



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

DISTRICT GOALS: Improve Student Achievement, K-3 Literacy, On-Time Graduation

MEETING AGENDA

1. WELCOME

- A. Call to Order
- B. Flag Salute

2. BOARD REORGANIZATION

- A. Election of Board Chair for 2022-23
- B. Election of Board Vice Chair for 2022-23

3. PUBLIC COMMENTS

This is a time for citizens to address the Board. The Chair will recognize speaker(s) at the designated time. All speakers shall identify themselves and state their name before speaking. Speakers are asked to provide their name, address and telephone number on the Speaker's Sign-in Sheet. Each speaker may address the Board for three minutes.

- 4. 2022-23 LCSD BOARD MEETING SCHEDULE, pg. 4** **Action: Approval Requested**
- 5. RESOLUTION 2223-1 REPRESENTATIONS AND AUTHORIZATIONS, pg. 6** **Action: Approval Req.**
- 6. SUMMER SCHOOL UPDATE** **Action: Informational**
- 7. K-8 DATA – STAR / SBAC, pg. 12** **Action: Informational**
- 8. 9-12 DATA – GRAD RATES / ON TRACK DATA, pg. 15** **Action: Informational**
- 9. FACILITIES UPDATE** **Action: Informational**
- 10. CONSENT AGENDA, pg. 18** **Action: Approval Requested**
 - A. June 9, 2022 Board Meeting Minutes
 - B. Policy Updates – First Reading

CODE	TITLE
GBA-AR	Veterans' Preference
GCBDA/GDBDA-AR(1)	Family Leave *

C. Hiring:

NAME	POSITION	FTE	START DATE	END DATE
NEW HIRES 2022-23				
Brady Blatchley	6 th grade Teacher – Hamilton Creek School	1.0	8/29/2022	
Kaitlen Caruso	Special Education Teacher – Cascades School	1.0	8/29/2022	
Jeremiah Erskine	1 st /2 nd grade Teacher – Lacombe School	1.0	8/29/2022	
Daniel Hartman	Special Education Teacher SEL – Green Acres School	1.0	8/29/2022	
Alyssa Murrhee	Kindergarten Teacher – Riverview School	1.0	8/29/2022	
Anthony Potthoff	Science Teacher – Lebanon High School	1.0	8/29/2022	

11. DEPARTMENT REPORTS

Action: Informational

- A. Operations
- B. Human Resources
- C. Finance, pg. 46
 - 1. Memorandum – Financial Report and Fiscal Updates

12. COMMUNICATION

Action: Informational

- A. Board
- B. Superintendent
 - 1. Jen Zen

13. AUDIENCE COMMENTS

The Lebanon Community School District Board of Directors welcomes you to our regular meeting. It is the Board's goal to hold an effective and efficient meeting to conduct the business of the District. In keeping with this goal, the Board provides a place for Audience Comments on each of its regular agendas. This is a time when you can provide statements or ask questions. The Board allows three minutes for each speaker. The language below discusses the Public Meetings Law and public participation in such meetings.

"The Public Meetings Law is a public attendance law, not a public participation law. Under the Public Meetings Law, governing body meetings are open to the public except as otherwise provided by law. ORS 192.630 The right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment.

"Other statutes, rules, charters, ordinances, and bylaws outside the Public Meetings Law may require governing bodies to hear public testimony or comment on certain matters. But in the absence of such a requirement, a governing body may conduct a meeting without any public participation. Governing bodies voluntarily may allow limited public participation at their meetings."

Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act. Hardy Myers, Attorney General, March 27, 2000.

14. ADJOURNMENT

Upcoming meeting dates:

August 11th, 2022 – Board Meeting at 6:00 PM

Agenda Item 4

2022-23 LCSD Board Meeting Schedule

2022-23 LCSD Board Meeting Schedule

Date	Time	Meeting Type	Location
August 11, 2022	6:00 PM	Regular Meeting	Santiam Travel Station
September 8, 2022	6:00 PM	Regular Meeting	Santiam Travel Station
October 13, 2022	6:00 PM	Regular Meeting	Santiam Travel Station
November 10, 2022	6:00 PM	Regular Meeting	Santiam Travel Station
December 8, 2022	6:00 PM	Regular Meeting	Santiam Travel Station
January 12, 2023	6:00 PM	Regular Meeting	Santiam Travel Station
February 9, 2023	6:00 PM	Regular Meeting	Santiam Travel Station
March 9, 2023	6:00 PM	Regular Meeting	Santiam Travel Station
April 13, 2023	6:00 PM	Regular Meeting	Santiam Travel Station
May 11, 2023	6:00 PM	Regular Meeting	Santiam Travel Station
June 8, 2023	6:00 PM	Regular Meeting	Santiam Travel Station
July 13, 2023	6: 00 PM	Reorganizational meeting	Santiam Travel Station

Agenda Item 5

Resolution 2223-1 Representations and Authorizations

Lebanon Community School District #9

Resolution 2223-1 Representations and Authorizations

The Lebanon Community School District Board of Directors resolves the following for Fiscal Year 2022/23:

- A. **Bonding of the Board Chairman, Superintendent/Clerk, Deputy Clerk.** BE IT RESOLVED that the Lebanon School Board of Directors designates Property and Casualty coverage for education (PACE) to provide a Public Employee Dishonesty Coverage in a minimum amount of \$100,000 in accordance with ORS 332.525 and ORS 328.441.
- B. **Chief Administrative Officer.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates as Chief Administrative Officer.
- C. **Deputy Clerk.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates William Lewis as Deputy Clerk.
- D. **Custodian of Funds.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates and William Lewis to be the custodian of funds and further authorizes facsimile signature under ORS 328.441, ORS 328.445.
- E. **Authorization to Sign Payroll and Monthly Disbursements.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates and/or William Lewis to sign monthly disbursements and payroll.
- F. **Authorization to Approve and Pay Accounts Payable.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates and/or William Lewis to approve and pay all accounts payable and balances on district-issued credit/purchase cards within the limits of the adopted budget document. Licensed administrators may approve purchase orders in amounts of \$250 or less unless revoked by the Superintendent.
- G. **Budget Officer.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates as the budget officer.
- H. **Official Auditors.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Pauly Rogers & Co. as the official auditor for the district's Fiscal Year 2022/23 books.
- I. **Newspapers-of-Record.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates the Albany Democrat Herald and the Lebanon Express as the district newspapers-of-record.

- J. **Insurance Agent-of-Record.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Rhodes Warden Insurance as the district insurance agent-of-record.
- K. **Attorney-of-Record.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Garrett Hemann Robertson, PC as the attorney-of-record for all general education related legal services and for collective bargaining services.
- L. **Hearing Officer.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates to serve as the hearing officer in all matters pertaining to the operation of the school district and/or matters on personnel and further designates Bo Yates or his designee to serve as the hearing officer on student records, including expulsion hearings.
- M. **Authorization to Participate in Federal and State Programs.** BE IT RESOLVED that Superintendent Bo Yates is hereby authorized as the official district representative for IDEA, Title IA, Title IIA, Title III, Title IV, and Title V, Title VI, EBISS, Carl Perkins Grant, other various local grants, Linn/Benton Education Service District, miscellaneous state grants, and miscellaneous federal grants.
- N. **School Board Meetings.** BE IT RESOLVED that the following are the School Board meeting dates for Fiscal Year 2022/23. Regular meetings will begin at 6:00 PM.

Date	Meeting Type	Scheduled Location
August 11, 2022	Regular Meeting	Santiam Travel Station
September 8, 2022	Regular Meeting	Santiam Travel Station
October 13, 2022	Regular Meeting	Santiam Travel Station
November 10, 2022	Regular Meeting	Santiam Travel Station
December 8, 2022	Regular Meeting	Santiam Travel Station
January 12, 2023	Regular Meeting	Santiam Travel Station
February 9, 2023	Regular Meeting	Santiam Travel Station
March 9, 2023	Regular Meeting	Santiam Travel Station
April 13, 2023	Regular Meeting	Santiam Travel Station
May 11, 2023	Regular Meeting	Santiam Travel Station
June 8, 2023	Regular Meeting	Santiam Travel Station
July 13, 2023	Reorganizational Meeting	Santiam Travel Station

- O. **Depository-of-Funds.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates FDIC Wells Fargo, Umpqua Bank, U.S. Bank, Oregon State Treasury and Local Government Investment Pool as the Depositories of Funds.

- P. **Borrowing Limit for the Custodian of Funds.** BE IT RESOLVED that the Lebanon School Board of Directors hereby allows the Custodian of Funds to borrow up to \$5,000,000. Notice is to be given to the Board prior to the loan.
- Q. **Short-term loans between funds.** BE IT RESOLVED that William Lewis, Deputy Clerk/Director of Business Services, is authorized to make short-term loans between funds in order to pay district obligations.
- R. **Employees Excluded from Bargaining Units.** BE IT RESOLVED that the Lebanon School Board of Directors hereby affirms that confidential employees and all directors and administrators are excluded from the bargaining units.
- S. **Local Contract Review Board.** BE IT RESOLVED that the Lebanon School Board of Directors hereby reaffirms the Lebanon Community School District as its own Local Contract Review Board.
- T. **Alternative Education Programs.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Lebanon High School Alternative Programs, Linn Benton Community College Alternative Program, and other elementary and middle school district alternative programs as alternative education programs.
- U. The following designation of the Fiscal Year 2021/22 ending fund balances and revenues for specific uses in Fiscal Year 2022/23:
1. Committed Fund Balances
 - a. The ending balance of each of the following funds is “Committed” in accordance with the purposes stated for each fund or program in the FY 2022/23 adopted budget.
 2. Restricted Fund Balances
 - a. The ending balance of all grant related special revenue funds (including food service) shall be designated as restricted for the sole uses intended by the granting authorities.
 - b. Ending fund balances in Student Activities Funds are restricted for the benefit and intent associated with each of the student body groups.
 - c. Unemployment Insurance Fund is restricted for expenditures of unemployment claims paid by the State for former District employees.
 3. Debt Service Funds
 - a. Funds are “Restricted” for the accumulation of resources and payment of principal and interest related to associated debt offerings.

PASSED AND ADOPTED this 14th day of July, 2022.

Board Chair

Bo Yates, Superintendent

ORGANIZATION CHART

Board of Directors

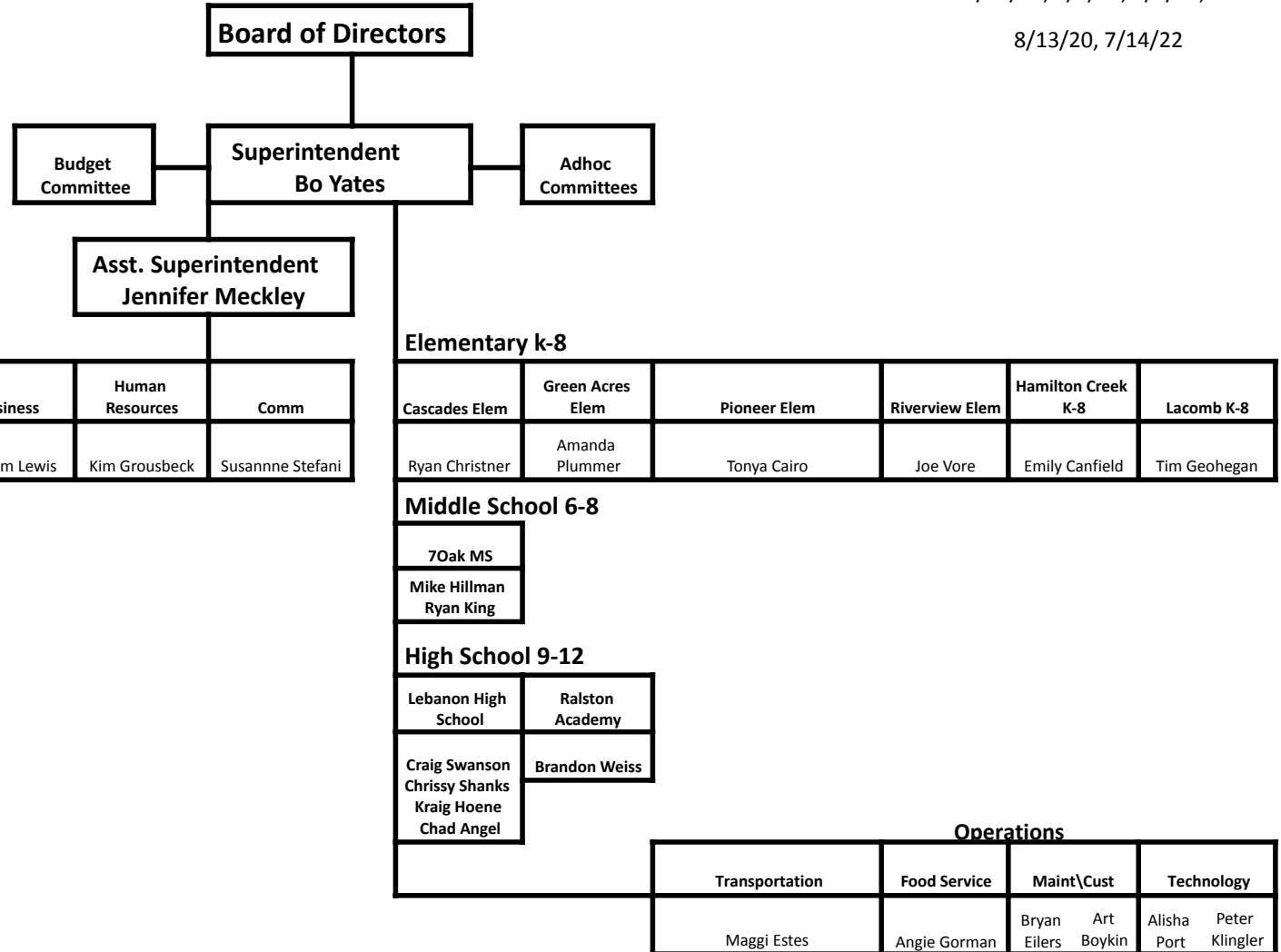
Zone 1 Tammy Schilling

Zone 2 Tom Oliver

Zone 3 Mike Martin chair

Zone 4 Richard Borden vice chair

Zone 5 Nichole Piland



School Support and Achievement

School Improvement	Alternative Programs	Special Education	Business	Human Resources	Comm
Bill Wittman	Brandon Weiss	Steve Woodcock	William Lewis	Kim Grousbeck	Susanne Stefani

Prog Support	Special Projects
Tina Snieder Tami Volz	Rachel Cannon

Agenda Item 7

K-8 DATA - STAR / SBAC

STAR 2021-2022 Fall to Spring

ELA/Reading

Math

LCSD 2-8

LCSD 2-8

	Level 1	Level 2	Level 3	Level 4
Fall	31%	21%	13%	35%
Spring	23%	20%	15%	42%
Improvement	8%		9%	

	Level 1	Level 2	Level 3	Level 4
Fall	30%	24%	13%	32%
Spring	21%	18%	14%	47%
Improvement	9%		16%	

Normal Distribution

Level 1	Level 2	Level 3	Level 4
Urgent Interv	Intervention	Grade Level	
15-0%	35%-15%	36%-50%	>50%
15%	20%	15%	50%
65%			

Normal Distribution

Level 1	Level 2	Level 3	Level 4
Urgent Interv	Intervention	Grade Level	
15-0%	35%-15%	36%-50%	>50%
15%	20%	15%	50%
65%			

2nd Grade	Level 1	Level 2	Level 3	Level 4
Fall	50%	12%	11%	26%
Spring	27%	17%	11%	45%
Improvement	23%		19%	

2nd Grade	Level 1	Level 2	Level 3	Level 4
Fall	37%	26%	9%	28%
Spring	21%	18%	11%	50%
Improvement	16%		24%	

3rd Grade	Level 1	Level 2	Level 3	Level 4
Fall	37%	15%	9.50%	38%
Spring	23%	16%	12%	49%
Improvement	14%		13.50%	

3rd Grade	Level 1	Level 2	Level 3	Level 4
Fall	28%	23%	12.00%	37%
Spring	17%	19%	12%	52%
Improvement	11%		15%	

4th Grade	Level 1	Level 2	Level 3	Level 4
Fall	28%	17%	11%	43%
Spring	23%	17%	12%	48%
Improvement	5%		6%	

4th Grade	Level 1	Level 2	Level 3	Level 4
Fall	32%	18%	16%	35%
Spring	21%	15%	10%	53%
Improvement	11%		12%	

5th Grade	Level 1	Level 2	Level 3	Level 4
Fall	26%	26%	14%	33%
Spring	23%	20%	16%	41%
Improvement	3%		10%	

5th Grade	Level 1	Level 2	Level 3	Level 4
Fall	33%	26%	15%	26%
Spring	25%	22%	13%	41%
Improvement	8%		13%	

6th Grade	Level 1	Level 2	Level 3	Level 4
Fall	23%	25%	14%	38%
Spring	25%	19%	16%	40%
Improvement	-2%		4%	

6th Grade	Level 1	Level 2	Level 3	Level 4
Fall	32%	19%	15%	33%
Spring	25%	16%	11%	49%
Improvement	7%		12%	

7th Grade	Level 1	Level 2	Level 3	Level 4
Fall	22%	26%	15%	37.50%
Spring	16.50%	29%	18%	36%
Improvement	5.50%		2%	

7th Grade	Level 1	Level 2	Level 3	Level 4
Fall	23%	32%	13%	32%
Spring	19%	20%	20%	41%
Improvement	4%		16%	

8th Grade	Level 1	Level 2	Level 3	Level 4
Fall	32%	22%	14%	31.30%
Spring	25%	22%	20%	34%
Improvement	7%		7%	

8th Grade	Level 1	Level 2	Level 3	Level 4
Fall	28%	25%	12%	35%
Spring	24%	17%	18%	41%
Improvement	4%		12%	

SBAC 2021-2022 Data

ELA\Reading

Math

3rd Grade	Level 1	Level 2	Level 3	Level 4	
State	37%	23%	20%	20%	40%
LCSD	36%	26%	27%	12%	39%

3rd Grade	Level 1	Level 2	Level 3	Level 4	
State	37%	23%	24%	16%	40%
LCSD	36%	26%	27%	12%	39%

4th Grade

4th Grade	Level 1	Level 2	Level 3	Level 4	
State	37%	21%	22%	21%	43%
LCSD	32%	23%	21%	23%	44%

4th Grade	Level 1	Level 2	Level 3	Level 4	
State	34%	30%	22%	14%	36%
LCSD	31%	26%	29%	15%	44%

5th Grade	Level 1	Level 2	Level 3	Level 4	
State	32%	20%	27%	20%	47%
LCSD	32%	25%	28%	15%	43%

5th Grade	Level 1	Level 2	Level 3	Level 4	
State	43%	27%	15%	15%	30%
LCSD	42%	32%	14%	11%	25%

6th Grade	Level 1	Level 2	Level 3	Level 4	
State	31%	27%	28%	14%	42%
LCSD	27%	26%	32%	15%	47%

6th Grade	Level 1	Level 2	Level 3	Level 4	
State	43%	29%	15%	13%	28%
LCSD	33%	35%	17%	15%	32%

7th Grade	Level 1	Level 2	Level 3	Level 4	
State	28%	24%	32%	16%	48%
LCSD	21%	29%	36%	14%	50%

7th Grade	Level 1	Level 2	Level 3	Level 4	
State	43%	27%	18%	13%	31%
LCSD	34%	30%	25%	10%	35%

8th Grade	Level 1	Level 2	Level 3	Level 4	
State	29%	26%	32%	14%	46%
LCSD	26%	32%	30%	12%	42%

8th Grade	Level 1	Level 2	Level 3	Level 4	
State	49%	24%	14%	13%	27%
LCSD	51%	31%	9%	8%	17%

Agenda Item 8

9-12 DATA – GRAD RATES / ON TRACK DATA

BOARD ADDENDUM



To: The Honorable Chair and Members
Lebanon Community School District Board of Directors

From: Bo Yates, Superintendent

Date: July 8, 2022 **Meeting Date:** July 14, 2022

Re: 9-12 DATA

The 9-12 Grad Rates / On Track DATA will be updated to the most current version prior to the meeting.

Updated 6/17/2022

Lebanon High School Grad Rates & Freshmen On Track Rates

Graduation Year	2017	2018	2019	2020	2021	2022	2023	2024	2025
Cohort Year (the year they started 9th grade)	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
Freshmen On Track Rate (earned 6.0 credits in the 9th grade)	78%	75%	74%	74%	78%	75%	77%	53%	82%
4 year ODE Graduation Rate	73%	80%	79%	77%	78%	79%*			
4 year Graduation Cohort Rate (kids who started at LHS and graduated at LHS within 4 years)	*	*	85%	81%	85%	80%			
5 year ODE Graduation Rate	77%	82%	82%	83%					

LHS Data	2025	2024	2023	2022	Total
	Fresh	Soph	Jr	Sr	
Class Size	327	310	271	256	1164
On-Track to Graduate on-time as of 6/17/2022	82%	69%	69%	78.6%	
On-Track to Graduate on-time as of 3/4/22	82%	63%	68%	80%	
On-Track to Graduate on-time as of 9/1/21	n/a	52%	60%	62%	
Improvement from beginning of school year to 6/17/2022		+17%	+9%	+17%	

Agenda Item 10

A. June 9, 2022 Board Meeting Minutes

&

B. Policy Updates – 1st Reading

GBA-AR

GCBDA/GDBDA-AR(1)



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

MEETING MINUTES

<p><u>BOARD MEMBERS PRESENT:</u> Mike Martin, Chair Richard Borden, Vice Chair Tom Oliver, Member Tammy Schilling, Member Nichole Piland, Member</p>	<p><u>EXECUTIVE STAFF PRESENT:</u> Bo Yates, Superintendent, via zoom Jennifer Meckley, Assistant Superintendent William Lewis, Business Director Kim Grousbeck, Human Resources Director</p>
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The meeting minutes were recorded by Executive Secretary Jessica Woody.

1. WELCOME AND CALL TO ORDER

Board Chair Mike Martin called the meeting to order at 6:01 PM and led the flag salute.

2. PUBLIC COMMENTS

Audience member Tana Nicholson requested the opportunity to address the board. Tana first stated that she has questions that are yet to be answered, and she is trying to figure out where to get access to the details on the safety and security of the schools. She also states that she knows of someone who would like access to Mr. Yates, and Ms. Meckley’s contracts. Tana also questioned the website where it states “lock down, locks and out of sight” and that it also states do not open the door, but be prepared to defend. She states that in the next document it says no employees can have any weapons on the school ground, only law enforcement are permitted to. She then explains that she was supposed to meet with officer Fountain, but he was called out to a rather large community event.

Tana questions, if we only have 1 security officer for the whole district who is also called out into the public, what is the plan to keep students and teachers safe. She asks for transparency on the plan for the security of the school, and not to assume that we have all stable people here. She also suggests there be a community committee to work with the district to bounce ideas off of and work together. Tana provides an example that Salem schools do a lockout room in the front so no one can get in any further without the prior screening. She states that there are a lot of things and many smart people in this town that can help bounce ideas off of each other. Lastly, she states that our priority is our children, and she looks forward to answers to her questions to come.

3. BUDGET APPROVAL / HEARING

William Lewis speaks to the board, and takes this opportunity to discuss the resolution 2022-08. He states that there was one adjustment that was made based on the recommendation from the

auditors. He also states that the bottom line is the same, but just some lines were adjusted. William would like to submit the resolution #2022-08 for board approval.

Mike Martin inquires about what we have in the budget for elementary enrichment, Mike believes it was \$7500 which seems low. Mike also says that between age 5-10/11 that can really propel them through their life, he would like to see that investment be quite a bit more. William Lewis adds that the \$7500 was specifically just for after school enrichment, and that middle and high school have after school and athletic enrichment as well. Mike Martin asks that if the board agrees, he feels that money should be moved to make this amount higher. William then states that we can make an adjustment if need.

Tom Oliver then asks to clarify, is there other funding that is used for enrichment aside from after school. Williams adds that there is funding for enrichment through SIA, ESSR, and other pots of money it just may not show exactly as enrichment but it is being used as enrichment. Jennifer Meckley also adds that schools have money for activities for enrichment in their school budget as well, the enrichment specifically being called out now is for the TAG program.

Tom Oliver clarifies about what Mike was mentioning about the line item for enrichment, he looks at it more as a plan together if we want to see more after school enrichment activities we should give that direction to the district to ask for more funding there. Bo Yates then also adds that he would desperately like to be able to get that for students to help them find the joy of school, and they are meeting with the principals to see what we can do to make that happen to give students more activities and opportunity. Bo also says that they have not had the time to really see what that looks like yet.

Mike Martin says that he would like to see a higher profile of inter school/grade activities where all of the 5th graders for example all come together and participate in an activity related to the curriculum that brings enjoyment and fun to subjects that may not appear to be relevant. Mike states that relevancy seems to be a big problem with education, students just wish it was relevant. Bo Yates adds that we were in COVID times, and now we are coming back from those years and trying to implement these things back in, he states that we want to come up with a thoughtful scheduled program so that it is a program not just one activity. Mike Martin says start small, feed it, and grow it. William Lewis also explains about the budget lines and about how there are additional resources for enrichment in the budget just not exactly categorized that way.

Mike Martin also addresses how we spend funds on SPED, but not necessarily on TAG. He says that TAG importance needs to be recognized in the district. Jennifer Meckley adds that we are not funded for TAG, it is generally managed by the teachers, as is SPED. She says that we do provide the Wednesday after school enrichment K-8 currently for TAG students. As well as after school programs for all students. Jennifer also explains that there is so much community parent involvement in elementary that may not be shown in that budget, but the enrichment is happening often, but may not necessarily have a line item. Mike adds that this is spawned from the conversation that he had with Bo, that it may not take a lot of money depending on how it is structured, Mikes point is enrichment. Bo adds that he understands and wants to work to organize this. William Lewis also states that we have a TAG enrichment coordinator at all schools, and we do purchase software to identify TAG students as well, he adds that we have doubled the program budget and it is a very robust program coming out of COVID times. Mike adds that all students are TAG and they all have something to offer we just need to bring it out of them. Nichole Piland

motions to approve the resolution #2022-8, and Tom Oliver seconds this motion. No further discussion and it is a unanimous vote to approve resolution #2022-08.

William Lewis states that resolution #2022-09 is a service to our debt, this information is our fixed tax rate that does not change. The debt service is that plus added 5% for uncollected. This ensures the appropriate debt service payments. Mike Martin questions if there is a misconception here, which William explains that this is for our current debt, it has nothing to do with the bonds that did not pass recently. This debt service is just for the 2005 bonds and 2019 geo bonds. In 2019 we went through and refinanced our 2011, which became effective June of last year. He says that once those funds were issued all of that debt went away, which saved the tax payers about 1.5 million dollars. Mike Martin confirms, this is not the board imposing a new tax, this is acknowledging what was already approved by the voters. Tom Oliver also clarifies that we do not have the authority to change or levy tax dollars. William agrees and states that something like that would have to go to the voters to approve. Tom Oliver motions to approve and Richard Borden seconds the motion. With no further discussion it was a unanimous vote to approve resolution #2022-09.

William explains that resolution #2022-10 is our annual clean up for the end of the year, he states that we did our best at the end of the year but some just needed slight adjustments, transferring from ones that were underbudgeted and transferring to ones that needed additional funds. He states that this clean up is to make sure that we are good to go for the end of the year. Mike asks a question in relation to the last meeting with the auditors, is there limits on changes to the budget, and changes of 10% would need board approval, is this per line item he asks. William clarifies that it is per fund, he states that we cannot go above on a function level, which is different than the 10% rule that was referred to from the last meeting. Mike also asks about the remaining fund balance for next years budget, William states that he has it at 4.1 million which is above the threshold that was discussed pre COVID. Tammy Schilling then asks about where we are taking money from. William adds that we are taking those funds from accounts that we did not need, for example summer school, we got a large grant from the state for that so we did not need the money set aside for that, that was budgeted. Mike and William confirm that the account with the funds of \$304,500 were going into the project account that was discussed with the board. Richard Borden and Tom Oliver motion to approve and Mike Martin seconds the motion. It is a unanimous vote to approve resolution #2022-10.

4. SCHOOL SAFETY

Bo Yates, Superintendent, speaks about being in online learning for quite some time and now coming back and analyzing what we can do as a district to improve, and asking the group for any thoughts or concerns that they may have. He states that we have been working with the "I love you guys program" which is the standard response protocol to perform drills, monitoring the drills, and getting an outside set of eyes on them as well to make sure that we are doing the best that we can. We do have a student resource officer, unlike many districts we do only have 1. We work extremely close with the sheriff and local police department. If the SRO is out, we could have someone from the police there immediately. He states that we also have security and all are different in each building, so we are looking into what we can do to secure and harden our buildings. Bo expresses that "kill zone" is an aggressive term, but that we do not have the capacity to provide that, but we do have the availability to have controlled entrances. For example, you would have to buzz or ring a doorbell, and someone would check on you and then let you in if necessary.

Our schools are not meant to be guaranteed that nothing will go wrong. Bo explains that when kids are dismissed they will transition where they need to go, when the fire alarm signals they will exit, bus stops will be on and off, there are so many variables that cannot be controlled. We want to learn from what has happened in other schools, and Mr. Yates states he would like to keep on top of learning more in regards to this topic. As well as meeting with the community, SRO, and police to make sure they understand what we are trying to accomplish. Every building will be locked from the outside, and there is an identification number on the outside of each building for police reference, as well as police have access to all of the building's cameras to be able to monitor and analyze where things could potentially go wrong. Bo explains that we have spent a lot of funds on surveillance and cameras and lighting, but it will not prevent something from happening if someone is going to do something bad.

Mr. Yates explains that the school that went through a shooting recently had more security then we do. He would like to be clear that there is full transparency, we want to figure out how we can do things the best that we can. He explains that he attended national conventions and was shown the difference between each occurrence and how procedures changed for example instead of hiding, break a window and get the kids out. He states that we train, we go through the processes, and we do the very best that we can to improve.

He also states that Brandon, who will speak next about SEL, will show how we are learning that if we can identify risk early, that is the best way we can prevent these things from happening. Almost all of the occurrences, the students were planning these things and others had heard, and he believes 84% of these students had mental illness that were not being treated. Bo explains that if we can be preventative here we can help support the students so it is a place that they want to be. He also explains that he has had many parents who have come in and have their concerns, as well as an ex-military gentleman who offered to set up other ex-military in front of our buildings to protect them, Bo feels over whelming passion and thoughtful ness from the community. He would like the community to be involved and feel comfortable with our commitments to safety. Bo also reiterates the fact that if you hear or see things going on, that reporting those things can help in investigating, we want to be able to offer an anonymous reporting line so that we can look into things when it is needed.

Richard Borden questions the weapons on district policy that is presented, and would like explanation on the first paragraph, and if someone with a concealed handgun license can carry as much as law enforcement can. Jennifer Meckley states that this is just for staff, we have policies specifically for students and for staff. Richard Borden also brings up the potential to have some highly trained staff members the ability to carry, however it is a tough thing to approach.

Mr. Yates adds in as well with that this is our kids we are talking about, what can we do and should we do to be the very best that we can. He explains that after he went to the first conference he found that every shooting is so different. Things change each time. He explains that he went to a school in Eugene, and they have fencing completely around the school, and if someone with a gun did get in there it would be horrific.

Richard Borden then adds coming from 20 years of military experience, safety is paramount every day, we really do have to reinforce in our own lives and at schools the little things really matter and appreciate the anonymous reporting. Bo adds that we will do much more training in this area, we really want to address a deeper dive in our schools for example, getting all of the exterior doors done the same way with the same access systems. We currently do have different systems at each

school but we have implemented the secured entrance. Mike also confirmed with Bo that all schools have card key access. Bo states that it is tough when you go back and debrief with what happened in Texas and how much money and people they had on board to keep them safe. Richard Borden states it's a tragedy and it happens so fast. Bo adds that it is a work in progress and we will continue to work on it, he is planning to attend a safety conference this summer.

Jennifer Meckley also adds that we have a crisis response team and protocols in place and we meet regularly, there will be a crisis response training for staff this fall, and for families so that when a crisis happens they know how we will respond. She explains that there are pitfalls that can happen and we meet monthly to go through scenarios so that we are prepared if something was to happen. Mike Martin adds that this is something we should look into for the protecting of schools that are out of town, Bo agrees and says it is a different scenario and we want to have the systems and processes in place.

Tammy Schilling states that she would like to see more of a human component, and that there is a benefit of having volunteers in the buildings and she would like to see that number increase. She says that there are great community members to be in the buildings and that it shouldn't stop in high school. They are in great need for good mentors at hand and it should be as prominent in high school as elementary. Tammy states that she hasn't looked into the facts but would be curious what the parent ratios are. Mike asks if the district has a volunteer coordinator. Bo added that we do not, there were challenges that came with the volunteers having to be vaccinated, but that the district will be building on that and ramping up on it soon. Tammy explains that we seem to be bridging out the opportunities for our volunteers due to the requirements. It is stated that the volunteers will still be required to have the vaccination for next school year, or to submit an exemption. Human resources currently manages the record keeping for vaccinations, exemptions, and volunteers and their requirements. Tammy feels that we are bridging out the parents in our community, but Jennifer adds that we are also doing our job to keep all of the students safe. If a student is going to potentially be alone with a volunteer, they would want to make sure they went through the required processes to make sure they are safe to do so, example for carpooling to sporting events. Tom Oliver adds that he does not think everything we are doing is keeping parents out, but it wouldn't hurt to review what we are doing and see what is reasonable and what is not. Mike questions if the cost of fingerprinting and background check is an issue with getting those for volunteers. Kim Grousbeck confirms the cost for each, and Jennifer confirms that the district pays for those.

Mike Martin confirms that he is aware that at this point we are working toward getting a volunteer coordinator together and getting it organized and moving that direction, and Bo Yates agrees and reiterates that the district wants parents and community members to be involved but we also have to follow policy and keep the students safe as well. He also says that the more parents, means the more people our kids have connections with which is what we want and we want kids to feel connected. Bo states that Brandon will explain further in his presentation next, we want to provide the resources that some students need more of than others. It also helps to heard off some things, when you feel something and it doesn't feel quite right you can check into these things and you have that opportunity by having these resources. Tammy states that her point is, we cannot expect staff to take care of it all with so much going on and so much responsibility. Mr. Yates agrees and states that we do want that with our community as well.

5. SEL – SOCIAL EMOTIONAL UPDATE

Brandon Weist, Director of Alternative Education, speaks about social and emotional learning. Jennifer adds her appreciation for the hard work Brandon has put into this. Brandon tells the group about a student who gave their speech at graduation and spoke about how she learned to be a good person, and it was not a specific class that was her favorite part, it was the lessons of how to be a good human that the student enjoyed. Brandon states that is the simple version of explaining SEL, teaching students how to be humans.

Brandon also explains that if all kids are able to develop and create positive relationships it improves academics, behaviors, attendance rates, and mental wellness. Which from the last couple years we do clearly need to work on. He also explains that student's academic performance increased by 11 percent with SEL, it helps to manage stress and improve bullying and school safety. He shows how the return on investing in SEL services on our students gives such a long-term benefit. Brandon gives the example that work places will pay to provide the training and technical skills needed to work at a job, but the emotional skills are what are so important to already have. Job places are really looking for someone with social and emotional skills.

Brandon also speaks about the framework and how it starts in the classroom with teachers, then to create a school of positive culture, and from there it goes to parents and guardians and brings that trust between all. Brandon speaks about the importance of self-awareness skills and our kids having access to that. He also explains about the DESSA assessments they are implementing to screen the children and find if any students are needing further support in any specific areas. An additional screener is triggered if the assessment shows that a student is needing something further. These assessments help in showing what areas most of our students are needing help and where we need to focus more attention to.

Bo Yates adds in that it is not just a screening-based system, it is something we use to address the students that have some defecates. Richard Borden adds that, we all know that reading by grade 3 is so important and that if they are reading by grade 3 they will go on to be progressive, so he wonders if there is some relation to the behavior and academic level. Borden also adds that we want a well-rounded student, and that he would love to see the relation to SEL and the reading at grade level.

Bo Yates also adds in that we use a system called RTI to look at academic support, and we are working toward looking at all things together instead of separating social emotional, behavior, and academics. He would like to provide a good plan for students with one meeting rather than separating things.

Richard Borden is amazed by the people and programs that we have in place that are so vested and care so much for our children. He states, hats off to you and that it takes serious dedication.

Mike Martin adds in that the AVID classes also help with this as well, and teaching AVID like behaviors. He brings up the point that students who succeed and graduate and meet their goals all have a common thread, and that is that they felt they were supported and people listened to them. Mr. Yates adds that it is really all about connections and having a safe place to get positive support. Mike adds lastly that the board will look forward to more of this in the future.

6. SUMMER PROGRAMS

Bill Wittman, School Improvement and Federal Programs Director, speaks about the summer programs that we are offering and how many students we have signed up at this time. He explains the typical day for a student in summer school – breakfast, academic activities, lunch, and then afternoon enrichment. Enrichment will include athletics, physical activity, gardening, design, and much more. Lacombe students can be bussed to Pioneer school to be involved in the enrichment activity as well. He explains that counselors will also go over transcripts and help students with credit recovery and ingenuity. Ralston academy will also run a session with credit recovery and ingenuity. He states how this will help students get back on track for graduating.

Bill also explains how summer school is awarded by grants, and these funds help support our jump start programs for new kinders, and will do the same for high school jump start and some 8th graders. Bill also states that they are very excited and there is a lot going on. They are excited as well about all of the enrichment they will be providing.

Tammy Schilling questions the Lacombe enrichment and the logistics on that. She asks about the bussing times, lunch for these students, and if they will receive a different schedule than other students who get enrichment at the in-town schools. Tammy would like to see Lacombe school receive the same treatment as the other schools and have the same opportunities. Mr. Yates adds that we did not have quite enough staffing and had to work through that. Bill adds that they are happy to be able to provide what they can to the students this summer.

7. CONSENT AGENDA

Richard Borden motioned, and Nicole Piland seconded to approve the consent agenda in its entirety. It was a unanimous vote to approve the May 19 Board and Budget meeting minutes, the May 26 Budget meeting minutes, and the new hires of Kyler Murphy, Carlene Blanchard, Joscela Pozder, and Ryan King. 5 to 0.

8. DEPARTMENT REPORTS

A. Operations

Mr. Yates shared that we did not get our bond passed and we have a lot of work to be done, we are using the tax dollars, but we are going to have to use what we can until it fails. It will have an impact on some of our buildings and we will just do the best that we can. The things that we need that we did not receive funding for will not go away. Bo states that we are going to have to operate in a manner to where more intensive work can be done. Mike Martin adds that he visited Lebanon High School and it was leaking, and then Bo adds that there is a life expectancy to things and we will keep working to push those things out. The roof at Lacombe school is needing to be desperately replaced, and we cannot put a band aid on some of those things. It's an investment and we want to make sure we have the school for the long haul. Bo lastly states that he will keep us updated and there is no magic to it, we will need to do those projects, and we will do our best.

B. Human Resources

Nothing further to report.

C. Finance

Nothing further to report.

9. COMMUNICATION

A. Board

Tammy Schilling states that the graduation was a delight. Mike Martin adds that it was great and such a big crowd, much bigger than before. People in the parking lot cheering, it felt like it was back to normal it was a good feeling. It was also stated that the new layout was really great. The band, speeches, all were great.

B. Superintendent

Bo Yates states that we will bring STAR data to the next board meeting and he is excited about some of the things that are taking place there, as well as some good projection of what our graduation data is. Bo likes to be able to see those students that are in the red zone so that we can target them in summer school and provide extra support. Bo also states that the priority is to not take any steps backwards and to make sure we have the right kids in the right places. Bo also states that he couldn't be prouder and happier to be working with such an incredible group of people.

Mike asks to keep the next board meeting in July as in person as well as zoom option. Jennifer Meckley also adds that we will have more information about Narcan at the next meeting, there was not enough time yet to have the proper meetings with nurses and SRO. It may be the August meeting that we look at that as well.

During the Jen Zen slides it shows a few of the highlights that have been going on since last board meeting.

Ralston Academy graduated 49 seniors and celebrated them as they successfully took an alternative path to graduation.

It is also shown that the grad walk is back in place, the graduates suit up and walk through the halls of every school and the students cheer them on as they celebrate their hard work through the years past.

Gifts of literacy was a huge success. 1st graders were bussed to the church and read stories, given books and backpacks, and enjoyed a lunch.

The career and technical education program also brought a mini medical school to the kindergarten students and they learned all about the human body.

LHS students were sent for the emergency medical responders course partnered with the Lebanon Fire District as well.

Seven Oak Middle School also hosted a career night impressively coordinated with many outside career avenues.

Lastly Capital Dental offered Oregon a grant for bilingual students, and 5 LHS students received this grant and will begin their dental assistant programs and will get funding from Capital Dental with jobs after their courses are completed.

The district is very proud and excited to share the many positive things that are happening.

10. AUDIENCE COMMENTS

Tana Nicholson asked to address the board to make an additional comment. She questions that we are in transition with COVID times and would like to know what the district office hours of operation will be, and if the public can still walk into the office during the summer if anyone will be there. Kim Grousbeck adds in that during the month of July she believes district office hours to the public will be Monday – Thursday 9am – 3pm. Tana then asks who will answer her questions, Mr. Yates states he would answer her questions after the meeting. Tana assures the board that she is awaiting to review a grant document pertaining to safety and security, but Mr. Yates clarifies that we did not get a specific grant for safety and security. This may have been confused with the grant

that was received and being used for technology during COVID, and resources for students who didn't have access to technology.

11. MEETING ADJOURNED

There being no further business before the Board, the meeting was adjourned at 7:44 PM.

Mike Martin, Board Chair

Bo Yates, Superintendent

OSBA Model Sample Policy

Code: GBA-AR
Revised/Reviewed:

Veterans' Preference

Oregon's Veterans' Preference Law requires the district to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference¹ a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

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

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position. The district shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification³ of eligibility for preference, in addition to other requested materials.

Selection Procedures⁴

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions of veteran and disabled veteran.

³ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

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

- Step 1: Before the review of any applications the [human resource director] will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The [supervisor] will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [human resource director] shall evaluate whether the skill experience obtained in the military are transferable to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the [supervisor] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the [human resource director] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran⁵.
- Step 6: The [human resource director] makes the offer to the applicant with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The district is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position. The district shall provide the reasons for not selecting the candidate when requested.

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the [human resource office] if they have any concerns or questions concerning the application of or the process used for veterans' preference.

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

⁵ The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the district must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.

OSBA Model Sample Policy

Code: GCBDA/GDBDA-AR(1)

Revised/Reviewed:

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

Coverage

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

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

Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

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

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

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

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

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

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

An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the covered employer, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the covered employer within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

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

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

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

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave² (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);

² Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Sick Child Leave: leave for non-serious health conditions of the employee’s child. For OFLA, sick child leave includes absence to care for an employee’s child whose school or child care provider has been closed³ in conjunction with a statewide public health emergency declared by a public health official.⁴
 4. Bereavement Leave: leave related to the death of a covered family member.⁵
 5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
 6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

Definitions

1. Family member:
 - a. For the purposes of FMLA, “family member” means:
 - (1) Spouse⁶;
 - (2) Parent;
 - (3) Child; or
 - (4) Persons who are “in loco parentis”.
 - b. For the purposes of OFLA, “family member” means:

³ “Closure” for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider. OAR 839-009-0210(4).

⁴ The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

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

⁵ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

⁶ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- (1) Spouse;
- (2) Registered, same-gender domestic partner;
- (3) Parent;
- (4) Parent-in-law;
- (5) Parent of employee's registered, same-gender domestic partner;
- (6) Child;
- (7) Child of employee's registered, same-gender domestic partner;
- (8) Grandchild;
- (9) Grandparent; or
- (10) Persons who are "in loco parentis".

2. Child:

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

3. In loco parentis:

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

4. Next of kin:

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

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Brothers or sisters;
- c. Grandparents;
- d. Aunts and uncles; and

e. First cousins.

5. Covered servicemembers:

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

6. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period before the eligible employee first takes FMLA, Military Caregiver Leave.

7. Public health emergency:

For OFLA a public health emergency means;

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

Leave Period

For the purposes of calculating an employee’s leave period, the district will use a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated 12-month leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period⁷. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the

⁷ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee's parent's serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the district's designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period. However, ~~a woman~~ **an eligible employee** is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave ~~she~~ **the employee** has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁸ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.⁹

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

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁰. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹¹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

⁸ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁹ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

¹⁰ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹¹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

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

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

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but
2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

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

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

Alternate Work Assignment

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

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

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

2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

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

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee’s original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

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

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

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee’s regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical

condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:

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

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

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

- a. When the qualified leave begins more than five weeks before the end of the school year:
 - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
 - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

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

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, ^{12} ~~{an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.}~~ ~~{the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.}~~ ~~{the district requires the eligible employee to use any available accrued paid leave, including personal and sick leave or available accrued vacation leave before taking FMLA and/or OFLA leave without pay during the leave period. The employee may select the order in which the available paid leave is used.}~~

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

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

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

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, ~~unless the terms of a collective bargaining~~

¹² {The district must choose one of the following from the three available bracketed options to complete this paragraph, and delete the other two.}

agreement, other agreement or other employer's policy provide otherwise.¹³ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

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

Fitness-for-Duty Certification

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

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

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

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

Application

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

¹³ See also ORS 342.934(4)(d) in reduction force situations.

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

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.

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

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

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

Medical Certification

The district ~~may~~ **shall** require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave, ~~other than to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency.~~ The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

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

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

Second and Third Opinions

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

Notification

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

Record Keeping/Posted Notice

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

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

The district will post notice of FMLA¹⁴ and OFLA¹⁵ leave requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of

¹⁴ Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.

¹⁵ Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.

FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

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

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

Military Family Leave Entitlements

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

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

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

Benefits and Protections

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

Eligibility Requirements

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

Definition of Serious Health Condition

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the

definition of continuing treatment.

Use of Leave

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

Substitution of Paid Leave for Unpaid Leave

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

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

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

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

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

Enforcement

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

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

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

HR14/06/20-1/19/22| RS

Federal Family and Medical Leave/State Family
Medical Leave * - GCBDA/GDBDA-AR(1)

16-16

Agenda Item 11

C. Finance Report

BOARD MEMORANDUM



To: The Honorable Chair and Members
Lebanon Community School District Board of Directors

From: William H. Lewis III, Business Director

Date: July 07, 2022 **Meeting Date:** July 14, 2022

Re: Financial Report and Fiscal Updates

Financial Report

The administrative team will present information updates on the Kee's Street and Seven Oak projects. The team would also like to discuss options for a district Chromebook assurance program and updating our fee policy at LHS.