANCIES

BE IT RESOLVED, that the Superintendent or designee is hereby authorized to accept resignations and fill vacancies and report them to the Board in accordance with District Policy, for the Lincoln County School District for the fiscal year 2024-2025.

APPLICATION FOR FEDERAL IMPACT AID

BE IT RESOLVED, that Deputy Clerks are designated as the authorized representatives of the District in connection with filing for Federal Impact Aid. Public Law 874, for the Lincoln County School District for the fiscal year 2024-2025.

DISTRICT REPRESENTATIVE FOR ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA)

BE IT RESOLVED, that the Facilities Director is appointed as representative for the AHERA for the Lincoln County School District for the fiscal year 2024-2025.

AUDITOR

BE IT RESOLVED, that Pauly Rogers and Co., P.C., Certified Public Accountants, are hereby designated to serve as Auditors for the Lincoln County School District for the fiscal year 2024-2025.

AMERICANS WITH DISABILITIES ACT (ADA)

BE IT RESOLVED, that the Facilities Director and Human Resources Director are appointed as District coordinators for the Lincoln County School District for the fiscal year 2024-2025.

AGENT OF RECORD, PROPERTY INSURANCE

BE IT RESOLVED, that Brown & Brown Insurance is hereby designated to serve as Agent of Record for the Lincoln County School District for property and liability insurance for fiscal year 2024-2025.

NEWSPAPERS FOR LEGAL NOTICE

Be it resolved that The Lincoln Leader be designated as the newspaper in which legal notices will be published for fiscal year 2024-25.

TRAVEL REIMBURSEMENT RATES

BE IT RESOLVED, that in accordance with Policy DLC the mileage reimbursement rate for 2024-2025 be set at the 2024 IRS rate of 67 cents; and the meals per diem rate will be \$70.00 (\$34 for dinner, \$19.00 for lunch and \$17.00 for Breakfast). Lodging is based on the commercial or governmental, single room rate. Specifics for meal per diem and lodging are identified in Policy DLC-AR.

INVESTMENT DEPOSITORIES

WHEREAS, Lincoln County School District has statutory authority for investment of funds,

BE IT RESOLVED, that the Oregon Coast Bank and Oregon State Local Government Investment Pool are hereby approved as the official depository of Lincoln County School District funds for the 2024-2025 fiscal year:

BE IT FURTHER RESOLVED that the investment instruments as defined in ORS 294.805-294.895 are permitted for 2024-2025.

BE IT FURTHER RESOLVED, that the Clerk of the District or the Deputy Clerks, as Custodian of Funds, are authorized to establish accounts and to issue checks against such accounts bearing the original signature of the Clerk or the Deputy Clerks or the facsimile signature of the Clerk and/or the Deputy Clerks.

AUTHORIZATION TO BORROW MONEY

BE IT RESOLVED, that the Clerk or the Deputy Clerks be authorized to borrow up to \$5,000,000 within the requirements of law and District policies.

AUTHORIZATION FOR INTERFUND LOANS

WHEREAS, ORS 294.468 allows the commingling of funds and any subsequent operating loans from one fund to another fund upon receiving authority from the Board of Directors in the form of a resolution;

BE IT RESOLVED, the Board of Directors of Lincoln County School District to hereby authorize any short-term operating loans created from operations.

SIGNING OF AGREEMENTS

BE IT RESOLVED, that the Clerk and Deputy Clerks be authorized to sign contracts, conveyances or other documents on behalf of the District, within the requirements of law and District policies.

DISPOSAL OF SURPLUS PROPERTY

Be it resolved that the Deputy Clerks are hereby authorized to dispose of surplus property in accordance with Board Policy to the limit of \$25,000.

DECLARATION OF VACANCY BUDGET COMMITTEE

Be it resolved that Zone 4 be declared vacant

Org. Resolution

DESIGNATION OF LOCAL PUBLIC CONTRACT REVIEW BOARD

Be it resolved that the governing body of Lincoln County School District, the Board of Directors, be designated as the Local Public Contract Review Board for 2024-2025.

Duly passed this 9th day of July 2024 at the regular meeting of the Board of Directors of Lincoln County School District.

Board Chairperson

Clerk of the Board

Board Member:

	<u>Aye</u>	<u>Nay</u>
Peter Vince	___	___
Liz Martin	___	___
Mike Rawles	___	___
Senitila McKinley	___	___
Megan Cawley	___	___

10.a.2. Food Services Contract Renewal - Updated

This Amendment No. 01 to Contract No. 2023-24 is entered into and between the Local Educational Agency (LEA) Lincoln County School District and Food Service Management Company (FSMC) Sodexo America, LLC (herein referred to as the "Parties").

This Amendment is effective July 1, 2024 (date) and thereafter, unless otherwise amended. All other terms and conditions contained in the Base Contract shall remain unchanged and in full force and effect.

In consideration of the promises contained herein and for other goods and valuable consideration, the Parties hereto agree as follows:

The Contract is hereby amended as follows (new language is indicated by underlining and deleted language is indicated by brackets).

A. 1.3 Term of the Agreement. The initial term of this Agreement commences on July 1, 2024, and continues until June 30, 2025. This Agreement is subject to a maximum of four (4) additional one (1) year renewals upon the written consent of both parties, unless terminated earlier as provided in the General Terms and Conditions. Extensions or renewals are contingent upon the fulfillment of all Contract provisions related to USDA Foods.

B. 6.1 Billing for Fixed Price Per Meal (Fill in last year's prices along with adding new prices.)

SBP

Breakfast [~~\$4.40~~] \$4.58 per meal (2 breakfast = 1 meal)

Meal Equivalents [~~\$4.40~~] \$4.58 per meal based on \$4.86 rate

NSLP

Lunch [~~\$4.40~~] \$4.58 per meal (1 lunch = 1 meal)

Snack [~~\$4.40~~] \$4.58 per snack (3 snacks = 1 meal)

Meal Equivalents [~~\$4.40~~] \$4.58 per meal based on \$4.86 rate

SFSP

Breakfast [~~\$4.40~~] \$4.58 per meal (2 breakfast = 1 meal)

Lunch [~~\$4.40~~] \$4.58 per meal (1 lunch = 1 meal)

Snack [~~\$4.40~~] \$4.58 per snack (3 snacks = 1 meal)

Meal Equivalents [~~\$4.40~~] \$4.58 per meal based on \$4.86 rate

CACFP

Breakfast [~~\$4.40~~] \$4.58 per meal (2 breakfast = 1 meal)

Lunch [~~\$4.40~~] \$4.58 per meal (1 lunch = 1 meal)

Supper [~~\$4.40~~] \$4.58 per meal (1 supper = 1 meal)

Snack [~~\$4.40~~] \$4.58 per snack (3snacks = 1 meal)

Meal Equivalents [~~\$4.40~~] \$4.58 per meal based on \$4.86 rate

Vended Meals Programs (if offered)

Breakfast [~~\$4.40~~] \$4.58 per meal (2 breakfasts = 1 meal)

Lunch [~~\$4.40~~] \$4.58 per meal (1 lunch = 1 meal)

Snack [~~\$4.40~~] \$4.58 per meal (3 snacks = 1 meal)

Meal Equivalents [~~\$4.40~~] \$4.58 per meal based on \$4.86 rate

FFVP

Serving [~~\$4.40~~] \$4.58 per student

C.2.2 Responsibilities of FSMC.

L. The FSMC agrees to use all other donated foods, or will use commercially purchased foods of the same generic identity, of U.S. origin, and of equal or better quality than the donated foods as specified in 7 CFR Part 250.53.

N. The FSMC agrees to provide the LEA with food cost data needed to determine its compliance with the revenue from nonprogram foods in accordance with 7 CFR 210.14(f) and USDA Memo SP 20-2016.

D. 7.1 Compliance with Law.

A. Assurances. The FSMC agrees that it will comply with:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
- Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);
- Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189);
- Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000);
- All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.);
- Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3);
- Food and Nutrition Service (FNS) directives and guidelines to the effect that, no person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the Program applicant receives Federal financial assistance from USDA; and hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement
- The USDA non-discrimination statement that in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs)

B. Purpose. This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food,

and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

- C. Recordkeeping. By accepting this assurance, the FSMC agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the FSMC, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the FSMC.

Nondiscrimination. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Except as expressly amended above, all other terms and conditions of original Contract are still in full force and effect. FSMC certifies that the representations, warranties, and certification contained in the original Contract are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

Sodexo. America, LLC

Authorized
Signature:

Title:

Date:

Print
Signature

Signature

Lincoln County School District:

Attachment A: MINIMUM FOOD SPECIFICATIONS

Summer Food Service Program Meal Pattern

Food Components	Breakfast	Lunch or Supper	Snack ¹ (Choose two of the four)
Milk			
• Milk, fluid	1 cup (8 fl oz) ²	1 cup (8 fl oz) ³	1 cup (8 fl oz) ²
Vegetables and/or Fruits			
• Vegetable(s) and/or fruit(s), or full-strength vegetable or fruit juice	½ cup	¾ cup total ⁴	¾ cup
• An equivalent quantity of any combination of vegetables(s), fruit(s), and juice	½ cup (4 fl oz)		¾ cup (6 fl oz)
Grains and Breads⁵			
• Bread	1 slice	1 slice	1 slice
• Cornbread, biscuits, rolls, muffins, etc.	1 serving	1 serving	1 serving
• Cold dry cereal	¾ cup or 1 oz ⁶		¾ cup or 1 oz ⁶
• Cooked pasta or noodle product	½ cup	½ cup	½ cup
• Cooked cereal or cereal grains or an equivalent quantity of any combination of grains/breads	½ cup	½ cup	½ cup
Meat and Meat Alternates (Optional)			
• Lean meat or poultry or fish or alternate protein product ⁷	1 oz	2 oz	1 oz
• Cheese	1 oz	2 oz	1 oz
• Eggs	½ large egg	1 large egg	½ large egg
• Cooked dry beans or peas	¼ cup	½ cup	¼ cup
• Peanut butter or soynut butter or other nut or seed butters	2 tbsp	4 tbsp	2 tbsp
• Peanuts or soynuts or tree nuts or seeds, or yogurt, plain or sweetened and flavored	1 oz	1 oz= 50% ⁸	1 oz
• An equivalent quantity of any combination of the above meat/meat alternates	4 oz or ½ cup	8 oz or 1 cup	4 oz or ½ cup

For the purpose of this table, a cup means a standard measuring cup.

¹ Serve two food items. Each food item must be from a different food component. Juice may not be served when milk is served as the only other component.

² Shall be served as a beverage, or on cereal, or use part of it for each purpose.

³ Shall be served as a beverage.

⁴ Serve two or more kinds of vegetable(s) and or fruit(s) or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

⁵ All grain/bread items must be enriched or whole grain, made from enriched or whole-grain meal or flour, or if it is a cereal, the product must be whole-grain, enriched or fortified. Bran and germ are credited the same as enriched or whole grain meal or flour.

⁶ Either volume (cup) or weight (oz) whichever is less.

⁷ Must meet the requirements in Appendix A of the SFSP regulations.

⁸ No more than 50 percent of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. When determining combinations, 1 oz of nuts or seeds is equal to 1 oz of cooked lean meat, poultry, or fish.

Attachment A (continued): MINIMUM FOOD SPECIFICATIONS

**Infant Meal Pattern Requirements
Child and Adult Care Food Program
EFFECTIVE OCTOBER 1, 2021**

- Infants should be fed on demand when they show hunger signals
- Sponsors must offer to at least one reimbursable iron-fortified infant formula (IFIF)
- The tables below list minimum serving sizes to meet meal pattern requirements

Abbreviations: Fl. oz. = Fluid Ounces Oz. eq. = Ounce Equivalent Oz. = Ounce (weight) Tbsp. = Tablespoon

Breakfast, Lunch, and Supper:

Food Components and Food Items	Birth – 5 Months	6 – 11 Months
Breast Milk¹ or Iron-Fortified Infant Formula (IFIF)^{1,2}	4-6 fl. oz.	6-8 fl. oz.
Fruit or Vegetable^{3,4} or a combination of both		0-2 Tbsp.
Iron-Fortified Infant Cereal (IFIC)^{5,6} or Meat/Meat Alternates (M/MA)³ , including Meat, fish, poultry, whole eggs, cooked beans/peas, or Cheese, or Cottage Cheese, or Yogurt ⁷		0 – ½ oz. eq. (0-4 Tbsp.) 0-4 Tbsp. 0-2 oz. 0-4 oz. or ½ cup 0-4 oz. or ½ cup

Note: Iron-Fortified Infant Cereal (IFIC) is the only Grain item that is allowed at Breakfast, Lunch, and Supper. Infants that do not consume IFIC can be served a M/MA item instead.

Snack:

Food Components and Food Items	Birth – 5 Months	6 – 11 Months
Breast Milk¹ or Iron-Fortified Infant Formula (IFIF)^{1,2}	4-6 fl. oz.	2-4 fl. oz.
Fruit or Vegetable^{3,4} or a combination of both		0-2 Tbsp.
Iron-Fortified Infant Cereal (IFIC)^{5,6} or Breads, Crackers, or Ready-to-Eat (RTE) Cereals^{5,6,8} Bread, Tortilla, or Biscuit, or Waffle, Pancake, or English Muffin, or Savory Crackers, or Sweet Crackers, or RTE Cereals, Flakes or Rounds ⁹ , or RTE Cereals, Puffs ⁹		0 – ½ oz. eq. (0-4 Tbsp.) 0 – ½ oz. eq. 14 grams 17 grams 6 grams 7 grams 7 grams or 4 Tbsp. or ¼ cup 7 grams or 5 Tbsp. or ⅓ cup

Note: Breads, crackers, and RTE cereals are only allowed at Snack. M/MAs can be served as a bonus item only.

¹ Breast milk or IFIF, or portions of both must be served. Serving breast milk, when available, is considered a best practice for infants from birth through 11 months.

² All infant formula must be FDA-regulated and iron-fortified with 1 mg of iron or more per 100 calories of formula.

³ A serving of this component is required once an infant is developmentally ready for solid foods. A combination of different food items within the component is allowed.

⁴ Fruit and vegetable juices, including 100% juices, are not allowed for infants.

⁵ All infant cereal must be iron-fortified (IFIC).

⁶ Grains must be one of the following: enriched meal/flour or whole grain-rich. Ounce equivalent serving sizes will be used to determine the quantity of creditable grains starting October 1, 2021. One ounce equivalent serving size is equal to one serving size. For more sample serving sizes on creditable infant Grains, refer to the [Feeding Infants Using Ounce Equivalents for Grains Worksheet](#).

⁷Yogurt must contain no more than 23 grams of total sugars per 6 ounces. Refer to the Yogurt Sugar Limit Wallet Card.

⁸Grain-based desserts do not count towards meeting the Grains component requirement.

⁹Breakfast cereals must be whole grain-rich, fortified, or enriched, and contain no more than 6 grams of sugar per dry ounce (no more than 21 grams Total Sugars per 100 grams of dry cereal). Refer to the Cereal Sugar Limit Wallet Card and the WIC Cereal List.

Additional Resources: [Feeding Infants in the Child and Adult Care Food Program \(USDA\)](#)

CACFP Meals for Children 1 - 18 years

Child and Adult Care Food Program

EFFECTIVE OCTOBER 1, 2021

Breakfast¹: Serve all 3 components for a reimbursable Breakfast²

Food Components and Food Items	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ³
Fluid Milk⁴	4 fl oz (½ cup)	6 fl oz (¾ cup)	8 fl oz (1 cup)	8 fl oz (1 cup)
Vegetables, Fruits, or portions of both⁵	¼ cup	½ cup	½ cup	½ cup
Grains⁶, using ounce equivalent (oz. eq.)⁷	½ oz. eq.	½ oz. eq.	1 oz. eq.	1 oz. eq.
Bread, Biscuit, or Roll	14 grams	14 grams	28 grams	28 grams
Waffle, Pancake, Croissant	17 grams	17 grams	34 grams	34 grams
Oatmeal and other cooked cereal grains ⁸	¼ cup cooked	¼ cup cooked	½ cup cooked	½ cup cooked
Cereal, Ready-to-Eat Flakes or Rounds ⁸	½ cup	½ cup	1 cup	1 cup
Cereal, Ready-to-Eat Granola ⁸	⅛ cup	⅛ cup	¼ cup	¼ cup
Cereal, Ready-to-eat Puffed ⁸	¾ cup	¾ cup	1 ¼ cup	1 ¼ cup

Snack¹: Select 2 of the 5 components for a reimbursable snack⁹

Food Components and Food Items	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ³
Fluid Milk⁴	4 fl oz (½ cup)	6 fl oz (¾ cup)	8 fl oz (1 cup)	8 fl oz (1 cup)
Meat or Meat Alternate (M/MA)	½ oz. eq.	½ oz. eq.	1 oz. eq.	1 oz. eq.
Cheese	½ oz.	½ oz.	1 oz.	1 oz.
Peanut butter or other nut/seed butters	1 Tbsp.	1 Tbsp.	2 Tbsp.	2 Tbsp.
Yogurt (including soy yogurt) ¹⁰	2 oz. (¼ cup)	2 oz. (¼ cup)	4 oz. (½ cup)	4 oz. (½ cup)
Vegetables⁵	½ cup	½ cup	¾ cup	¾ cup
Fruits⁵	½ cup	½ cup	¾ cup	¾ cup
Grains⁶, using ounce equivalent (oz. eq.)⁷	½ oz. eq.	½ oz. eq.	1 oz. eq.	1 oz. eq.
Bread, Biscuit, or Roll	14 grams	14 grams	28 grams	28 grams
Cracker, Graham (about 5" by 2½")	14 grams/ 1 cracker	14 grams/ 1 cracker	28 grams/ 2 crackers	28 grams/ 2 crackers
Crackers (various)	11 grams	11 grams	22 grams	22 grams

Lunch or Supper¹: Serve all 5 components for a reimbursable Lunch or Supper¹¹

Food Components and Food Items	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ³
Fluid Milk⁴	4 fl oz (½ cup)	6 fl oz (¾ cup)	8 fl oz (1 cup)	8 fl oz (1 cup)
Meat or Meat Alternate (M/MA)	1 oz. eq.	1 ½ oz. eq.	2 oz. eq.	2 oz. eq.

Lean meat, poultry, or fish	1 oz. eq.	1 ½ oz. eq.	2 oz. eq.	2 oz. eq.
Tofu ¹²	2.2 oz. or ¼ c	3.3 oz. or ⅜ c	4.4 oz. or ½ c	4.4 oz. or ½ c
Cheese	1 oz.	1 ½ oz.	2 oz.	2 oz.
Large egg	½ egg	¾ egg	1 egg	1 egg
Cooked dry beans/peas	¼ cup	⅜ cup	½ cup	½ cup
Peanut butter or other nut/seed butters	2 Tbsp.	3 Tbsp.	4 Tbsp.	4 Tbsp.
Peanuts, soy nuts, tree nuts, or seeds (may only credit up to 50% M/MA)	½ oz. = 50%	¾ oz. = 50%	1 oz. = 50%	1 oz. – 50%
Vegetables^{5, 13, 14}	⅛ cup	¼ cup	½ cup	½ cup
Fruits⁵	⅛ cup	¼ cup	¼ cup	¼ cup
Grains⁶, using ounce equivalent (oz. eq.)⁷	½ oz. eq.	½ oz. eq.	1 oz. eq.	1 oz. eq.
Bread, Biscuit, or Roll	14 grams	14 grams	28 grams	28 grams
Pasta, Rice, or Grits	14 grams dry/ ¼ cup cooked	14 grams dry/ ¼ cup cooked	28 grams dry/ ½ cup cooked	28 grams dry/ ½ cup cooked
Tortilla, Soft, Flour or Corn	14 grams	14 grams	28 grams	28 grams

CACFP Meals for Children 1-18 Years

- ¹ Water must be offered to children throughout the day. Water is not part of a reimbursable meal and may not be served instead of fluid milk.
- ² All three components must be served for a reimbursable breakfast. Meat and Meat Alternates (M/MA) may be used to meet the entire grains component requirement a maximum of three times a week at breakfast. One ounce equivalent of M/MA is equal to one ounce equivalent of Grains. [Offer Versus Serve](#) is an option only for At-Risk Afterschool Sponsors.
- ³ Larger portion sizes than specified may need to be served to children ages 13 through 18 years old to meet their nutritional needs.
- ⁴ [Milk type served](#) must be unflavored whole milk for children one year of age (12-23 months). Milk must be unflavored low-fat (1%) or unflavored fat-free (skim) for children 2-5 years of age. Milk must be unflavored low-fat (1%) or fat-free (skim) milk or flavored fat-free (skim) milk for children 6 years old and older.
- ⁵ Pasteurized 100% juice may only be used to meet the vegetable or fruit requirement one time per day.
- ⁶ At least one serving of grains per day must be whole-grain rich across all meals and snacks served at each site. [Grain-based desserts](#) do not count towards meeting the Grains component requirement.
- ⁷ Ounce equivalent serving sizes will be used to determine the quantity of creditable grains starting October 1, 2021. One ounce equivalent serving size is equal to one serving size. See [Exhibit A](#) for comparisons between the previous serving sizes and ounce equivalents. For more sample serving sizes and an explanation of ounce equivalent measurements, refer to the '[Using Ounce Equivalents for Grains in the CACFP Worksheet.](#)'
- ⁸ Breakfast cereals must be whole grain-rich, fortified, or enriched, and contain no more than 6 grams of sugar per dry ounce (no more than 21 grams Total Sugars per 100 grams of dry cereal). Refer to the Cereal Sugar Limit Wallet Card and the WIC Cereal List.
- ⁹ Only one of the two required components for snack may be a beverage. Offer versus serve is not an option for snack.
- ¹⁰ Yogurt must contain no more than 23 grams of total sugars per 6 ounces. Refer to the Yogurt Sugar Limit Wallet Card.
- ¹¹ All five components must be served for a reimbursable lunch and/or supper. [Offer Versus Serve](#) is an option only for At- Risk Afterschool Sponsors.
- ¹² Tofu must contain at least 5 grams of protein for every 2.2 oz (¼ cup) serving.
- ¹³ Lunch and supper must include one Fruit and one Vegetable OR two Vegetables. When two Vegetables are served, two different kinds of vegetables must be served.
- ¹⁴ Leafy greens, such as lettuce or spinach, only credit for half of the volume served. ½ cup of spinach will credit for ¼ cup of Vegetables.

Attachment A (continued): MINIMUM FOOD SPECIFICATIONS
CACFP Meals for Adults in Care

Child and Adult Care Food Program

EFFECTIVE OCTOBER 1, 2021

Breakfast: Serve all 3 components for a reimbursable Breakfast¹

Food Components and Food Items	Minimum Serving Sizes
Fluid Milk²	8 fl. oz. (1 cup)
Vegetables, Fruits, or portions of both³	½ cup
Grains⁴, using ounce equivalent (oz. eq.)⁵	2 oz. eq.
Bread, Biscuit, or Roll	56 grams
Waffle, Pancake, Croissant	68 grams
Oatmeal and other cooked cereal grains ⁶	1 cup cooked
Cereal, Ready-to-Eat Flakes or Rounds ⁶	2 cups
Cereal, Ready-to-Eat Granola ⁶	½ cup
Cereal, Ready-to-eat Puffed ⁶	2 ½ cups

Snack: Select 2 of the 5 components for a reimbursable snack⁷

Food Components and Food Items	Minimum Serving Sizes
Fluid Milk²	8 fl. oz. (1 cup)
Meat or Meat Alternate (M/MA)	1 oz. eq.
Cheese	1 oz.
Cottage Cheese	2 oz. or ¼ cup
Peanut butter or other nut/seed butters	2 Tbsp.
Yogurt (including soy yogurt) ⁸	4 oz. (½ cup)
Vegetables³	½ cup
Fruits³	½ cup
Grains⁴, using ounce equivalent (oz. eq.)⁵	1 oz. eq.
Bread, Biscuit, or Roll	28 grams
Cracker, Graham (about 5" by 2½")	28 grams/ 2 crackers
Crackers (various)	22 grams

Lunch or Supper: Serve all 5 components for a reimbursable Lunch or Supper⁹

Food Components and Food Items	Minimum Serving Sizes
Fluid Milk^{2,10}	8 fl. oz. (1 cup)
Meat or Meat Alternate (M/MA)	2 oz. eq.
Lean meat, poultry, or fish	2 oz. eq.
Tofu ¹¹	4.4 oz. or ½ c
Cheese	2 oz.
Large egg	1 egg
Cooked dry beans/peas	½ cup
Peanut butter or other nut/seed butters	4 Tbsp.

Peanuts, soy nuts, tree nuts, or seeds (may only credit up to 50% M/MA)	1 oz. – 50%
Vegetables^{3, 12, 13}	½ cup
Fruits³	½ cup
Grains⁴, using ounce equivalent (oz. eq.)⁵	2 oz. eq.
Bread, Biscuit, or Roll	56 grams
Pasta, Rice, or Grits	56 grams dry/1 cup cooked
Tortilla, Soft, Flour or Corn	56 grams

CACFP Meals for Adults

- ¹ All three components must be served for a reimbursable breakfast. Meat and Meat Alternates (M/MA) may be used to meet the entire grains component requirement a maximum of three times a week at breakfast. One ounce equivalent of M/MA is equal to one ounce equivalent of Grains. [Offer Versus Serve](#) is an option.
- ² [Milk type served](#) must be unflavored low-fat (1%) or fat-free (skim) milk, or flavored fat-free (skim) milk for adult participants. For adult CACFP participants, 6 ounces (weight) or $\frac{3}{4}$ cup (volume) yogurt may be used to meet the equivalent of 8 ounces fluid milk once per day when yogurt is not served as a meat alternate in the same meal. Water is recommended at meals or snacks when yogurt is substituted for milk. Refer to the ODE [CNP Meal Accommodations and Modifications](#) page for more information on Nutritionally Equivalent Milk Substitutes and Medically-Required Accommodations.
- ³ Pasteurized 100% juice may only be used to meet the vegetable or fruit requirement one time per day.
- ⁴ At least one serving of grains per day must be whole-grain rich across all meals and snacks served at each site. [Grain-based desserts](#) do not count towards meeting the Grains component requirement.
- ⁵ Ounce equivalent serving sizes will be used to determine the quantity of creditable grains starting October 1, 2021. One ounce equivalent serving size is equal to one serving size. See [Exhibit A](#) for comparisons between the previous serving sizes and ounce equivalents. For more sample serving sizes and an explanation of ounce equivalent measurements, refer to the '[Using Ounce Equivalents for Grains in the CACFP Worksheet.](#)'
- ⁶ Breakfast cereals must be whole grain-rich, fortified, or enriched, and contain no more than 6 grams of sugar per dry ounce (no more than 21 grams Total Sugars per 100 grams of dry cereal). Refer to the Cereal Sugar Limit Wallet Card and the WIC Cereal List.
- ⁷ Only one of the two required components for snack may be a beverage. Offer versus serve is not an option for snack. ⁸ Yogurt must contain no more than 23 grams of total sugars per 6 ounces. Refer to the Yogurt Sugar Limit Wallet Card. ⁹ All five components must be served for a reimbursable lunch and/or supper. [Offer Versus Serve](#) is an option.
- ¹⁰ Fluid milk is optional at supper only for adult participants.
- ¹¹ Tofu must contain at least 5 grams of protein for every 2.2 oz ($\frac{1}{4}$ cup) serving.
- ¹² Lunch and supper must include one Fruit and one Vegetable OR two Vegetables. When two Vegetables are served, two different kinds of vegetables must be served.
- ¹³ Leafy greens, such as lettuce or spinach, only credit for half of the volume served. $\frac{1}{2}$ cup of spinach will credit for $\frac{1}{4}$ cup of Vegetables.

Grain Requirements For Child Nutrition Programs^{1, 2}

Color Key: Footnote 5 = Blue, Footnote 3 or 4 = Red

Group A	Ounce Equivalent (oz eq) for Group A	Minimum Serving Size for Group A
Bread type coating Bread sticks (hard) Chow Mein noodles Savory Crackers (saltines and snack crackers) Croutons Pretzels (hard) Stuffing (dry) <i>Note: weights apply to bread in stuffing</i>	1 oz eq = 22 gm or 0.8 oz 3/4 oz eq = 17 gm or 0.6 oz 1/2 oz eq = 11 gm or 0.4 oz 1/4 oz eq = 6 gm or 0.2 oz	1 serving = 20 gm or 0.7 oz 3/4 serving = 15 gm or 0.5 oz 1/2 serving = 10 gm or 0.4 oz 1/4 serving = 5 gm or 0.2 oz
Group B	Ounce Equivalent (oz eq) for Group B	Minimum Serving Size for Group B
Bagels Batter type coating Biscuits Breads - all (for example sliced, French, Italian) Buns (hamburger and hot dog) Sweet Crackers ⁵ (graham crackers - all shapes, animal crackers) Egg roll skins English muffins Pita bread Pizza crust Pretzels (soft) Rolls Tortillas Tortillachips Taco shells	1 oz eq = 28 gm or 1.0 oz 3/4 oz eq = 21 gm or 0.75 oz 1/2 oz eq = 14 gm or 0.5 oz 1/4 oz eq = 7 gm or 0.25	1 serving = 25 gm or 0.9 oz 3/4 serving = 19 gm or 0.7 oz 1/2 serving = 13 gm or 0.5 oz 1/4 serving = 6 gm or 0.2 oz
Group C	Ounce Equivalent (oz eq) for Group C	Minimum Serving Size for Group C
Cookies ³ (plain - includes vanilla wafers) Cornbread Corn muffins Croissants Pancakes Pie crust (dessert pies ³ , cobbler ³ , fruit turnovers ⁴ , and meats/meat alternate pies) Waffles	1 oz eq = 34 gm or 1.2 oz 3/4 oz eq = 26 gm or 0.9 oz 1/2 oz eq = 17 gm or 0.6 oz 1/4 oz eq = 9 gm or 0.3 oz	1 serving = 31 gm or 1.1 oz 3/4 serving = 23 gm or 0.8 oz 1/2 serving = 16 gm or 0.6 oz 1/4 serving = 8 gm or 0.3 oz
Group D	Ounce Equivalent (oz eq) for Group D	Minimum Serving Size for Group D
Doughnuts ⁴ (cake and yeast raised, unfrosted) Cereal bars, breakfast bars, granola bars ⁴ (plain) Muffins (all, except corn) Sweet roll ⁴ (unfrosted) Toaster pastry ⁴ (unfrosted)	1 oz eq = 55 gm or 2.0 oz 3/4 oz eq = 42 gm or 1.5 oz 1/2 oz eq = 28 gm or 1.0 oz 1/4 oz eq = 14 gm or 0.5 oz	1 serving = 50 gm or 1.8 oz 3/4 serving = 38 gm or 1.3 oz 1/2 serving = 25 gm or 0.9 oz 1/4 serving = 13 gm or 0.5 oz

¹ In the NSLP and SBP (grades K-12), at least half of the weekly grains offered must meet the whole grain-rich criteria and the remaining grain items offered must be made from whole-grain flour, whole-grain meal, corn masa, masa harina, hominy, enriched flour, enriched meal, bran, germ, or be an enriched product, such as enriched bread, or a fortified cereal. Please note: State agencies have the discretion to set stricter requirements than the minimum nutrition standards for school meals. For additional guidance, please contact your State agency. For all other Child Nutrition Programs, grains must be made from whole-grain flour, whole-grain meal, corn masa, masa harina, hominy, enriched flour, enriched meal, bran, germ, or be an enriched product, such as enriched bread, or a fortified cereal. Under the CACFP child and adult meal patterns, and in the NSLP/SBP preschool meals, at least one grain serving per day must meet whole grain-rich criteria.

² For the NSLP and SBP (grades K-12), grain quantities are determined using ounce equivalents (oz eq). All other Child Nutrition Programs determine grain quantities using grains/breads servings. Beginning Oct. 1, 2021, grain quantities in the CACFP and NSLP/SBP infant and preschool meals will be determined using oz eq. Some of the following grains may contain more sugar, salt, and/or fat than others. This should be a consideration when deciding how often to serve them.

3 Allowed in NSLP (up to 2.0 oz eq grain-based dessert per week in grades K-12) as specified in §210.10 and at snack service in SFSP. Considered a grain-based dessert and cannot count towards the grain's component in CACFP or NSLP/SBP infant and preschool meals as specified in §§226.20(a)(4) and 210.10.

4 Allowable in NSLP (up to 2.0 oz eq grain-based dessert per week for grades K-12) as specified in §210.10. May count towards the grains component in SBP (grades K-12) and at snack and breakfast meals in SFSP. Considered a grain-based dessert and cannot count towards the grains component in the CACFP and NSLP/SBP infant and preschool meals as specified in §§226.20(a)(4) and 210.10.

5 Allowed in NSLP (up to 2.0 oz eq grain-based dessert per week in grades K-12) as specified in §210.10. May count toward the grains component in the SBP (grades K-12), CACFP, NSLP/SBP infant and preschool meals, and SFSP.

Group E	Ounce Equivalent (oz eq) for Group E	Minimum Serving Size for Group E
Cereal bars, breakfast bars, granola bars ⁴ (with nuts, dried fruit, and/or chocolate pieces) Cookies ³ (with nuts, raisins, chocolate pieces and/or fruit purees) Doughnuts ⁴ (cake and yeast raised, frosted or glazed) French toast Sweet rolls ⁴ (frosted) Toaster pastry ⁴ (frosted)	1 oz eq = 69 gm or 2.4 oz 3/4 oz eq = 52 gm or 1.8 oz 1/2 oz eq = 35 gm or 1.2 oz 1/4 oz eq = 18 gm or 0.6 oz	1 serving = 63 gm or 2.2 oz 3/4 serving = 47 gm or 1.7 oz 1/2 serving = 31 gm or 1.1 oz 1/4 serving = 16 gm or 0.6 oz
Group F	Ounce Equivalent (oz eq) for Group F	Minimum Serving Size for Group F
Cake ³ (plain, unfrosted) Coffee cake ⁴	1 oz eq = 82 gm or 2.9 oz 3/4 oz eq = 62 gm or 2.2 oz 1/2 oz eq = 41 gm or 1.5 oz 1/4 oz eq = 21 gm or 0.7 oz	1 serving = 75 gm or 2.7 oz 3/4 serving = 56 gm or 2 oz 1/2 serving = 38 gm or 1.3 oz 1/4 serving = 19 gm or 0.7 oz
Group G	Ounce Equivalent (oz eq) for Group G	Minimum Serving Size for Group G
Brownies ³ (plain) Cake ³ (all varieties, frosted)	1 oz eq = 125 gm or 4.4 oz 3/4 oz eq = 94 gm or 3.3 oz 1/2 oz eq = 63 gm or 2.2 oz 1/4 oz eq = 32 gm or 1.1 oz	1 serving = 115 gm or 4 oz 3/4 serving = 86 gm or 3 oz 1/2 serving = 58 gm or 2 oz 1/4 serving = 29 gm or 1 oz
Group H	Ounce Equivalent (oz eq) for Group H	Minimum Serving Size for Group H
Cereal Grains (barley, quinoa, etc.) Breakfast cereals (cooked) ^{6,7} Bulgur or cracked wheat Macaroni (all shapes) Noodles (all varieties) Pasta (all shapes) Ravioli (noodle only) Rice	1 oz eq = 1/2 cup cooked or 1 ounce (28 gm) dry	1 serving = 1/2 cup cooked or 25 gm dry
Group I	Ounce Equivalent (oz eq) for Group I	Minimum Serving Size for Group I
Ready to eat breakfast cereal (cold, dry) ^{6,7}	1 oz eq = 1 cup or 1 ounce for flakes and rounds 1 oz eq = 1.25 cups or 1 ounce for puffed cereal 1 oz eq = 1/4 cup or 1 ounce for granola	1 serving = 3/4 cup or 1 oz, whichever is less

3 Allowed in NSLP (up to 2.0 oz eq grain-based dessert per week in grades K-12) as specified in §210.10 and at snack service in SFSP. Considered a grain-based dessert and cannot count towards the grain's component in CACFP or NSLP/SBP infant and preschool meals as specified in §§226.20(a)(4) and 210.10.

4 Allowable in NSLP (up to 2.0 oz eq grain-based dessert per week for grades K-12) as specified in §210.10. May count towards the grains component in SBP (grades K-12) and at snack and breakfast meals in SFSP. Considered a grain-based dessert and cannot count towards the grains component in the CACFP and NSLP/SBP infant and preschool meals as specified in §§226.20(a)(4) and 210.10.

6 Refer to program regulations for the appropriate serving size for supplements served to children aged 1 through 5 in the NSLP; breakfast served in the SBP, and meals served to children ages 1 through 5 and adult participants in the CACFP. Breakfast cereals are traditionally served as a breakfast menu item but may be served in meals other than breakfast.

7 In the NSLP and SBP, cereals that list a whole grain as the first ingredient must be fortified, or if the cereal is 100 percent whole grain, fortification is not required. For all Child Nutrition Programs, cereals must be whole-grain, enriched, or fortified; cereals served in CACFP and NSLP/SBP infant and preschool meals must contain no more than 6 grams of sugar per dry ounce.

ATTACHMENT B
Certificate of Independent Price Determination

Both the Local Educational Agency (LEA) and Food Service Management Company (offeror) shall execute this Certificate of Independent Price Determination.

Sodexo America, LLC Lincoln County School District
NAME OF FOOD SERVICE MANAGEMENT COMPANY NAME OF LOCAL EDUCATIONAL AGENCY

- (A) By submission of this offer, the offeror certifies, and in the case of a joint offer, each party thereto certifies as to its own organization, that in connection with this procurement:
- (1) The prices in this offer have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competitor;
 - (2) Unless otherwise required by law, the prices which have been quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other offeror or to any competitor; and
 - (3) No attempt has been made or will be made by the offeror to induce any person or firm to submit or not to submit, an offer for the purpose of restricting competition.
- (B) Each person signing this offer on behalf of the Food Service Management Company certifies that:
- (1) He or she is the person in the offeror's organization responsible within the organization for the decision as to the prices being offered herein and has not participated, and will not participate, in any action contrary to (A)(1) through (A)(3) above; or
 - (2) He or she is not the person in other offeror's organization responsible within the organization for the decision as to the prices being offered herein, but that he or she has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated and will not participate, in any action contrary to (A)(1) through (A)(3) above, and as their agent does hereby so certify; and he or she has not participated, and will not participate, in any action contrary to (A)(1) through (A)(3) above.

To the best of my knowledge, this Food Service Management Company, its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last three years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

SIGNATURE OF FSMC AUTHORIZED REPRESENTATIVE TITLE DATE

In accepting this offer, the LEA certifies that no representative of the LEA has taken any action that may have jeopardized the independence of the offer referred to above.

SIGNATURE OF LEA AUTHORIZED REPRESENTATIVE TITLE DATE

ATTACHMENT C

Clean Air and Water Certificate

NOTE: This certificate must be completed for all new and renewal contract years when the contract exceeds \$100,000.

Applicable if the contract exceeds \$100,000 or the Contracting Officer has determined that the orders under an indefinite quantity contract in any one year will exceed \$100,000 or a facility to be used has been the subject of a conviction under the Clean Air Act (41 U.S.C. 1857c-8(c)(1) or the Federal Water Pollution Control Act 33 1319(d) and is listed by EPA or the contract is not otherwise exempt. Both the Local Educational Agency (LEA) and Food Service Management Company (offeror) shall execute this Certificate.

Sodexo America, LLC

Lincoln County School District

NAME OF FOOD SERVICE MANAGEMENT COMPANY NAME OF LOCAL EDUCATIONAL AGENCY

THE FOOD SERVICE MANAGEMENT COMPANY AGREES AS FOLLOWS:

- A. To comply with all the requirements of Section 114 of the Clean Air Act, as amended (41 U.S.C. 1857, et seq., as amended by Public Law 91-604) and Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq., as amended by Public Law 92-500), respectively, relating to inspection, monitoring, entry, reports and information as well as other requirements specified in Section 114 and Section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the award of this contract.
- B. That no portion of the work required by this prime contract will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this contract was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing.
- C. To use his/her best efforts to comply with clean air standards and clean water standards at the facilities in which the contract is being performed.
- D. To insert the substance of the provisions of this clause in any nonexempt subcontract, including this paragraph.

THE TERMS IN THIS CLAUSE HAVE THE FOLLOWING MEANINGS:

- A. The term "Air Act" means the Clean Air Act, as amended (41 U.S.C. 1957 et seq., as amended by Public Law 91-604).
- B. The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-500).
- C. The term "Clean Air Standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the Clean Air Act (42 U.S.C. 1957c-5(d)), an approved implementation procedure or plan under Section 111(c) or Section 111(d), respectively, of the Air Act (42 U.S.C. 1857c-6(c) or (d)), or approved implementation procedure under Section 112(d) of the Air Act (42 U.S.C. 1857c-7(d)).

- D. The term "Clean Air Standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by Section 402 of the Water Act (33 U.S.C. 1342) or by local government to ensure compliance with pretreatment regulations as required by Section 307 of the Water Act (33 U.S.C. 1317).
- E. The term "Compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or an Air or Water Pollution Control Agency in accordance with the requirements of the Air Act or Water Act and regulations issued pursuant thereto.
- F. The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location or sites of operations, owned, leased or supervised by the Food Service Management Company.

SIGNATURE/TITLE OF FSMC AUTHORIZED REPRESENTATIVE DATE

SIGNATURE/TITLE OF LEA AUTHORIZED REPRESENTATIVE DATE

ATTACHMENT D
Certification Regarding Lobbying Disclosure of Lobbying Activities
(Complete the form that is applicable.)

NOTE: This certificate must be completed for all new and renewal contract years when the contract exceeds \$100,000.

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal Funds.

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding \$100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

Sodexo America, LLC

Name/Address of Organization

Name/Title of Submitting Official

Signature

Date

ATTACHMENT D (Continued)
DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

1. Type of Federal Action: _____

- a. contract
- b. grant
- c. cooperative agreement
- d. loan
- e. loan guarantee
- f. loan insurance

2. Status of Federal Action: _____

- a. bid/offer/application
- b. initial award
- c. post-award

3. Report Type: _____

- a. initial filing
- b. material change

For Material Change Only:

Year _____
 Quarter _____
 Date of Last Report _____

4. Name and Address of Reporting Entity:

_____Prime _____Subawardee Tier _____, if known:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, if known:

Congressional District, if known:

6. Federal Department/Agency:

7. Federal Program Name/Description:

8. Federal Action Number, if known:

CFDA Number, if applicable: _____

9. Award Amount, if known:

\$ _____

10a. Name and Address of Lobbying Entity:

(if individual, last name, first name, middle)

10b. Individuals Performing Services (include address if different from 10a.)

(last name, first name, middle)

11. Amount of Payment (check all that apply):

\$ _____

____Actual____Planned

12. Type of payment (check all that apply):

- ____ a. retainer
- ____ b. one-time fee
- ____ c. commission
- ____ d. contingent fee
- ____ e. deferred
- ____ f. other; specify: _____

13. Form of Payment (check all that apply):

- ____ a. cash
- ____ b. in-kind; specify:
 Nature _____
 Actual _____

14. Continuation Sheet(s) SF-LLL-A Attached:

Yes _____(Number _____)
 No _____

15. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or member(s) contracted for Payment indicated in Item 11:

Attach Continuation Sheet(s) SF-LLL-A (if necessary)

16. Information requested through this form is authorized by Title 31

U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone: _____

Date: _____

Federal Use Only:

**Authorized for Local Reproduction
 Standard Form -- LLL**

ATTCHMENT D (Continued)
DISCLOSURE OF LOBBYING ACTIVITIES

Reporting Entity: _____ **Page** _____ **of** _____

ATTACHMENT D (Continued)

CONTINUATION SHEET SF-LLL-A

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. If the space on the form is inadequate, use of SF-LLL-A Continuation Sheet for additional information. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) Number, Invitation for Bid (IFB) Number; grant announcement number; the contract, grant or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
- 10(a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
- 10(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check type of payment. Check all that apply.
13. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment. Check all that apply. If other, specify nature.
14. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached. If yes, list number of sheets attached.
15. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

The certifying official shall sign and date the form, print his/her name, title, and telephone number. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-00046), Washington, DC 20503.

ATTACHMENT E

Debarment and Suspension and Other Responsibility Matters Primary Covered Transactions

2 CFR 200.213- Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

(Before completing certification, read instructions on next page.)

(1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

Business Name: Sodexo America, LLC

Date: _____

By: _____
Name and Title of Authorized Representative

Signature of Authorized Representative

ATTACHMENT E (Continued)

INSTRUCTIONS FOR SUSPENSION DEBARMENT CERTIFICATION

1. By signing and submitting this form, the prospective lower-tier participant is providing the certification set out on the previous page in accordance with these instructions.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower-tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower-tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower-tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “transaction”, “debarred”, “suspended”, “ineligible”, “lower-tier covered transaction”, “participant”, “person”, “primary covered transaction”, “principal”, “proposal”, and “voluntarily excluded”, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower-tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower-tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower-tier participant further agrees by submitting this form that he or she will include this clause titled *Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion – Lower-Tier Covered Transactions*, without modification, in all lower-tier covered transactions and in all solicitations for lower-tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant are not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

10.a.3. Career Tech Application



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**INTERIM DEPUTY
EXECUTIVE DIRECTOR**

AND CHIEF LEGAL

OFFICER

Haley Percell

July 2, 2024

Lincoln City Career Tech High School application: Recommendation for determination of completeness

As per [ORS 338.055](#), the first step in the charter school application process is to determine whether the application is complete. This determination is not an assessment of the merits of the application, but a determination of whether or not an applicant provided the information required by ORS 338.045. A proposal is complete if the proposal addresses, at least minimally, each element required by ORS 338.045 (2) and (3).

The school district board must notify an applicant within 30 days after receipt of a proposal if the proposal is not complete and identify the specific elements of the proposal that are not complete. If the application is not complete, the school district board must provide the applicant with a reasonable opportunity to complete the proposal.

If, after being provided a reasonable time to complete the proposal, the applicant does not provide a proposal that is complete, the application may be disapproved by the district board. The initial application was determined to be incomplete. The applicant submitted a revised application within the timeline specified.

This letter serves as informal notification as to the completeness of your application. As of this writing, your application appears complete. This finding will not be final until the board votes.

The district board is scheduled to vote on the completeness of the application on July 9. If the board determines that the application is complete, the application will proceed to the substantive review stage. The next step in the process is to hold the public hearing on the application, which must be held within 60 days of the determination of completeness of the application. Therefore, the hearing must be held by September 9 (September 7—the 60-day mark—is a weekend). The board may seek a waiver of this timeline from ODE to accommodate existing board meetings.

My contact information is at the end of this letter. Please do not hesitate to contact me if you have any questions.

Required statutory component ORS 338.045	Complete?
2 (a) The identification of the applicant;	Yes
(b) The name of the proposed public charter school;	Yes
(c) A description of the philosophy and mission of the public charter school;	Yes

(d) A description of the curriculum of the public charter school;	Yes
(e) A description of the expected results of the curriculum and the verified methods of measuring and reporting objective results that will show the growth of knowledge of students attending the public charter school and allow comparisons with public schools;	Yes
(f) The governance structure of the public charter school;	Yes
(g) The projected enrollment to be maintained and the ages or grades to be served;	Yes
(h) The target population of students the public charter school will be designed to serve;	Yes
(i) A description of any distinctive learning or teaching techniques to be used in the public charter school;	Yes
(j) The legal address, facilities and physical location of the public charter school, if known;	Yes
(k) A description of admission policies and application procedures;	Yes
(L) The statutes and rules that shall apply to the public charter school;	Yes
(m) The proposed budget and financial plan for the public charter school and evidence that the proposed budget and financial plan for the public charter school are financially sound;	Yes. The Fiscal Administration Agreement between the applicant and Cascade Pacific Resource Conservation and Development will serve as the financial plan.
(n) A description of the financial management system for the public charter school, an explanation of how the financial management system will meet the requirements of ORS 338.095 (1) and a plan for having the financial management system in place at the time the school begins operating;	Yes
(o) The standards for behavior and the procedures for the discipline, suspension or expulsion of students;	Yes
(p) The proposed school calendar for the public charter school, including the length of the school day and school year;	Yes (though a calendar was not provided)

(q) A description of the proposed staff members and required qualifications of teachers at the public charter school;	Yes
(r) The date upon which the public charter school would begin operating;	Yes
(s) The arrangements for any necessary special education and related services provided pursuant to ORS 338.165 for children with disabilities who may attend the public charter school;	Yes
(t) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;	Yes
(u) The term of the charter;	Yes
(v) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;	Yes
(w) A proposed plan for the placement of public charter school teachers, other school employees and students of the public charter school upon termination or nonrenewal of a charter;	Yes
(x) The manner in which the program review and fiscal audit will be conducted; and	Yes
3 (b) Each member of a proposed public charter school governing body must provide an acknowledgment of understanding related to the standards of conduct and the liabilities of a director of a nonprofit organization, as those standards and liabilities are described in ORS chapter 65, if the public charter school is organized as required by ORS 338.035 (2)(a)(B) and (C).	Yes

Thank you,

Kristen Miles
Oregon School Boards Association
971.446.1235
kmiles@osba.org

11. Items of Information & Discussion

11.a. Human Resources

11.a.1. Elementary Director Contract

11.b. Board

11.b.1. Public Comment (This time is reserved for general public comment to the Board)

11.c. Other

11.c.1. Meeting Takeaways

11.c.2. Reminders/Announcements

11.d. Adjournment

Board Goals 2024-2029

GOAL ONE: Lincoln County School District will establish and meet high expectations for student achievement.

GOAL TWO: Lincoln County School District will create equitable, diverse, inclusive, and accessible learning environments across the district within a framework of excellence in education.

GOAL THREE: LCSD will provide for the long term health and welfare of our facilities and finances, focusing on accessibility, technological innovation, and purposeful utilization.

GOAL FOUR: Lincoln County School District will strengthen community relationships through communication and engagement with staff, students, families, and community partners.

Lincoln County School District Equity Team Land Acknowledgement Statement

We ask that you take a moment to stop what you are doing, to listen to these words as we recognize the land that we currently inhabit. No matter where each of us is physically located in Lincoln County, we must understand that we are on traditional homelands and unceded territories of indigenous peoples. Where we live in Lincoln County, these are the ancestral homelands for the Confederated Tribes of Siletz Indians.

Lincoln County School District acknowledges the Confederated Tribes of Siletz Indians that consists of over 30 bands originating from Northern California to Southern Washington. The Confederated Tribes of Siletz Indians currently occupy and manage 9,310 acres located here in Lincoln County but is a mere fraction of their original 1855 1.1 million-acre Siletz coastal reservation. We must remember the people of the Confederated Tribes of Siletz Indians are and will forever be the first stewards of this land, water, and fish.

We acknowledge and recognize the continued sovereignty of the Confederated Tribes of Siletz Indians and honor their ancestral homelands. We are committed to bringing awareness to their history and the existence of the Confederated Tribes of Siletz Indians since time immemorial.

NON-DISCRIMINATION: Lincoln County Schools do not discriminate nor tolerate discrimination on the basis of an individual's race, color, religion, sex, sexual orientation, national origin, disability, gender identity, marital status or age or because of the race, color, religion, sex, sexual orientation, national origin, disability, gender identity, marital status or age of any other persons with whom the individual associates.