



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. 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.

- | | |
|--|-----------------------------------|
| 3. INTERVIEW OF ZONE 5 APPLICANTS, pg. 4 | Action: Informational |
| 4. ZONE 5 MEMBER APPOINTMENT AND OATH OF OFFICE | Action: Approval Requested |
| 5. COVID-19 UPDATE | Action: Informational |
| 6. BOND UPDATE | Action: Informational |
| 7. LHS GRADUATION RATE AND ON-TRACK DATA, pg. 7 | Action: Informational |
| 8. 2022-23 CERTIFIED CALENDAR, pg. 9 | Action: Approval Requested |
| 9. K-5 ELA ADOPTION RECOMMENDATION, pg. 12 | Action: Approval Requested |
| 10. SUPERINTENDENT'S RECOMMENDATIONS FOR RENEWAL AND NONRENEWAL, pg. 16 | Action: Approval Requested |
| 11. RESOLUTION NO. 2122-6, pg. 18 | Action: Approval Requested |
| 12. CONSENT AGENDA | Action: Approval Requested |

- A. February 10, 2022 Board Meeting Minutes and Budget Meeting Minutes, pg. 23
- B. Policy Updates – First Reading, pg. 50:

CODE	TITLE
	REQUIRED
ACB	Every Student Belongs

ACB-AR	Bias Incident Complaint Procedure
GBL	Personnel Records
IGBAF-AR	Special Education – Individualized Education Program (IEP)
IGBAG-AR	Special Education – Procedural Safeguards
IGBB	Talented and Gifted Program
IGBHA	Alternative Education Programs
IGBHA-AR	Evaluation of Alternative Education Programs
JFCF	Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence - Student
	HIGHLY RECOMMENDED
CM	Compliance and Reporting on Standards
IJ	School Counseling Program
BDDH	Public Comment at Board Meetings
BDDH-AR	Public Comment at Board Meetings
IIA	Instructional Resources/Instructional Materials
JECB	Admission of Nonresident Students
IL	Assessment Program
	CONDITIONALLY REQUIRED
IKF	Graduation Requirements
	OPTIONAL
BBAA	Individual Board Member’s Authority and Responsibilities
IGDJ	Interscholastic Activities
JBB	Educational Equity
IKFB	Graduation Exercises
	DELETE
GBLA	Disclosure of Information
	INFORMATION ONLY
GBNAB/JHFE-AR	Abuse of a Child Investigations Conducted on District Premises
JHFE/GBNAB-AR	Abuse of a Child Investigations Conducted on District Premises
LBE-AR	Public Charter Schools

C. Hiring:

NAME	POSITION	FTE	START DATE	END DATE
Teresa Saling	School District Nurse	1.0	1/20/2022	
TEMPORARY				

John Carey	Mathematics Teacher – Lebanon High School	1.0	1/28/2022	6/15/2022
Tess Irwin	5 th Grade Teacher – Pioneer	1.0	3/14/2022	6/15/2022

13. DEPARTMENT REPORTS

Action: Informational

- A. Operations
- B. Human Resources
- C. Finance, pg. 130

14. COMMUNICATION

Action: Informational

- A. Board
- B. Superintendent

15. 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.

16. ADJOURNMENT

Upcoming meeting dates:

- April 14, 2022 – Regular Meeting at 6:00 PM
- May 12, 2022 – Regular Meeting at 6:00 PM
- May 19, 2022 – Budget Committee Meeting at 6:00 PM
- May 27, 2022 – Budget Committee Meeting at 6:00 PM
- June 9, 2022 – Budget Hearing and Regular Meeting at 6:00 PM

Agenda Item 3

Zone 5 Candidate Questions and Oath of Office



485 S. Fifth Street, Lebanon, Oregon 97355 • Phone: (541) 451-8511 • Fax: (541) 259-6857

March 10, 2022

Applicants for Zone 5 Board Vacancy:

- Nichole Piland
- Roger Maurer

Interview Questions for Applicants:

1. What are the primary responsibilities of a school board member? (What do you think school board members do?)
2. How would you involve yourself in the day-to-day operations of the district?
3. Let's say you feel very strongly about a program/policy/expenditure/or academic topic, but the discussion and upcoming vote is going in the opposite direction of your opinion. How would you approach or respond to this situation?

Lebanon Community Schools

Code: **BBBB**
Adopted: 6/15/98
Readopted: 2/4/10
Orig. Code(s): BBBB

Board Member Oath of Office

Board members when elected or appointed must take the oath of office before assuming the duties of office. The oath of office must be taken again after each election or appointment of a Board member.

The oath of office will be in the following form:

I, _____, having been duly elected a member of the School Board of Lebanon Community School District, Linn County, Oregon, do solemnly swear/affirm that I will support the Constitution of the United States and of the State of Oregon, the laws thereof, and the policies of the Lebanon Community Schools District and that I will faithfully and objectively discharge the duties of a member of said school Board to the best of my ability (so help me God - optional).

Subscribed and sworn to before me this _____ day of _____, _____.

Signed: _____
District Board Member

END OF POLICY

Legal Reference(s):

[ORS 332.005](#)

Agenda Item 7

LHS Graduation Rates and On-Track Data

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%	TBD
4 year ODE Graduation Rate	73%	80%	79%	77%	78%				
4 year Graduation Cohort Rate (kids who started at LHS and graduated at LHS within 4 years)	*	*	85%	81%	85%				
5 year ODE Graduation Rate	77%	82%	82%	83%					

	Frosh	Soph	JR	SR	All
	2025	2024	2023	2022	
LHS Data					
Class Size	336	316	273	272	1197
Class Attendance Rate	87%	86%	84%	79%	84.38%
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 now		+11%	+8%	+18%	

Agenda Item 8

2022-23 Certified Calendar

Lebanon Community Schools 2022-23 Calendar

D=Staff Development
 P=Preparation
 Shaded = Non Contract
 H=Holiday
 C=Parent Conferences
 S=Semester
 Q=Quarter
 E=Early Release

AUG 2022							SEP 2022						
S	M	T	W	H	F	S	S	M	T	W	H	F	S
	1	2	3	4	5	6					P1	2	3
7	8	9	10	11	12	13	4	H5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	E14	15	16	17
21	22	23	24	25	26	27	18	19	20	E21	22	23	24
28	D29	D30	P31				25	26	27	E28	29	30	

Class: 0
 Other: D= 2 P=1

Class: 19
 Other: H= 1 P= 1

OCT 2022						
S	M	T	W	H	F	S
						1
2	3	4	E5	6	7	8
9	10	11	E12	13	14	15
16	17	19	E19	20	21	22
23	24	Q25	P26	C27	C28	29
30	31					

Class: 18 P= 1
 Other: C= 2 H= 0

NOV 2022						
S	M	T	W	H	F	S
		1	E2	3	4	5
6	7	8	E9	10	H11	12
13	14	15	E16	17	18	19
21	21	22	23	H24	25	26
27	28	29	E30			

Class: 18 P= 0
 Other: C= 0 H= 2

DEC 2022						
S	M	T	W	H	F	S
				1	2	3
4	5	6	E7	8	9	10
11	12	13	E14	15	16	17
18	19	20	21	22	23	24
25	H26	27	28	29	30	31

Class: 12
 Other: H= 1

JAN 2023						
S	M	T	W	H	F	S
1	2	3	E4	5	6	7
8	9	10	E11	12	13	14
15	H16	17	E18	19	20	21
22	23	24	E25	26	S27	28
29	P30	P31				

Class: 18
 Other: H= 1 P= 2

FEB 2023						
S	M	T	W	H	F	S
			E1	2	3	4
5	6	7	E8	9	10	11
12	13	14	E15	16	17	18
19	H20	21	E22	23	24	25
26	27	28				

Class: 19
 Other: H= 1 P= 0

MAR 2023						
S	M	T	W	H	F	S
			E1	2	3	4
5	6	7	E8	9	10	11
12	13	14	E15	16	17	18
19	20	21	22	23	24	25
26	27	28	E28	30	31	

Class: 18
 Other:

APR 2023						
S	M	T	W	H	F	S
						1
2	3	Q4	P5	C6	C7	8
9	10	11	E12	13	14	15
16	17	18	E19	20	21	22
23	24	25	E26	27	28	29
30						

Class: 17
 Other: C= 2 P= 1

MAY 2023						
S	M	T	W	H	F	S
	1	2	E3	4	5	6
7	8	9	E10	11	12	13
14	15	16	E17	18	19	20
21	22	23	E24	25	26	27
28	H29	30	E31			

Class: 22
 Other: H= 1

JUN 2023						
S	M	T	W	H	F	S
				1	E2	3
4	5	6	E7	8	9	10
11	12	13	E14	P15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Class: 10
 Other: P= 1

Class	P	C	D	H	Contract
19	2	0	2	1	
19	2	0	2	1	24
48	1	2	0	3	
48	1	2	0	3	54
55	2	0	0	2	
55	2	0	0	2	59
49	2	2	0	1	54
171	7	4	2	7	191

ALL SUBJECT TO BARGAINING CONTRACT

Lebanon Community Schools 2022-23 Calendar

2022

August 29-30, 2022	Staff Professional Development Days
August 31-September 1, 2022	Staff Preparation Days
September 2, 2022	Non-Contract Day
September 5, 2022	Holiday - Labor Day
September 6, 2022	Open House/Orientation
September 7, 2022	First Day of School
October 25, 2022	End of First Quarter
October 26, 2022	Staff Preparation Day - NO SCHOOL
October 27, 28, 2022	Parent Conferences - NO SCHOOL
November 11, 2022	Holiday - Veterans' Day - NO SCHOOL
November 23, 2022	Non-Contract Day - NO SCHOOL
November 24, 2022	Holiday - Thanksgiving Day - NO SCHOOL
November 25, 2022	Non-Contract Day - NO SCHOOL
December 19-23, 2022	Non-Contract Day - Winter Break - NO SCHOOL
December 26, 2022	Holiday - NO SCHOOL
December 27-30, 2022	Non-Contract Day - Winter Break - NO SCHOOL

2023

January 2, 2023	Non-contract Day - NO SCHOOL
January 3, 2023	Classes Resume
January 16, 2023	Holiday - Martin Luther King Jr. Day - NO SCHOOL
January 27, 2023	End of First Semester
January 30-31, 2023	Staff Preparation Days - NO SCHOOL
February 20, 2023	Holiday - Presidents' Day - NO SCHOOL
March 20 - March 24, 2023	Non-Contract Days - Spring Break - NO SCHOOL
April 4, 2023	End of Third Quarter
April 5, 2023	Staff Preparation Day - NO SCHOOL
April 6-7, 2023	Parent Conferences - NO SCHOOL
May 29, 2023	Holiday - Memorial Day - NO SCHOOL
June 2, 2023	Strawberry Festival - Early Release
June 6, 2023	High School Graduation
June 14, 2023	Classes End - Early Release
June 15, 2023	Staff Preparation Day

* Some students may begin school later due to incoming student orientation. More information will be provided by the school.

Early Release Collaboration Days will be every Wednesday, beginning September 14, 2022 for ALL schools.

ALL SUBJECT TO BARGAINING CONTRACT

Adoption Date:

Agenda Item 9

K-5 English Language Arts Adoption Recommendation

K-5 English Language Arts Adoption Process

Vision Statement created by K-5 ELA Adoption Committee:

Lebanon Community Schools' students are effective communicators who purposefully read, write, and speak across multiple disciplines. By reading rich, challenging texts that build our students' understanding of the world, we empower them with the tools and explicit instruction needed with the understanding that reading is their pathway to knowledge. Students express ideas and knowledge through a variety of modalities. Students engage with high-quality texts and digital media to develop comprehension, active listening, and discussion skills. Students are critical thinkers who identify problems, find solutions, and analyze outcomes in service of becoming productive citizens.

Timeline:

October 4-8, SurveyMonkey given to all K-5 staff, many completed in PLCs ... 0-100 slider on various topics. Top 3 areas they want to see in an ELA Adoption were 1) Student Engagement, 2) Ease of use for Staff, and 3) Standards Alignment.

October 11-12, K-5 ELA Adoption Committee invitations went out per teacher interest expressed on the above-mentioned survey. (see committee list below)

October 12, 1st committee meeting at Pioneer. Evaluation tool shared and a draft of **our vision statement was created**.

October 26, 2nd meeting at Cascades. **Research articles** jig-saws and finalization of our vision statement (above).

November 9, began ordering sample materials from the 8, recently-announced publishers that made the "approved" list for ODE.

November 30, 3rd meeting at Riverview. Divided up **extra duty hours and assignments for publisher research**. Committee members researched from 1 to 4 publishers each.

December 6, Multnomah ESD hosted the “caravan” video presentations from each publisher. Video presentations were recorded and saved. They were later shared with our K-5 ELA Adoption Committee. These were 40 min. of presentation followed by 10 min. of Q & A.

December 7, 4th meeting at Cascades – to **begin looking through physical samples** set up on the stage.

January 4, 5th meeting at Cascades. Group discussion **narrowed us down to 3 finalists**. Amplify CKLA, Wit & Wisdom, and McGraw Hill Wonders.

January 18, 6th meeting at Green Acres to have **Zoom presentations from all 3 finalists**.

January 19, finalists survey sent to committee members. They voted to **narrow down to 2 finalists**. Amplify CKLA getting the most 1st place votes and Great Minds, Wit & Wisdom getting the most 2nd place votes. McGraw-Hill Wonders had the most 3rd place votes and it was dismissed from consideration.

January 27 – February 7, K-5 staff were given **preview information and feedback opportunity** via shared finalists video presentation links, web links, and given access to sample materials on the Cascades stage. A SurveyMonkey feedback link also shared.

February 11-February 22, schools gave **parents/community members preview and feedback opportunity** via presentation link, web links and a SurveyMonkey feedback link.

February 24, 7th meeting at Cascades to share staff/parent/community feedback and to brainstorm final questions for our #1 finalist, Amplify CKLA. Following the Zoom meeting with Amplify CKLA, there were no further questions or concerns. Therefore, **Amplify CKLA is our #1 recommendation.**

Side note, Amplify was piloted and adopted last year as our 6-7-8 ELA Curriculum Adoption. So now we have one program that aligns our K-8 English Language Arts path.

K-5 ELA Adoption Committee

Lebanon Community Schools

(as of Oct. 13 – bold type indicates they were able to stay on throughout the entire process)

Dara Docherty, ELA Dept. Chair, SOK

Emma Beiser, 5th grade, PIO

Melissa Stutz, 5th grade, RIV

Tabitha Ramirez, 4th grade, PIO

Michelle Henderson, 4th grade, PIO

Cathy McKibben 3rd grade, GNA

Leanne Jackson, 3rd grade, PIO

Rebecca Groner, 1st grade, HC

Jana Horne, 1st grade, RIV

Summer Crawford-Johnson, K teacher, LAC

Hannah Rhyno, K teacher, CAS

Jaime Williams, K teacher, GNA

Carla Schuh K teacher, CAS

Gail York, Title teacher, CAS

Julie Ragan Title teacher, HC/LAC

Laura Warren, CL IA, RIV

Emily Canfield, Dean of Students, HC

Jennifer Meckley, Assistant Superintendent

Bill Wittman, Curriculum Director

Agenda Item 10

Superintendent's Recommendations for Renewal and Nonrenewal

CONFIDENTIAL: Per attorney recommendation, this list was not distributed prior to the Board meeting due to employee confidentiality and the fact that the list could continue to change up to the meeting. It will become public record only after Board action.

Lebanon Community Schools

MARCH 10, 2022

**SUPERINTENDENT’S RECOMMENDATION
FOR
RENEWAL AND NON-RENEWAL
OF
PROBATIONARY TEACHERS AND ADMINISTRATORS
AND FOR
EXTENSION AND NON-EXTENSION
OF CONTRACT TO
CONTRACT TEACHERS AND ADMINISTRATORS**

“Resolved, that the Board of Directors of Lebanon Community School District accepts the Superintendent’s recommendation for the renewal and non-renewal of probationary teachers and administrators and for extension and non-extension of contract to contract teachers and administrators, as listed on the attached recommendation lists.”

Agenda Item 11

Resolution No. 2122-6

RFP Award for Design Services

BOARD RESOLUTION



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

From: William Lewis, Business Director

Date: 03/05/2022

Meeting Date: 3/10/2022

Re: Approval Architectural Design and Consulting Services

Background

In January 2022 the Lebanon School District advertised a request from proposal (RFP) for architectural design and consulting services for the Seven Oak Middle School classroom addition project and additional projects as needed. This was a competitive bidding process with three bidders participating.

Recommendation

It is recommended that the Board award the contract to Soderstrom Architects for architectural design and consulting services.

Resolution #2021-22-6 Architectural Design and Consulting Services Contract

Whereas: ORS 279A allows a contracting agency to enter into public contracts when authorized by board resolution, and;

Whereas: Lebanon Community School District Board Policy DJC allows the district to enter into contracts with qualified professionals as provided by ORS 279A; therefore:

Be It Resolved that Lebanon Community School District enter into a contract with Soderstrom Architects for architectural design and consulting services in the amount of \$372,994.00

Approved: _____
Date

Signed: _____
Board Chair



March 10, 2022

Will Lewis, Business Director
Lebanon Community Schools
485 South 5th Street
Lebanon, Oregon 97355

RE: Lebanon Community Schools
Contract for Design Services
Seven Oaks Middle School
Recommendation to Award

Dear Will,

After careful review and consideration, the District Design Services Scoring Committee and HMK Company recommend the School Board take action to award a Contract for Design Services at the Seven Oaks Middle School.

This recommendation is based upon a comprehensive Design Services selection process for the projects. A RFP was issued on January 5, 2022 and closed on February 1, 2022 for the Seven Oaks Middle School Project.

Three firms submitted qualifications

- Anderson Shirley Architects
- Carlson Veit Junge Architects
- Soderstrom Architects

The interview committee recommended Soderstrom Architects for the Seven Oaks Middle School. HMK Company finalized the fee negotiations and is recommending award in the amount of \$372,994.00. The fee is 8.89% of the established project Maximum Allowable Construction Cost (MACC) of \$ 4,194,400.00. Their fee is in line with Design Services fees we have seen with similar projects.

Soderstrom Architects is a firm of good reputation and has committed the necessary resources to accomplish the district project goals.

Kind Regards,

Paul Chamberlin

Paul Chamberlin
Project Manager

Attached: Scoring Matrix



LEBANON COMMUNITY SCHOOL DISTRICT AGGREGATE SHEET

	Anderson Shirley						Carlson Veit Junge						Soderstrom					
Criteria	1	2	3	4	5	Total	1	2	3	4	5	Total	1	2	3	4	5	Total
Scorer 1		20	23	16	23	82		25	20	15	20	80		23	25	19	25	92
Scorer 2		9	14	10	5	38		11	14	10	5	40		17	16	15	10	58
Scorer 3		25	29	20	25	99		25	28	20	25	98		25	30	20	25	100
Scorer 4		22	25	18	25	90		22	25	19	25	91		25	30	20	25	100
Totals		76	91	64	78	309		83	87	64	75	309		90	101	74	85	350
Average		77.3						77.3						87.5				

Criteria

- 1 Cover Letter (P/F)
- 2 Company Overview (25)
- 3 Project Approach (30)
- 4 Performance History (20)
- 5 References (25)

- 5 points = Excellent demonstration of the necessary criteria- top 20%
- 4 points = Better than an average demonstration of the necessary criteria.
- 3 points = Average demonstration of the necessary criteria.
- 2 points = Lower than an average demonstration of the necessary criteria.
- 1 point = Shared information but did not demonstrate the necessary criteria.

TITLE	LCS - Recommendation to Award Design Services - SDRA...
FILE NAME	LCS - Recommendat...SDRA 03.10.22.pdf
DOCUMENT ID	e3102d571bce4239e337918d871c4ea3603c0fc8
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Signed

Document History



SENT

03 / 04 / 2022

20:58:56 UTC

Sent for signature to Paul Chamberlin (paul@hmkco.org) from
anna.chamberlin@hmkco.org
IP: 96.71.163.14



VIEWED

03 / 04 / 2022

20:59:48 UTC

Viewed by Paul Chamberlin (paul@hmkco.org)
IP: 156.146.51.77



SIGNED

03 / 04 / 2022

21:00:12 UTC

Signed by Paul Chamberlin (paul@hmkco.org)
IP: 96.71.163.14



COMPLETED

03 / 04 / 2022

21:00:12 UTC

The document has been completed.

Agenda Item 12

Consent Agenda

February 10, 2022 Board Meeting Minutes

February 10, 2022 Budget Meeting Minutes



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

BUDGET COMMITTEE MEETING MINUTES

<p><u>BOARD MEMBERS PRESENT:</u> Mike Martin, Chair Richard Borden, Vice Chair Tom Oliver, Member Tammy Schilling, Member Terry Deacon, Budget Committee Member, via Zoom</p>	<p><u>EXECUTIVE STAFF PRESENT:</u> Bo Yates, Superintendent Jennifer Meckley, Assistant Superintendent William Lewis, Business Director Steve Woodcock, Director of Special Education, via Zoom Bill Wittman, Curriculum and School Improvement Kim Grousbeck, Director of Human Resources Brandon Weist, Director of Alternative Education</p>
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The meeting minutes were recorded by Executive Secretary Ruth Hopkins.

1. WELCOME AND CALL TO ORDER

Board Chair Mike Martin called the meeting to order at 5:30 PM and led the Pledge of Allegiance.

2. BUDGET REVIEW

William Lewis reviewed the district goals: improved student achievement for all grade levels, all students reading at grade level by the end of grade three, and students entering LHS as freshman will graduate on time.

He shared that our enrollment totals were beginning to recover and there is a small increase in birth rates for Linn County. He reviewed the revenue trends for national and state economies and the fact that we are looking at high inflation and low consumer sentiment and a projected lower state school fund. The state projected budget for next year is \$9.299 billion, but for most school districts, their current service level is \$9.6 billion or higher.

He then reviewed the various federal funding that the district has received, such as: Student Investment Account - \$3.290 million; HSS - \$1.070 million; ESSER I Grant of \$946,000; GEER Grant of \$136,000; ESSER II Grant of \$3.7 million; and ESSER III Grant of \$8.358 million.

Then he shared the expenditure trends in PERS rates, which is \$.35 of each dollar spent for all employees; salaries and benefits are being spent in alignment with current contracts; service, supplies, dues and fees spending patterns are lower. There is a future risk of a fiscal cliff, which is what might happen after the enormous amount of federal funding that has come in, when that

money is spent, the issue comes up of then covering the expenses that the federal money had been covering. There could be lower revenue from the state school funding at that point as well. This is what creates a fiscal cliff.

William Lewis then covered information on the general obligation bond that the district is looking to put on the May 2022 ballot. He shared a map of all of the schools in the district and the projected list of needs for each facility that could potentially be addressed by the passage of a GO bond.

He asked if there were any questions or items to be clarified before the May budget meeting.

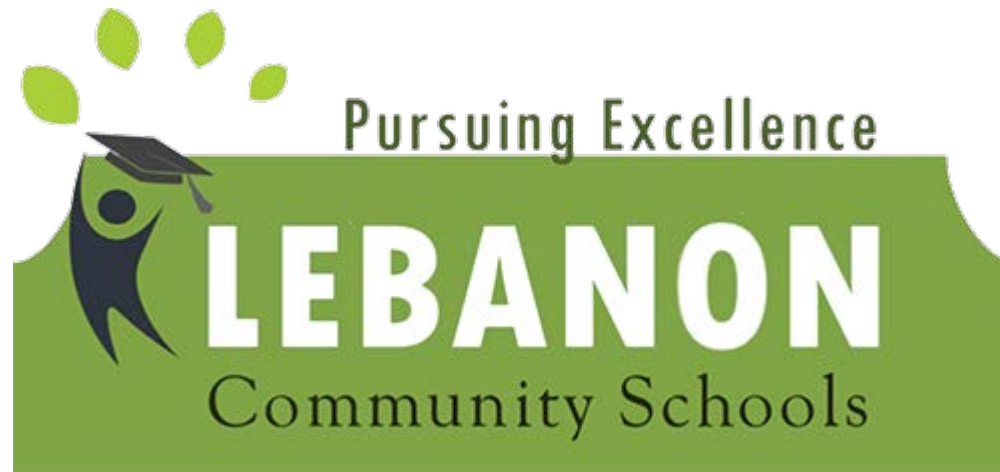
There were no questions regarding the budget presentation at this time.

3. ADJOURNMENT

The budget committee meeting was adjourned at 5:52 PM.

Mike Martin, Board Chair

Bo Yates, Superintendent



LEBANON COMMUNITY SCHOOL DISTRICT #9

Budget Committee Meeting

February 10, 2022

Bo Yates, Superintendent

Will Lewis, Business Director

LCSD District Goals

Improved student achievement for all grade levels.

All students reading at grade level by the end of grade three.

Students entering LHS as Freshman will graduate on time.

October 1, 2020 Enrollment Projection and Trends

- Small uptick in birth rates in Linn County
- Enrollment starting to recover in 21-22.
- Robust building permit activities YOY.

Revenue Trends

- **National and State economies.**

- Strong GDP- 6.9%
- High Inflation- 7.0%
- Recovering Unemployment Rate- 4%
- Low Consumer Sentiment 67.2 Lowest Since November 2011

State School Fund/Local Property Taxes

- Local Property Tax-AV growth 19-20 3.68%, 20-21 6.86%, 21-22 3.33%, est. 22-23 4.62%

Revenue Trends

State School Fund

- 2021-22 On track through the end of the year, no changes.
- 2021-23 Governor's budget at \$9.299 billion split 49%/51%.
- For most school districts, the real current service level is \$9.6 billion.

Revenue Trends

Federal COVID Relief and Stimulus

- \$5.0 Trillion Legislative (Loan Program, Income Support, Health Spending)
- \$800 Billion Administrative (Tax Policy, Health Spending)
- \$4.1 Trillion Federal Reserve (Asset Purchase, Liquidity Measures)

Future Economic Risks

- Inflation?
- Future Pandemic Outbreaks

Student Success Act And Federal Stimulus

Student Success Act and Measure 98

- SIA-\$3.290 million total, including Charter school.
- HSS-\$1.070 million
- Additional resources set aside for improving student outcomes.
- All resources must be spent in the fiscal year.

Federal Stimulus

ESSER I Grant-\$946k For COVID Expenses

GEER Grant-\$136k For Technology COVID Expenses

ESSER II Grant-\$3.7 million

ESSER III Grant-\$8.358 million

Expenditure Trends

- Future PERS Rates-Investment portfolio returns 20.1%. Next rate increase estimated to be .9%. Many changes in PERS actuarial assumptions. Reduced assumed earning rate to 6.9% (down from 7.2%), adjusted payroll growth to 3.4% (down from 3.5%).
- Salaries and Benefits are being spent in alignment with current contracts.
- Services, Supplies, and Dues and Fees spending patterns are lower.
- GO Bond.
- Future Risks- Fiscal Cliff

General Obligation Bond

LCSO Bond Projects by School --pdf - Adobe Acrobat Reader DC

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LEBANON
Community Schools

FACILITIES BOND PROPOSAL
Projects by School

LEBANON HIGH SCHOOL / COMMUNITY POOL
Roof Replacement
HVAC Upgrade
Site-based Improvements*
Kitchen Upgrade
Safety and Security Improvements
Paint
ADA Bathrooms\Access Showers\PE
Pool Upgrade

PIONEER SCHOOL
HVAC
Site-based Improvements*
Safety and Security Improvements

DISTRICT OFFICE & MAINTENANCE BLDG
Site-based Improvements*
District Office/ Ralston Academy
Roof
Paint
Maintenance
Kitchen
Safety and Security Improvements
Land Lab Vocational
Site improvement
Road
School Support Building

GREEN ACRES SCHOOL
Roof Repair
Site-based Improvements*
Kitchen
Safety and Security Improvements

LACOMB SCHOOL
Roof Repair
HVAC/Boiler
Kitchen
Safety and Security Improvements
Paint
Site-based Improvements*

CASCADES SCHOOL
Kitchen
Safety and Security Improvements
Flooring
Boiler
Site-based Improvements*

SEVEN OAK MIDDLE SCHOOL
Roof Replacement
Safety and Security Improvements
Paint
Site-based Improvements*

RIVERVIEW SCHOOL
Safety and Security Improvements
HVAC
Site-based Improvements*

HAMILTON CREEK SCHOOL
HVAC
Kitchen
Safety and Security Improvements
Paint
Field Improvement
Site-based Improvements*

*Could include lighting, windows, Pre-K space, play areas, restrooms, etc.
These capital projects qualify for an additional \$4.3 million in state matching funds if local funding through a bond is approved by voters.

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Page 35

Questions/Clarifications/Requests



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

MEETING MINUTES

<u>BOARD MEMBERS PRESENT:</u>	<u>EXECUTIVE STAFF PRESENT:</u>
Mike Martin, Chair Richard Borden, Vice Chair Tom Oliver, Member Tammy Schilling, Member	Bo Yates, Superintendent via Zoom Jennifer Meckley, Assistant Superintendent William Lewis, Business Director Steve Woodcock, Special Education Director, via Zoom Bill Wittman, Curriculum Director

The meeting minutes were recorded by Executive Secretary Ruth Hopkins.

1. WELCOME AND CALL TO ORDER

Board Chair Mike Martin called the meeting to order at 6:00 PM.

2. PUBLIC COMMENTS

Community member Jason Powell requested the opportunity to address the Board regarding the rumor of a student walkout regarding masks and negative comments from staff regarding the walkout. He feels that staff needs to support either all or none for political views. He also spoke regarding the proposed school bond and wanted to say that education and student safety needed to be a priority.

Community member Sabrina Mann requested the opportunity to address the Board regarding the February 8th town hall meeting for School Based Health Centers. She mentioned that there were more questions to be answered regarding the clinic and invited the Board to attend another town hall meeting in March. Her specific questions were in regard to whether or not homeless people would be able to access the clinic, if drugs such as antidepressants would be allowed to be prescribed to students, and the funding for the health center. She also asked if they district was going to move forward with the clinic, and if they will allow parents to opt out of their student having access to the clinic.

Community member Alisa Triglia requested the opportunity to address the Board. She is not in favor of the bond until students are unmasked. She mentioned the mask mandate and urged the Board to remove masks from students.

3. COVID-19 UPDATE

Superintendent Yates presented the COVID-19 update. He shared the latest update from the state, and that we will be able to unmask kids on March 31st, and that the case rates and modeling for COVID was encouraging at this point.

He shared an update from the transportation department, and explained that with the current staffing levels, if a driver goes out sick, there is not a driver to sub for them and the district has had to cancel routes to Hamilton Creek and Lacombe Schools because of these issues. It is not optimal and transportation tries not to do this, but they are also trying to get as many students to school as possible.

4. SPECIAL EDUCATION RESTRAINT AND SECLUSION REPORT

Steve Woodcock, Director of Special Education, shared the special education restraint and seclusion data with the Board. He explained that the data was set up to be able to see a three-year period. He added that there was a number of staff members that were untrained because of COVID restrictions, due to the fact that part of the training requires close proximity to other staff members. So the data reflects the untrained staff that was involved in an incident.

The question was asked regarding untrained staff, and if they had never been untrained or just not trained this year. It was answered that it was just for this year. It was then asked if the 15 students were 15 different students. It was answered that it was the total number of incidents and that it was two students who were involved in the incidents.

There were no other questions.

5. K-8 FALL TO WINTER GROWTH REPORT

Curriculum and School Improvement Coordinator, Bill Wittman, shared the district STAR assessment data with the Board. He explained there was positive growth for all schools in both reading and math for the fall to winter assessments. Our district is currently outpacing peers across the country in annual and catch-up growth. This is being accomplished even with all of the absences due to COVID, and shortages with substitute teachers and classified staff members.

He added that he would be coming back in March with the language arts adoption information for grades K-5 and 9-12.

He then reviewed the three-year data, which showed the initial impact of COVID. There were no questions.

6. LBL ESD LOCAL SERVICE PLAN UPDATE 2022-23

Superintendent Yates presented the LBL ESD Local Service Plan update for 2022-23. He indicated that LBL ESD Superintendent Tonja Everest had reviewed this with the Board in December. He shared the Lebanon information that is included and is asking the Board to approve the service plan.

Upon motion made by Vice Chair Richard Borden, duly seconded by Member Tom Oliver, the Board voted unanimously to approve the LBL ESD Local Service Plan update as presented.

7. ESSER I, II & III, SUMMER LEARNING GRANT FINANCIAL REPORTS

William Lewis presented the ESSER information. He explained that ESSER I is the least restrictive grant and ESSER III is the most restrictive grant. ESSER is grant funding from the federal government for COVID relief. There is also the GEER grant and the Summer Learning Grant. The money can only be spent on something that will help kids move forward in a COVID-19 environment.

ESSER I came at the start of COVID-19. Most of these funds went to building an online learning platform and additional staffing. The other big expense went to a freezer upgrade that would allow the Nutrition Department to accommodate bigger orders, and to allow them to serve more students and families. The funds in ESSER I have all been spent.

ESSER II monies were spent largely on staffing and benefits for contact tracers and additional staff, additional student technology needs, etc. There is also \$1.5 million of ESSER II that has been set aside for the Seven Oak 6th grade classroom expansion, and that is the only remaining money in ESSER II.

ESSER III is a three-year grant of \$8.3 million. As of the current expenditures, 40.9% of the monies have been spent for the startup of Santiam Academy. There were also portions of it spent on technology, other staffing, as well as \$2.5 million that has been set aside for the 6th grade classroom expansion at Seven Oak. We are still currently spending ESSER III. Future expenses are monies set aside that will be combined with bond money for building needs. ESSER III needs to be spent by September 2024.

The GEER Grant totaled \$136,000 and that was for computer software, computers, hardware, and professional services. This money has all been spent.

William Lewis added that we have been audited on all of this and with the all of the federal grants, it adds a huge amount to the auditing process. Funds were spent in the appropriate manner, based on the requirements for the grants.

The Summer Learning Program last year was an incredible program and an incredible amount of money. We received a total of \$1.5 million in April 2021 and it needed to be spent by summer. By comparison, the previous summer school budget was approximately \$50,000. There were three separate grants that were a part of this: K-8 Enrichment, 9-12 Credit Recovery and K-5 Child Care. 97.3% of the funding went into directly supporting our students and employees, including over \$161,000 that went to student fundraising efforts for those students who helped out with the various summer programs. These students were not able to do fundraising because of COVID restrictions, so this was used for fundraising for athletics and different programs in support of students.

(Whereupon, there was a discussion around items in the various funds.)

8. BOND INFORMATION AND RESOLUTION NO. 2122-4

Superintendent Yates presented the bond information. He shared that it started when he came from the high school to be the assistant superintendent and there was eight million dollars in deferred maintenance for the school roofs. He said there was a committee put together in 2018 to

look at our facilities and come up with a list of facility needs for each school. There was also a formal facility maintenance plan put together by Soderstrom Architects. The repairs listed are necessary repairs. This was a priority when he was hired and there have been several years of preparation to get to this point in the process. The district has recently surveyed the community and that showed there is strong community support for keeping our buildings safe and secure.

He has been working with the Aquatic District that runs the swimming pool, which the school district owns, and he has presented the information regarding the needed repairs for the pool at previous board meetings.

He is asking the Board to approve a \$20 million bond on the May election ballot, which will have a \$4.3 million matching grant from the State OSCIM Program, if the bond is passed by the voters. From the \$24.3 million total, \$10 million will be for the pool restoration and \$14.3 million will be for school repairs. He shared that he has been out in the community promoting the bond and has received positive feedback. He then reviewed the various needs at the different school sites.

Member Tom Oliver then explained what deferred maintenance is. He shared that the district does spend a significant amount of money on maintenance to keep things going. The bond would be for the system replacements, and that is not supported by the general fund. This is the reason behind the Board approving the construction excise tax, to have the new construction in the community help fund the system maintenance and replacements over time.

William Lewis then shared how the district arrived at the \$24.3 million for the bond. The goal is to have a flat rate of \$2 per \$1,000 of assessed value. There will be interest earnings on this as well. The hope is to be able to dovetail on the ESSER funds and try to combine with other funding sources to get the most for our money.

(Whereupon, there was an extensive discussion around the bond and what repairs are included.)

Upon motion made by Member Tom Oliver, duly seconded by Vice Chair Richard Borden, the Board voted unanimously to approve the Bond Resolution No. 2122-4 as presented and to present the general obligation bond on the May 17, 2022 election ballot.

9. CONSTRUCTION RESOLUTION NO. 2122-5

William Lewis presented the construction resolution that will approve the alternative contracting method Construction Manager/General Contractor for the Seven Oak project. Steve Earle from HMK, the project manager for Seven Oak, provided information regarding this process.

Upon motion made by Vice Chair Richard Borden, duly seconded by Member Tom Oliver, the Board voted unanimously to approve Construction Resolution No. 2122-5 as presented.

10. CONSENT AGENDA

Member Tammy Schilling had some questions regarding the policy update process and requested that we table the policy updates until the March Board meeting.

(Whereupon, there was a discussion around the policy update process.)

Upon motion made by Member Tom Oliver, duly seconded by Member Tammy Schilling, the Board voted unanimously to approve the December 9, 2021 meeting minutes and January 13, 2022 meeting minutes as presented. The policy updates were tabled until the March 10, 2022 meeting.

11. DEPARTMENT REPORTS

There were no updates for the Operations Department, Human Resources Department and the Finance Department.

12. COMMUNICATION

A. Board

Member Tom Oliver thanked everyone for the robust discussion on the bond issue.

Chair Mike Martin also shared that he visited three school-based health clinics and shared what he found at the different clinics and what is generally treated in them and what is not.

B. Superintendent

Nothing to report from the Superintendent.

13. AUDIENCE COMMENTS

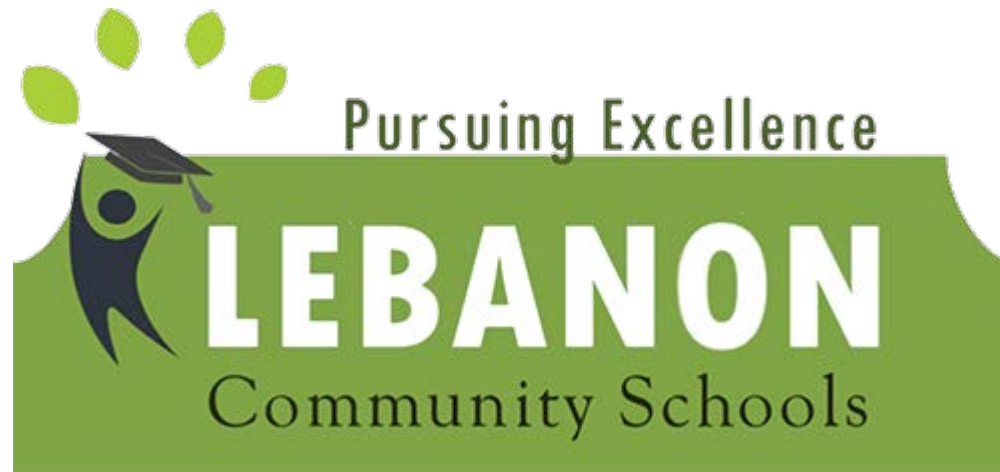
No members of the audience requested the opportunity to address the Board.

14. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:16 PM.

Mike Martin, Board Chair

Bo Yates, Superintendent



LEBANON COMMUNITY SCHOOL DISTRICT #9

ESSER I, ESSER II, ESSER III, GEER Grant, and Summer
Learning Grants Review

February 10, 2022

ESSER I Fund 234 Expenditures

- Online Learning Cascades (pre Santiam Academy) 32.8% Other Staffing 26%
- School Supplies 3.7%
- Computer Software 2.8%
- Freezer Upgrade and other FS Upgrades (Refrigerators and Milk Coolers) 26%
- Grant In Directs 4.3% Charter School 4.4%

ESSER II Fund 902 Expenditures

- Staffing and Benefits 57.5%
- Technology (hardware, software, licenses, support, hot spots) 13.5%
- Charter School 5.8%, Grant In directs 3.1%, Summer Learning Grant shared portion 5.9%
- School supplies 4%, Modular classroom rental 3.3%
- Remaining \$1.5 million reserved for 7 Oak 6th grade classroom expansion project.

ESSER III Fund 903 Expenditures

- Santiam Academy-40.9% of YTD plus encumbered.
- Technology-9.8% YTD plus encumbered.
- Other Staffing-32.1% YTD plus encumbered.
- \$2.5 Million reserved for 7 Oak 6th grade classroom expansion.
- Future expenses- SA, Pandemic Relief Assets, Pandemic Relief Services, Coordination with Grants and Future Bonds.

GEER Grant Fund 901 Expenditures

- Computer Software 40.9%
- Computer Hardware 50.1%
- Professional Services and Supplies 9%

SUMMER LEARNING Grants Fund 904

Expenditures

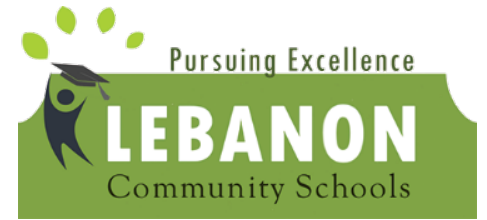
- Three Separate Grants- K-8 Enrichment, 9-12 Credit Recovery, K-5 Child Care
- K-8 Enrichment and 9-12 Credit Recovery required a 25% district contribution. The district K-8 contribution came from ESSER II and SIA funds and the district 9-12 contribution came from HSS and SIA.
- 97.3 % of funding went into directly supporting our students and employees. Over \$161k went to student fundraising efforts who helped out with various programs.

Questions/Clarifications/Requests

Agenda Item 12

*Consent Agenda
Policy Updates – First Reading*

BOARD MEMORANDUM



To: Board of Directors

From: Jennifer Meckley, Assistant Superintendent

Date: March 1, 2022

Meeting Date: March 10, 2022

Re: Policy Updates

MARCH 2022 POLICY UPDATES – REVIEW AND RECOMMENDATIONS

Code	Title	OSBA Recommendation	DO Staff Lead(s)	Changes/DO Staff Comments	Recommend Adoption? (Yes/No)
ACB ACB-AR	Every Student Belongs Bias Incident Complaint Procedure	Required	Jen	Changes in language due to updated legislation in February 2021 and October 2021. OAR 581-022-2312 HB2697	Yes
GBL	Personnel Records	Required	Jen	GBL and GBLA - Disclosure of Information. GBLA will be deleted	Yes
IGBAF-AR	Special Education - Individualized Education Program (IEP)	Required	Jen and Steve	Updates to policy to reflect HB 3183 and HB 2105.	Yes

IGBAG-AR	Special Education - Procedural Safeguards	Required	Jen and Steve	Updates to policy to reflect HB 3183 and HB 2105.	Yes
IGBB	Talented and Gifted Program	Required	Jen	SB 486 passed in 2021 amends ORS 343.397. It adds a requirement that each TAG student and their families have the opportunity to discuss the programs and services available to the student and to provide input on the programs and services to be made available.	Yes
IGBHA IGBHA-AR	Alternative Education Programs	Required	Jen and Brandon	Updated language to align with ODE's rule governing alternative education programs	Yes
JFCF	Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence - Student	Required	Jen	Updates in language to reflect HB 2631 and HB 3041.	Yes
CM	Compliance and Reporting on Standards	Highly Recommended	Jen	Updates to reflect changes made by the State Board of Education.	Yes
IJ	School Counseling Program	Highly Recommended	Jen	Updated language to reflect HB 3041.	Yes
BDDH BDDH-AR	Public Comment at Board Meetings	Highly Recommended	Jen	Updated language to reflect HB560 which requires that districts provide the same opportunity for public comment to those attending virtually as is provided to those attending in person. The new BDDH-AR provides a process for public comments both in person and virtually.	Yes
IIA	Instructional Resources/Instructional Materials	Highly Recommended	Jen and Bill	Updated language to reflect HB 3041.	Yes

JECB	Admission of Nonresident Students	Highly Recommended	Jen	Updated language to reflect HB 3041.	Yes
IL	Assessment Program	Highly Recommended	Jen and Bill	We do not currently have this policy. We recommend that we adopt it.	Yes
IKF	Graduation Requirements	Conditionally Required	Jen and Craig	Updated language to reflect HB 2056 and ORS 329.045.	Yes
BAA	Individual Board Member's Authority and Responsibilities	Optional	Jen	New language clarifies when individual board members are authorized to seek legal counsel and incur costs for the educational entity.	Yes
IGDJ	Interscholastic Activities	Optional	Jen and Kraig	HB2817 allows certain students enrolled in GED programs with a district or ESD to participate in interscholastic activities.	Yes
JBB	Educational Equity	Optional	Jen	Updated to reflect HB 3041.	Yes
IKFB	Graduation Exercises	Optional	Jen	HB 2052 allows students to wear Native American items of cultural significance to school events.	Yes
THESE ADMINSTRATIVE RULES ARE FOR INFORMATION ONLY					
GBNAB/JHFE-AR JHFE/GBNAB-AR	Abuse of a Child Investigations Conducted on District Premises	Highly Recommended	Jen	With recent changes to the definitions of child abuse and sexual conduct in ORS 339, the AR has a new code because it involves staff responsibilities.	Yes
LBE-AR	Public Charter Schools	Highly Recommended	Jen	Updated language to reflect HB 2954 which allows a weighted lottery for public charter schools	Yes



Review and Adoption Guidelines

Policy Update provides sample policies to subscribers. Each policy is designated by OSBA policy staff as **required**, **conditionally required**, **highly recommended** or **optional**.

OSBA provides sample policies to assist your board in its policy-making process. Sample policies can help you develop new policy or revise existing policy. These samples are best used as a starting point for discussions and guidance for policies you may decide to write.

The best policy is that which your local board develops for its particular circumstances. That's why we recommend that you do not adopt every sample policy in *Policy Update*. Whatever you decide, it is critical for policies to be up to date, legal and reflect current district practice.

Policies designated **required** are mandated by Oregon Revised Statutes, Oregon Administrative Rules or federal law and must be adopted by districts. Districts have limited discretion to change the language in sample required policy because these policies reflect required language in statute. Our sample required policies have very little bracketed language – that is, language that is optional and usually written to make the required policy more comprehensive than law requires it to be.

A few policies receive a **conditionally required** designation. These policies are only required in particular circumstances, such as kindergarten tuition, which will be explained whenever a conditionally required sample policy is sent to you.

OSBA staff designates some policies **highly recommended** because they are written in response to a current statute, legal case or hot topic – or because there is substantial potential for litigation. Districts are not required to adopt them.

Many of our policies are designated **optional**. These policy samples result from district requests, recommendations from other OSBA departments or legislative initiatives. Districts are not required to adopt them.

Local Policy Adoption Process

Most districts' board meeting agendas include a **first reading** of proposed policy. A first reading can occur at any meeting where a quorum of the board is present. This can include work sessions or policy committee workgroups. Such meetings fall under Oregon's Public Meetings Law. It is not necessary to read the policy aloud for it to be entered into the minutes. The purpose of a first reading is to provide notice and to allow for the opportunity for input from board members and others. Comments do not need to be made or recorded at the first reading as long as someone is designated to receive any such input.

If no input is received after a first reading, districts can place a **second reading**, commonly referred to as an **adoption**, into the consent agenda to be voted on in the consent agenda motion. If the district does not use consent agenda, it can be listed as an action item; it requires a motion and majority vote of the board to adopt.

If there *is* input after the first reading, the adoption motion can be “adopt as revised.” The board need not repeat the first reading step.

There is no statutory language requiring first and second readings, only board adoption. In some circumstances, there may not be enough time for a first and second reading – especially if there are new federal or state mandates with emergency-implementation clauses. The superintendent can request and the board may grant a single-reading adoption.

If we can be of further assistance in your policy needs, please contact:

Peggy Holstedt, Director, Policy Services, pholstedt@osba.org.

Rick Stucky, Specialist, Policy Services, rstucky@osba.org.

***Policy Update* and the sample policies are not meant to replace the advice of local district legal counsel.**

OSBA Model Sample Policy

Code: **ACB**

Adopted:

Every Student Belongs

The district is dedicated to the success of every student in each of our schools. For that success to occur, the district is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. Equity at Lebanon Community School District will not be confused with equality, where all students are treated the same. Equity will be an enduring commitment where race will no longer be a predictor of student achievement; where historically underserved groups increase in capacity and power; and where barriers to student success have been mitigated or eliminated

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

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

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

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

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, a noose, swastika, or confederate flag , and whose display:

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

The district prohibits the use or display of any symbols of hate on school property¹ or in an education program² except where used in teaching curriculum that is aligned with state standards of education for public schools.

¹ “School property” means any property under the control of the district.

² “Education program” includes any program, service, school or activity sponsored by the district.

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

The district prohibits retaliation against an individual^{ 3 } because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

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

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

END OF POLICY

Legal Reference(s):

[ORS 659.850](#)

[ORS 659.852](#)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

House Bill 2697 (2021)

House Bill 3041 (2021)

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

Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).

State v. Robertson, 293 Or. 402 (1982).

³ {ORS 659.852 prohibits retaliation only against students. Other statutes (and other complaint procedures) prohibit retaliation against staff and others for reporting or providing information regarding a complaint or investigation. }

OSBA Model Sample

Code: **ACB-AR**
Adopted:

Bias Incident Complaint Procedure

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

Step 1: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and promptly report the incident to the building or program administrator.

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

- Educational components that address the history and impact of hate;
- Procedural components to ensure the safety, healing, and agency of those impacted by hate;
- Accountability and transformation for people who cause harm; and
- Transformation of the conditions that perpetuated the harm.

The administrator or designee must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly².

The administrator or designee will determine responsibility within 10 days of receiving the complaint.

All persons impacted by the act will be provided with information relating to the investigation and outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;
- When the investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and

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

² The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual’s right to appeal to the Oregon Department of Education or the U.S. Department of Education.

- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.

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

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

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

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

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

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

The complainant, if a person who resides in the district, or a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal³ the district’s final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

³ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁴

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

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

⁴ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

OSBA Model Sample Policy

Code: GBL

Adopted:

Personnel Records *

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees'¹ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the personnel office to inspect the contents of their personnel file on any day the personnel office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the district or the district's designated representative on matters of district business;
9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the district, pursuant to ORS 339.378(1), shall disclose the requested information if it

¹ Includes former employees.

has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the district pursuant to [Oregon Revised Statute \(ORS\) 339.388\(8\)\(c\)](#) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
11. Upon request from a prospective employer or a former employee, authorized district officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with the district's public records procedures.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)

[ORS 339.370](#) – [339.374](#)

[ORS 339.378](#)

[ORS 339.388](#)

[ORS 342.143](#)

[ORS 342.850](#)

[ORS 652.750](#)

[ORS Chapter 659](#)

[ORS Chapter 659A](#)

[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

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

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

OSBA Model Sample Policy

Code: IGBAF-AR

Adopted:

Special Education - Individualized Education Program (IEP)**

1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

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

- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the

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

c. Participation by other agencies:

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

4. Agreement for Nonattendance and Excusal

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

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short-term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.

- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short-term objectives. The goals and, if appropriate, objectives:
 - (a) Meet the student’s needs that are present because of the disability, or because of behavior that interferes with the student’s ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.

- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
 - (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.

- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.

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

6. Agreement to Amend or Modify IEP

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

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

7. IEP Team Considerations and Special Factors

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

- (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.
 - (i) Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule 441-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).
 - (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
 - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- e. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

8. Incarcerated Youth

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

9. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The district's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

10. Assistive Technology

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

11. Transfer Students

- a. In state:

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

- (1) Adopts the student's IEP from the previous district; or

- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

b. Out of state:

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

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

OSBA Model Sample Policy

Code: IGBAG-AR

Adopted:

Special Education - Procedural Safeguards**

1. Procedural Safeguards

a. The district provides procedural safeguards to:

- (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
- (2) Surrogate parents; and
- (3) Students who have reached the age of 18, the age of majority or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).

b. The district gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):

- (1) At least once a year;
- (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
- (3) When the parent (or adult student) requests a copy; and
- (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is emancipated.

c. The *Procedural Safeguards Notice* is:

- (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
- (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:

- (a) The notice is translated orally or by other means to the parent in ~~his/her~~ their native language or other mode of communication;
- (b) The parent understands the content of the notice; and
- (c) There is written evidence that the district has met these requirements.

2. Content of *Procedural Safeguards Notice*

The procedural safeguards notice includes all of the content provided in the *Procedural Safeguards Notice* published by ODE.

3. Parent or Adult Student Meeting Participation

a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and

- educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
 - c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
 - d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
 - e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
 - f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
 - g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
 - (1) Is not an employee of the district or ODE;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
 - (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;

- (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
 - (4) Represent the student in all matters relating to the provision of FAPE to the student.
- g. A parent may give written consent for a surrogate to be appointed.
- (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The district may change or terminate the appointment of a surrogate when:
- (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).

- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.
- g. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary goals and transition services.

6. Prior Written Notice

- a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the district:
 - (1) Proposes to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
- b. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the district;
 - (2) An explanation of why the district proposed or refused to take the action;
 - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
 - (6) A description of other options the IEP team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.

- c. The prior written notice is:
 - (1) Written in language understandable to the general public; and
 - (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
 - (3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent’s native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child’s eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Re-evaluation

- a. The district obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:

¹ “Consent” means that the parent or adult student: a) has been fully informed, in his/her/their native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which his/her/their consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

- (1) The district does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.
- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.
- c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student’s individualized education program (IEP) as a measure for determining progress;
 or

- (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.

- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent’s right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or education service district (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.

- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.

- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses ODE for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing
- c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.

19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA - Discipline of Students with Disabilities.

OSBA Model Sample Policy

Code: IGBB
Adopted:

Talented and Gifted Program

The district is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

The Board directs the superintendent to develop a written identification process for identifying academically talented and intellectually gifted students in grades K through 12.

A written plan shall be developed that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students and provides an opportunity for the student's parents to discuss with the district the programs and services available to the student and to provide input on the programs and services to be made available to the student.

The plan will be provided at the school or the district office when requested and on the district's website. The website shall also provide the name and contact information of the district's coordinator of special education and programs for talented and gifted.

END OF POLICY

Legal Reference(s):

[ORS 343.391-343.401](#)

[ORS 343.407-343.413](#)

[OAR 581-022-2325](#)

[OAR 581-022-2330](#)

[OAR 581-022-2500](#)

SB 486(2021)

OSBA Model Sample Policy

Code: IGBHA
Adopted:

Alternative Education Programs**

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

[ORS 339.250](#)

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

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

OSBA Model Sample Policy

Code: IGBHA-AR(1)
Adopted:

Evaluation of Alternative Education Programs (For use by the alternative education program coordinator)

Date _____

Dear Alternative Education Program Coordinator:

In accordance with Oregon Administrative Rule (OAR) 581-022-2505, the district is required to evaluate alternative education programs annually. Please provide the documentation required below and return to the Assistant Superintendent at the District office at 485 S. 5th Street, Lebanon, Oregon, no later than April 1st. Please include the program name, program coordinator and telephone number. A copy of the district's written evaluation shall be provided to the program coordinator.

Staff

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

Curriculum

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

Discrimination

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

Registration (Private alternative education programs only)

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

Site Evaluation

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

Tuition and Fees

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

Contract

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

Expenditures

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

Advertising

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

Superintendent

Dated

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

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

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

2-2

OSBA Model Sample Policy

Code: JFCF

Adopted:

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

~~(Version 2)~~

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

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

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

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

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

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

The administrator and the superintendent are responsible for ensuring that this policy is implemented.

Definitions

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

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

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

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

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

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

“Teen dating violence” means:

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

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

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

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

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

or participation in the investigation of, hazing, harassment, intimidation or bullying, menacing, teen dating violence, acts of cyberbullying, or retaliation.

“Menacing” includes, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

Reporting

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

Any student who has knowledge of conduct in violation of this policy or feels they have been subjected to an act of hazing, harassment, intimidation or bullying, menacing, or cyberbullying or feel they have been a victim of teen dating violence in violation of this policy, is encouraged to immediately report concerns to the administrator who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the administrator. A report made by a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

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

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

Notification to Parents or Guardians

The administrator shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the administrator reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying requests that notification not be provided to the student’s parents or guardians.

2. The administrator determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The administrator informs the student that federal law may require the student’s parents and guardians to have access to the student’s education record, including any requests of nondisclosure (from item 1 above).

If the administrator determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

Training and Education

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

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

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

Notice

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

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

END OF POLICY

Legal Reference(s):

[[ORS 163.190](#)]
 [[ORS 163.197](#)]
[ORS 107.705](#)
[ORS 166.065](#)
[ORS 166.155](#) - 166.165
[ORS 174.100](#)(7)

[ORS 332.072](#)
[ORS 332.107](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351](#) - 339.368
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[House Bill 2631 \(2021\)](#)
[House Bill 3041 \(2021\)](#)

R7/18/19 10/05/21 | RS

Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student** – JFCF

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

OSBA Model Sample Policy

Code: CM
Adopted:

Compliance and Reporting on Standards

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

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

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

END OF POLICY

Legal Reference(s):

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

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

OSBA Model Sample Policy

Code: IJ
Adopted:

School Counseling Program

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

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

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

Materials used in the counseling program will be free of content that may discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, or marital status, or that which permits or requires different treatment of students on such basis unless such differences cover the same occupation and interest areas and the use of such different material is shown to be essential to the elimination of discrimination.

¹ Oregon Department of Education - [Comprehensive School Counseling](#)

Consistent with individual rights and the counselor’s obligations as a professional, the counseling relationship and resulting information may be protected as privileged communications by Oregon law.²

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)
[\[ORS 174.100\]](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 329.603](#)

[ORS 332.107](#)
[ORS 336.187](#)

[OAR 581-021-0013](#)
[OAR 581-021-0046](#)~~(7)~~

[OAR 581-022-2030](#)
[OAR 581-022-2055](#)
[OAR 581-022-2060](#)
[OAR 581-022-2250](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2019).
[\[House Bill 3041 \(2021\).\]](#)

² See ORS 40.245.

OSBA Model Sample Policy

Code: BDDH
Adopted:

Public Comment at Board Meetings

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

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment. The public meeting law is a public attendance law, not a public participation law. The right of the public to attend does not include the right to participate by giving testimony or comment.

The Lebanon Community School Board recognizes members as vital to the success of the school system. Therefore, the Board extends to community members the right to make comments at the designated place on the agenda. Comments should follow the guidelines as described in the policy.

Board members should refrain from responding to audience comments.

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

Procedures for Oral Public Comment

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

1. Public comment is limited to its designated place on the agenda and while time allows and should be made in an orderly manner and civil tone.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak form to the Board secretary prior to the Board meeting.¹ If attending virtually, the Intent to Speak form must be submitted 24 hours prior to the meeting. A request to give public comment in-person or electronically does not guarantee time will be available.

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

3. A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner. Time limits will be determined based on the number of commenters and the amount of time available for public comment. If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.
6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

The Board will not hear public comment at Board work sessions.

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

Comments Regarding Staff Members

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

END OF POLICY

Legal Reference(s):

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

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

[ORS 332.107](#)

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

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

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

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

Oregon House Bill 2560 (2021).

OSBA Model Sample Policy

Code: BDDH-AR

Revised/Reviewed:

Public Comment at Board Meetings

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

To provide public comment in person, if the opportunity is available on the Board agenda, please complete and submit the Intent to Speak form to the Board secretary prior to the meeting. Those attending virtually and want to provide public comment, the Intent to Speak form must be submitted 24 hours prior to the meeting. A request to give public comment in-person or electronically does not guarantee time will be available.

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

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

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

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

SEE FORM ON REVERSE

INTENT TO SPEAK

The Board welcomes input. To provide in-person public comment please submit this completed card to the Board secretary prior the start of the meeting.

If attending virtually, the following will apply:

1. You will need to complete the digital Intent to Speak form on the School Board Minutes and Agendas page on the district website.
2. Name of participant for Zoom meeting must match the information below.
3. You will be assigned a speaking order, which you will receive with your Zoom link for the meeting.
4. You must have your camera on when speaking.
5. You must follow the meeting participation expectations provided by the Board Chair or you will be removed from the meeting.

Name: _____ Phone: _____

Name of organization (if applicable): _____

Address: _____

Email (optional): _____

Topic or comment to be presented (brief description): _____

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

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

Instructional Resources/Instructional Materials (Version 1)

The Board is responsible for the selection of instructional materials. The Board delegates to district professional personnel the authority for the selection of instructional and library media materials in accordance with the policy below.

Selection Objectives

When reviewing and selecting instructional **resources and** materials, the objectives will be:

1. To select materials that will provide improvements in content, organization and teaching methods;
2. To ensure accurate and up-to-date content that includes new concepts, insights and facts;
3. To provide for sequential growth from level to level;
4. To provide a fair representation of the many religious, ethnic and cultural groups and their contributions to our American heritage;
5. To **provide resources and materials that are free of racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias.** ~~recognition of minority groups and women by placing them frequently in positions of leadership and example. There will be no discrimination or bias or prejudice toward sex, sexual orientation, race, religion, national origin, marital status, disability or age.~~

The district will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.

Textbooks and other instructional materials adopted by the Board shall be selected by the appropriate professional personnel in consultation with parents and citizens. The input of staff and students will be encouraged. Final decisions on purchase will rest with the superintendent or designee, subject to official adoption by the Board in the case of textbooks and other instructional materials.

Selection Criteria

All materials selected will be consistent with the following principles:

6. Materials that enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served;
7. Materials that stimulate growth in factual knowledge, literary appreciation, aesthetic values and

ethical standards;

8. A background of information which will enable students to make intelligent judgments in their daily lives;
9. Materials on opposing sides of controversial issues, so that young citizens may develop, under guidance, the practice of analytical reading and thinking;
10. Materials representative of the many religious, ethnic and cultural groups, showing their contributions to our heritage.

The above principles will serve as a guide in the selection of all instructional and library media materials.

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

Any resident or employee may challenge the appropriateness of the district's instructional materials. The district will provide a procedure to process such challenges.

END OF POLICY

Legal Reference(s):

ORS 336.035	ORS 337.260	OAR 581-021-0045
ORS 336.840	ORS 337.511	OAR 581-021-0046
ORS 337.120	ORS 339.155	OAR 581-022-1140
ORS 337.141		OAR 581-022-1520
ORS 337.150	OAR 581-011-0050 to -0117	OAR 581-022-1640
	OAR 581-022-2310	OAR 581-022-2350
	OAR 581-022-2340	OAR 581-022-2355

~~No Child Left Behind Act of 2001, 20 U.S.C. §§ 6311-6322 (2006).~~

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

OSBA Model Sample Policy

Code: JECB

Adopted:

Admission of Nonresident Students

The district may enroll nonresident students as follows:

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

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board may, based on district criteria, deny admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

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

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

OSBA Model Sample Policy

Code: IL
Adopted:

Assessment Program**

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

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

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;
- ~~2. Assessment of Essential Skills;~~
- ~~3.2.~~ Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;
- ~~4.3.~~ Assessments by individual teachers;
- ~~5.4.~~ ~~Optional~~ Other schoolwide and grade levelwide assessments, ~~as recommended by the superintendent and as approved by the Board.~~

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

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

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

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

A parent on behalf of their student or an adult student may annually opt-out of taking a statewide summative assessment by completing and submitting ODE’s opt-out form¹ to the school. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices² and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student’s or parent’s right to request an exemption from taking the statewide summative assessments.

~~A student may opt out of the Smarter Balanced and/or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The district shall provide the required notice and necessary forms to the student. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices³ and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student’s or parent’s right to request an exemption from taking the statewide summative assessments.~~

~~The district shall establish conduct and discipline consequences for student-initiated test impropriety.~~ The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

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

END OF POLICY

Legal Reference(s):

- | | | |
|-----------------------------|----------------------------------|----------------------------------|
| ORS 40.245 | ORS 659.870 | OAR 581-022-2110 |
| ORS 326.565 | OAR 581-021-0009 | OAR 581-022-2115 |
| ORS 326.575 | OAR 581-021-0030 | OAR 581-022-2250 |
| ORS 329.479 | OAR 581-022-1910 | OAR 581-022-2270 |
| ORS 329.485 | OAR 581-022-2030 | OAR 581-022-2310 |
| ORS 336.187 | OAR 581-022-2060 | House Bill 3041 (2021) |
| ORS 659.850 | OAR 581-022-2100 | Senate Bill 602 (2021) |

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

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

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

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

OSBA Model Sample Policy

Code: IKF
Adopted:

Graduation Requirements**

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

~~(Version 1)~~

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

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

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

1. A foster child¹;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

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

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits^{2} which include at least:

¹ As defined in ORS 30.297.

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

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in ~~English~~-language arts (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (including history, civics³, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and technical education, the arts or world languages (units shall be earned in any one or a combination).

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

To receive a diploma, in addition to credit requirements outlined in OAR 581-022-2000, a student must⁴:

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

Essential Skills

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

~~{⁵The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student’s language of origin, and will develop procedures to ensure that locally scored assessment options administered in an ELL student’s language of origin are scored by a qualified rater.}~~

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

⁴ The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).

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

~~[Essential Skills Appeal~~

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

Modified Diploma

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

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

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

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

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

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

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

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

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

~~CR 7/18/19~~ 10/05/21 | RSLF

Graduation Requirements** – IKF
3-7

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

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

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

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

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

Extended Diploma

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

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits in mathematics;
 - b. Two credits in **English** language arts;
 - c. Two credits in science;
 - d. Three credits in history, geography, economics or civics;
 - e. One credit in health;
 - f. One credit in physical education; and
 - g. One credit in the arts or a world language.
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;

- b. A medical condition that creates a barrier to achievement; or
- c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

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

Alternative Certificates

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

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

Other District Responsibilities

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

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

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

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

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

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

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

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

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

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

~~[The district will review graduation requirements biennially in conjunction with the secondary school improvement plan. Graduation requirements may be revised to address student performance.]~~

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. ~~Students who opt out will need to meet the Essential Skills graduation requirement using another approved assessment option.~~ Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form⁶ and submitting the form to the district.

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

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

END OF POLICY

Legal Reference(s):

[ORS 329.007](#)

[ORS 329.045](#)

[ORS 329.451](#)

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

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

[OAR 581-021-0009](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)

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

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.
House Bill 2056 (2021).
Senate Bill 744 (2021).

OSBA Model Sample Policy

Code: BBAA

Adopted:

Individual Board Member's Authority and Responsibilities

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

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

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

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

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

1. Request for Information

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

2. Requests for Legal Opinions

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

3. Action on Complaints or Requests Made to Board Members

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

4. Board Member's Relationship to Administration

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

5. Contracts or Agreements

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

END OF POLICY

Legal Reference(s):

[ORS 332.045](#)

[ORS 332.055](#)

[ORS 332.057](#)

[ORS 332.075](#)

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

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

OSBA Model Sample Policy

Code: **IGDJ**

Adopted:

Interscholastic Activities

The Board recognizes the integral role interscholastic activities play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, student participants, and others associated with the district's high school activities programs and events¹ shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and of the Oregon School Activities Association (OSAA) and the fundamental values of sportsmanship. Each will be held accountable for their actions.

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

Interscholastic activities when provided by the district will comply with Title IX.

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

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

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

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

¹ This applies to only OSAA-sanctioned activities and events.

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

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

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

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

[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)

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

[OAR 581-026-0005](#)

[OAR 581-026-0700](#)

[OAR 581-026-0705](#)

[OAR 581-026-0710](#)

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

OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.

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

OSBA Model Sample Policy

Code: JBB
Adopted:

Educational Equity

The district is dedicated to the success of every student in each of our schools. For that success to occur, the district is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. Equity at Lebanon Community School District will not be confused with equality, where all students are treated the same. Equity will be an enduring commitment where race will no longer be a predictor of student achievement; where historically underserved groups¹ increase in capacity and power; and where barriers to student success have been mitigated or eliminated. Educational equity is based on the principles of fairness and justice in allocating resources, opportunity, treatment and creating success for each student.

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

To achieve educational equity the district will commit to:

1. Systematically using districtwide and individual school level data, disaggregated by [¹race/ethnicity, national origin, language, special education, sex, **non-binary**, socioeconomic status and mobility] to inform district decision making.
2. Raising the achievement of all students while narrowing the gap between the lowest and the highest performing students.
3. Eliminating the predictability and disparity in all aspects of education and its administration, including but not limited to, the disproportionate representation of students by race, poverty, sex, sexual orientation², **gender identity**, and national origin in discipline, special education and in various advanced learning.
4. Graduating all students ready to succeed in a diverse local, national and global community.

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

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

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

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

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

The superintendent shall include equity practices in the district's strategic plan to implement this policy. The superintendent will annually report to the Board the progress of the strategic plan.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#) (↗)
[ORS 332.075](#)

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

House Bill 3041 (2021).

OSBA Model Sample Policy

Code: IKFB
Adopted:

Graduation Exercises

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

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

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

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

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

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

~~{Graduating students will be allowed to wear Native American or other items of cultural significance^{1}; in accordance with consistently enforced rules established by the principal or designee.^{2}^{3}}~~

END OF POLICY

¹ {HB 2052 (2021) requires that districts allow students to wear Native American items of cultural significance to graduation and other school events. Districts can choose to allow students to wear items of significance to other cultures.} "Native American items of cultural significance" means items or objects that are traditionally associated with Native American or that have religious or cultural significance to a Native American.

² The district may prohibit an item or object that: a) is likely to cause a substantial disruption of, or material interference with the graduation ceremony, or b) replaces a cap or gown customarily worn at a graduation ceremony.

³ ~~{See letter from ODE regarding Graduation Ceremonies (click on [Year] Graduation Ceremonies).} {This could cause some controversy. OSBA recommends communicating with community cultural leaders and high school administration prior to adopting this language. If one group of students is allowed to wear an item of cultural significance, the same rule must be applied to other students in a non-discriminatory manner.}~~

Legal Reference(s):

[ORS 329.451](#)
[ORS 332.107](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 581-021-0060](#)
[OAR 581-022-2000](#)
[OAR 581-022-2010](#)

[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2505](#)

31 OR. ATTY. GEN. OP. 428 (1964)

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

Kay v. David Douglas Sch. Dist. No. 40, 1987); cert. den., 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

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

OSBA Model Sample Policy

Code: GBLA
Adopted:

D

Disclosure of Information

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil right of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.
2. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
3. The disclosure is a result of a request from law enforcement, Oregon Department of Human Services, Teacher Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
4. No later than 20 days after receiving a request under ORS 339.374(1)(b), the district, if it has or has had an employment relationship with the applicant shall disclose the information requested.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.374](#)

[ORS 339.378](#)
[ORS 339.388](#)

[ORS Chapter 659](#)
[ORS Chapter 659A](#)

OR. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL.

OSBA Model Sample Policy

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

Abuse of a Child Investigations Conducted on District Premises

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

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

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

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

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

FOR COMPLETION BY DISTRICT STAFF

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

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

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

HR**10/05/21** | **LF**

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

OSBA Model Sample Policy

Code: JHFE/GBNAB-AR(2)
Revised/Reviewed:

Abuse of a Child Investigations Conducted on District Premises

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

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

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

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

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

FOR COMPLETION BY DISTRICT STAFF

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

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

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

HR10/05/21 | LF

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

OSBA Model Sample Policy

Code: LBE-AR

Revised/Reviewed:

Public Charter Schools

1. Definitions

- a. “Applicant” means any person or group that develops and submits a written proposal for a public charter school to the district.
- b. “Public charter school” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
- c. “Virtual public charter school” means a public charter school that provides online courses, but does not primarily serve students in a physical location as described in Oregon Administrative Rule (OAR) 581-026-0300.
- d. “Remote and necessary school district” means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in Oregon Revised Statute (ORS) 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
- e. “Sponsor” means the district or Board.

2. Proposal Process

- a. An applicant will issue a written statement of its intent to submit a proposal not less than 30 days prior to the submission date outlined below.
- b. An applicant shall submit a complete proposal for sponsorship of a public charter school by the Board, including items outlined in ORS 338.045, to the district office no less than 180 days prior to the proposed starting date of the proposed public charter school by January 31 for a September start date. The applicant shall also submit a copy of the same proposal to the State Board of Education.
- c. The district will complete the review process as outlined in Section 3 below.
- d. As part of the proposal, each member of the proposed public charter school’s governing body must provide an acknowledgment of understanding of the standards of conduct and the liabilities of a director of a nonprofit organization, as described in ORS Chapter 65, if the public charter school is organized as required by ORS 338.035(2)(a)(B) and (C).

3. Proposal Review Process

- a. Within 30 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal.
 - (1) If the Board determines the proposal is incomplete, the district will identify the specific elements of the proposal that are not complete and provide the applicant with a reasonable opportunity, as determined by the Board, to complete the proposal.

- (2) If after given a reasonable opportunity the applicant does not complete the required elements, the Board may disapprove¹ the proposal.
 - (3) An applicant, that has had a proposal disapproved pursuant to section (2) may appeal the Board's decision to the State Board of Education within 30 days of the disapproval.
 - (4) A good faith disapproval is not a denial for purposes of requesting a review by the State Board of Education under ORS 338.075.
- b. Within 60 days after the receipt of a completed proposal, or a final order issued by the Superintendent of Public Instruction remanding the proposal to the Board for consideration following a decision on an appeal, the Board shall hold a public hearing on the provisions of the public charter school proposal.
- c. The Board must evaluate a proposal in good faith using the following criteria:
- (1) The demonstrated sustainable support for the proposed charter school by teachers, parents, students and other community members, including comments received at the public hearing;
 - (2) The demonstrated financial stability of the proposed public charter school including the demonstrated ability of the school to have a sound financial management system that is in place at the time the school begins operating and meets requirements of ORS 338.095(1);
 - (3) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs;
 - (4) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students identified as academically low achieving;
 - (5) The adequacy of the information provided as required in the proposal criteria;
 - (6) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact² on the quality of the public education of students residing in the district in which the public charter school will be located.
 - (7) Whether there are arrangements for any necessary special education and related services for students with disabilities;
 - (8) Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and
 - (9) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.
- d. The Board must either approve or deny the proposal within 30 days of the public hearing. Written notice of the Board's action shall be sent to the applicant by the district.
- (1) If approved, the applicant shall also submit a copy of the approval to the State Board of Education.
 - (2) If denied, the notice must include the reasons for the denial with suggested remedial measures. The Board shall provide a reasonable opportunity for the applicant to amend

¹ The term "disapprove" is used for a proposal that is rejected due to being incomplete. See ORS 338.055(1)(c).

² A determination of whether an impact is directly identifiable, significant and adverse may include, but is not limited to student enrollment, student-teacher ratios, staff with requisite licensure or endorsement, student learning and performance, specialty programs, financial considerations, and maintenance capabilities.

and resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days of receipt. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

- e. If the Board denies the resubmitted proposal, the process ends. An applicant whose resubmitted proposal is not approved by the Board may request a review of that decision to the State Board of Education within 30 days of the disapproval.

4. Terms of the Charter Agreement

- a. Upon the approval of a proposal by the Board, the applicant, in cooperation with the district, must prepare and execute a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- b. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the Board.
- c. The Board and the public charter school may amend a charter agreement through joint agreement.
- d. The agreement shall incorporate the elements of the approved proposal, will address the requirements outlined in OAR 581-026-0100(2) and any additional requirements that may apply to the public charter school including, but not limited to, the following:
 - (1) Pregnant and parenting students (ORS 336.640);
 - (2) English language learners (ORS 336.079);
 - (3) Student conduct (ORS 339.250);
 - (4) Alcohol and drug abuse policy and plan (ORS 336.222);
 - (5) Oregon Report Card (ORS 329.115);
 - (6) Employment status of public charter school employees pursuant to ORS 338.135;
 - (7) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis pursuant to ORS 338.125.³
 - (8) Transportation of students shall comply with ORS 338.145;
 - (9) The plan for performance bonding or insuring the public charter school sufficient to protect the public charter school and the district from loss and liability and comply with Oregon law. Documentation shall be submitted prior to agreement approval.
- e. If the district and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.

5. Public Charter School Operation

³ Student enrollment shall be voluntary. A public charter school may not limit student enrollment based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, gender identity, income level, the terms of an individualized education program, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level. A public charter school must select students through an equitable lottery selection process if the number of student applicants exceeds the capacity of a program, class, grade level or building. A public charter school may implement a weighted lottery that favors historically underserved students and may give priority for admission to students when in accordance with ORS 338.125(3)(c) (as amended by HB 2954 (2021)).

- a. The public charter school shall operate at all times in accordance with the laws and rules governing public charter school operation in the state of Oregon, including but not limited to ORS Chapter 338 and applicable OAR Chapter 581 Division 22, and the charter agreement.
- b. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

6. Virtual Public Charter School Operation

In addition to the other requirements for a public charter school, a virtual public charter school must comply with additional requirements pursuant to ORS 338.120.

7. Charter Agreement Review

- a. The public charter school shall report at least annually on the performance of the school and its students to ODE and the district.
- b. The public charter school shall be audited annually in accordance with the Municipal Audit Law. After the audit, the public charter school shall forward a copy of the annual audit to ODE and the following to the sponsoring district:
 - (1) A copy of the annual audit;
 - (2) Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the public charter school during the preceding annual audit period for the school; and
 - (3) A balance sheet containing a summary of the assets and liabilities of the public charter school as of the closing date of the preceding annual audit period for the school.
- c. The district may request at any time an acknowledgment from each member of the public charter school board that the member understands the standards of conduct and liabilities of a director of a nonprofit organization, as those standards and liabilities are described in ORS Chapter 65.
- d. The public charter school shall submit to the district [quarterly] financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

8. Authorizing Duties

- a. The district shall designate a liaison to the public charter school for ease of communication between the district and the public charter school.
- b. The district shall ensure at all times that both the public charter school and the district are in compliance with the charter agreement, as per ORS 338.065(2).
- c. The district shall conduct:
 - (1) A comprehensive annual visit to the public charter school and written evaluation of the charter school's program, which should include an audit of the public charter school's academic, financial, and operational performance.

- (2) A review of public charter school staff credentials to ensure that public charter school staff are properly licensed and/or registered with TSPC.
- (3) A collection and review of all deliverables specified in the agreement.
- (4) A review of data to ensure the public charter school is making progress on reasonable, measurable written goals for academic, financial, and operational performance.
- (5) A review to ensure the public charter school is providing appropriate services to students who qualify, e.g., English learner supports.

9. Complaints Heard by the Charter School Board

A final decision reached by the public charter school board for a complaint that alleges a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - OAR 581-021-0570 (Restraint or Seclusion), ORS 659.850 (Discrimination), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), is recognized as the final decision regarding this complaint⁴ by the Board of Lebanon Community School District. A final decision may be appealed to the Oregon Department of Education under OAR 581-002-0003 - 581-002-0005.

10. Charter School Renewal

- a. The first renewal of a charter agreement shall be for the same time period as the initial charter. Subsequent renewals of a charter agreement shall be for a minimum of five years but may not exceed 10 years.
- b. The Board and the public charter school shall follow the timeline listed below, unless a different timeline has been agreed upon by the Board and the public charter school:
 - (1) The public charter school board shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter agreement;
 - (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request;
 - (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal;
 - (4) If the Board approves the charter renewal, the district and the public charter school shall negotiate a new charter agreement within 90 days unless the district and the public charter school agree to an extension of the time period. Notwithstanding the time period specified in the charter agreement, an expiring charter agreement shall remain in effect until a new charter agreement is negotiated;
 - (5) If the Board does not renew the charter agreement, the public charter school board may address the reasons stated for denial of the renewal and any remedial measures suggested by the district and submit a revised request for renewal to the Board;
 - (6) If the Board does not renew the charter agreement based on the revised request for renewal the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter agreement renewal pursuant to ORS 338.065(6).
 - (7) The Board shall base the charter agreement renewal decision on a good faith evaluation pursuant to ORS 338.065(8) and shall base the renewal evaluation described primarily on a review of the public charter school's annual performance reports, annual audit of

⁴ The public charter school board is given this authority by the district Board as established by Board policy.

accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school board and the Board.

For purposes of this section, the phrase “good faith evaluation” means an evaluation of all criteria required by ORS 338.065 resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

11. Charter School Termination

- a. The public charter school may be terminated by the Board for any of the following reasons:
 - (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education.
 - (2) Failure to meet the requirements for student performance as outlined in the charter agreement.
 - (3) Failure to correct a violation of federal or state law that is described in ORS 338.115.
 - (4) Failure to maintain insurance as described in the charter.
 - (5) Failure to maintain financial stability.
 - (6) Failure to maintain, for one or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065.
 - (7) Failure to maintain the health and safety of the students.
- b. If a public charter school is terminated by the Board for any reason listed in sections a.(1) through a.(6) above, the following shall occur:
 - (1) The Board shall give the public charter school board, at least 60 days prior to the proposed effective date of termination, written notification of its decision which shall state the grounds for termination.
 - (2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the Board and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow a process outlined in ORS 338.105.
 - (3) The public charter school may request a hearing with the Board in relation to a termination or a plan to correct deficiencies. The request must be made in writing and delivered to the business address of the district.
 - (4) Following a hearing, a decision reached by the Board to terminate may be appealed by the public charter school to the State Board of Education.
- c. The Board may terminate a charter immediately and close the public charter school for endangering the health or safety of the students enrolled in the public charter school under ORS 338.105(4):
 - (1) A public charter school board may request, in writing and delivered to the business address of the district, a hearing with the Board.
 - (2) Within 10 days of receiving the request for a hearing, the Board must hold a hearing on the termination.
 - (3) If the Board acts to terminate the charter following the hearing, the public charter school may appeal the decision reached by the Board to the State Board of Education.

- (4) The public charter school will remain closed during the appeal process at the discretion of the Board unless the State Board of Education orders the Board not to terminate and to re-open the public charter school.
- d. If the charter agreement is terminated or a public charter school is closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and the public charter school board shall notify the district at least 180 days prior to the proposed effective date of the termination, closure or dissolution. Such notice must be made in writing and be delivered to the business address of the district.
- e. If a charter agreement is terminated or a public charter school is dissolved, assets that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

Agenda Item 13

Finance Department Reports

BOARD MEMORANDUM



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

From: William H. Lewis III, Business Director

Date: March 2, 2022 **Meeting Date:** March 10, 2022

Re: Financial Report and Fiscal Updates

Financial Report

The 2021-2022 Financial Board Report included in this packet reflects all revenues and expenditures for 2015-2021 and the budgeted YTD expenditures, plus encumbered amounts for 2021-2022 as of 3/02/22.

2020-21 Audit Report- Lebanon's 2020-21 audit is complete and administration has been debriefed on its results by our auditors. The audit report is working through the final compliance review at our audit firm. The State of Oregon had a large last-minute adjustment to the audit process across the state, which has slowed the process.

Board Resolution 2122-6 RFP Approval Architectural Design and Consulting Services.

See attached resolution and supporting documentation.

2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	3-02-22 YTD	3-02-22 Encumb	3-02-22 Balance
Certified salaries	12,295,790	12,665,056	12,540,564	12,871,079	6,425,649	6,289,003	156,427
Classified salaries	5,554,869	6,227,931	6,008,791	6,250,523	3,228,066	2,586,940	435,517
Administrative salaries	1,782,092	1,873,807	1,863,955	2,059,820	1,383,317	689,513	(13,010)
Managerial - classified	249,120	154,577	289,051	299,689	205,317	104,831	(10,459)
Retirement stipends	19,904	91,904	133,413	120,000	60,000	60,000	0
Confidential salaries	159,789	162,808	284,898	343,800	247,495	124,481	(28,176)
Certified subs	43,660	2,000	0	14,294	0	0	14,294
Classified subs	43,138	1,500	23,975	0	0	0	0
Temp certified	162,287	82,264	45,425	0	73,783	97,344	(171,127)
Temp classified	23,111	8,000	21,658	481	11,571	0	(11,090)
Student helpers salaries	4,413	21,000	16,654	5,748	11,687	0	(5,939)
Overtime	50,768	0	91,513	57,127	36,369	2,488	18,270
Compensation time	77,738	52,300	44,207	71,883	31,406	0	40,477
Extra duty	350,933	279,579	128,295	230,761	124,065	0	106,696
Classified extra hrs	200,393	208,000	0	0	0	0	0
Vacation Payoff	14,017	29,817	24,292	28,240	34,161	0	(5,921)
Mentor teacher pay	0	0	0	0	985	0	(985)
Personal Leave Payout	0	0	0	0	0	0	0
Department Head Extra Duty	788	6,000	30,000	0	0	0	0
Taxable Meal Reimbursement	2,073	0	809	2,000	508	0	1,492
Cell Phone Stipend	0	0	1,080	1,080	450	0	630
Travel Stipend	0	0	11,400	0	17,933	8,967	(26,900)
Club Advisor	34,950	29,650	120,904	169,964	110,836	68,711	(9,583)
Total Salaries	21,069,833	21,896,193	21,680,883	22,526,487	12,003,598	10,032,278	490,611
PERS	5,753,639	7,398,130	7,286,664	6,797,646	3,404,549	2,732,171	660,926
Social Security	1,544,838	1,655,388	1,642,024	1,627,475	881,897	717,870	27,708
Worker's Comp	210,272	293,025	275,747	189,328	71,079	48,996	69,253
Employee Ins - Admin	239,427	215,642	275,263	283,669	191,186	105,132	(12,649)
Employee Ins - Certified	2,829,522	2,449,421	2,756,998	2,840,563	1,439,305	1,408,095	(6,837)
Employee Ins - Classified	2,408,513	2,327,520	2,596,579	2,598,694	1,305,102	1,064,775	228,817
Employee Ins - Other	36,487	33,429	65,298	92,498	48,349	18,203	25,946
Employee Ins - Retired	120,255	83,600	52,700	120,000	17,621	0	102,379
TSA	24,336	25,200	45,600	45,600	30,400	15,200	0
Staff Tuition Reimbursement	0	0	90,000	2,500	0	0	2,500
Employee Tuition	(9,525)	0	0	0	0	0	0
Total Benefits	13,157,764	14,481,355	15,086,873	14,597,973	7,389,488	6,110,442	1,098,043

2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	3-02-22 YTD	3-02-22 Encumb	3-02-22 Balance
Instructional Services	125,368	103,800	76,375	66,000	110,854	1,091	(45,945)
Instr Prog Improve Service	33,042	53,000	67,750	87,750	32,099	0	55,651
Student SVCS	0	0	0	0	0	0	0
Data Processing SVCS	0	0	0	3,000	0	0	3,000
	0	0	0	0	0	0	0
Professional and Improvement Co:	0	0	0	15,000	0	0	15,000
Other Instr-Prof-Tech SVCS	11,205	20,000	10,000	11,500	43,838	31,440	(63,778)
Cleaning SVCS	0	0	0	0	0	0	0
Repairs & Maintenance	206,884	190,300	227,612	258,500	179,026	10,192	69,282
Radio Service	12,455	11,100	11,100	15,000	0	0	15,000
Rentals	121,067	129,400	88,286	86,300	47,304	20,057	18,939
Electricity	453,206	502,620	465,700	451,500	237,522	146,089	67,889
Fuel	181,534	223,135	217,800	208,100	92,826	54,817	60,457
Water & Sewer	138,029	153,520	142,500	146,700	94,332	0	52,368
Garbage	112,864	102,400	87,000	106,500	59,777	0	46,723
Other Property Services	3,500	20,000	0	0	0	0	0
Reimb. Student Transportation	4,658	10,200	29,900	34,500	8,420	0	26,080
Reimb. Student Transportation	(79,915)				123,573	32,585	(156,158)
Travel	163,937	158,263	150,513	153,011	17,355	597	135,059
Travel - Local	0	0	0	0	0	0	0
Travel - Out of District	37	0	0	0	0	0	0
Travel - Student - Out of Dist.	1,140	5,300	4,500	3,500	0	0	3,500
Classified Staff Training	0	0	0	0	0	0	0
Travel - Other	0	0	0	0	0	0	0
Meals/Transportation	153	200	350	350	0	0	350
Mileage/Transportation	0	0	0	0	0	0	0
Staff Tuition	92,746	47,000	2,000	72,000	35,838	0	36,162
	0	0	0	0	0	0	0
Telephone	44,987	73,165	65,100	52,300	41,229	14,385	(3,314)
Postage	24,224	26,074	28,900	32,117	16,771	10,142	5,204
Advertising	2,761	4,300	2,650	3,500	8,721	0	(5,221)
Printing & Binding	13,712	29,400	30,950	31,700	28,535	0	3,165
Other Communication Services	0	0	0	0	0	0	0
Charter School Payments	2,159,564	2,195,000	2,300,000	2,400,000	1,843,520	756,480	(200,000)
Insurance Reimbursement	0	0	0	0	0	0	0
Tuitions Payments to Other Dist.	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
Tuition Pay Private School	0	5,000	0	0	0	0	0
Other Tuition	240,090	92,500	90,000	115,000	7,968	0	107,032
Audit Services	29,150	30,000	39,000	36,000	0	0	36,000
Legal Services	33,971	35,000	35,000	35,000	6,662	0	28,338
Architect/Engineer Service	0	0	0	0	0	0	0
Negotiation Services	0	10,000	5,000	1,000	0	0	1,000
Management Services	0	0	0	0	0	0	0
Data Processing SVCS	65,278	89,600	65,000	57,500	33,551	0	23,949
Statistical Services	0	0	0	0	0	0	0
Election Services	4,632	5,000	5,000	18,000	0	0	18,000

2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	3-02-22 YTD	3-02-22 Encumb	3-02-22 Balance
Other Non_instr Pro/Tech	447,701	363,700	351,450	402,650	136,765	48,003	217,882
Other General Prof & Tech Svcs	(722)	0	0	0	0	0	0
Physical Exams - Drivers	4,072	4,400	5,750	5,500	5,016	2,000	(1,516)
Drug Tests Drivers	1,670	3,000	2,250	3,000	495	1,505	1,000
Child Care Services	0	15,000	0	0	0	0	0
Sub calling service	14,113	15,000	12,000	7,500	0	0	7,500
Classified subs	226,030	194,000	228,600	251,500	32,097	0	219,403
Criminal History checks	3,394	3,200	3,500	3,500	541	0	2,959
	0	0	0	0	0	0	0
Fingerprinting	626	1,000	2,500	1,000	387	0	613
Classified subs	499,112	425,000	445,791	510,573	198,994	0	311,579
Total P. Services	5,396,276	5,349,577	5,299,827	5,686,551	3,444,016	1,129,383	1,113,152

2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	3-02-22 YTD	3-02-22 Encumb	3-02-22 Balance
Gas Oil & Lubricants	185,324	190,500	189,100	192,000	103,679	63,310	25,011
Vehicle Fuel/Transportation		0	0	0	0	0	0
		0	0	0	0	0	0
		0	0	0	0	0	0
Supplies & Materials	457,850	648,024	651,837	698,023	457,846	37,099	203,078
		0	0	0	0	0	0
		0	0	0	0	0	0
Vehicle repair parts	27,649	52,800	50,500	50,500	24,137	21,613	4,750
Transportation operations	30,665	15,000	25,000	25,000	13,892	5,999	5,109
		0	0	0	0	0	0
		0	0	0	0	0	0
Office Supplies/Transportation		0	0	0	0	0	0
Transportation - Tires		0	0	0	0	0	0
Textbooks	68,642	28,033	9,933	5,433	10,469	0	(5,036)
Library Books	5,914	15,694	8,200	11,700	7,923	0	3,777
Periodicals	6,511	6,000	10,800	12,100	10,440	0	1,660
Equipment under 5K	160,140	178,842	146,100	125,550	43,285	2,605	79,660
Computer software	184,472	264,360	257,398	323,918	246,944	19,406	57,568
Computer hardware	142,441	170,593	181,265	162,359	62,867	1,460	98,032
Total Supplies & Materials	1,269,608	1,569,846	1,530,133	1,606,583	981,482	151,492	473,609
Buildings Acquisition		0	0	25,000	0.00	0.00	25,000
Improvements Other Than Buildings				0	28,615.00	0.00	(28,615)
Equipment	33,623	54,500	25,000	45,000	0.00	0.00	45,000
New Equipment over 5K	35,353	0	45,000	10,000	40,126.76	0.00	(30,127)
Replace of Equip over 5K		0	20,000	20,000	129,488.00	25,337	(134,825)
Depreciable Technology	7,579	0	0	0	0	0	0
Bus Replacement	0	0	0	0	0.00	0	0
Total Capital Outlay	76,554	54,500	90,000	100,000	198,230	25,337	(123,567)
Regular Interest	0	500	0	0	0	0	0
		0	0	0	0	0	0
Dues & Fees	105,393	175,180	159,726	148,076	72,221	197	75,658
Insurance & Judgments	245,279	265,588	306,221	350,000	358,774	0	(8,774)
		0	0	0	0	0	0
Fidelity Bond Premiums		0	0	0	100	0	(100)
Property Insurance Premium		0	0	0	0	0	0
		0	0	0	0	0	0
Judgments & Settlements		0	2,500	3,000	0	0	3,000
Settlements		0	0	0	0	0	0
		0	0	0	0	0	0
Taxes & Licenses	0	200	700	700	985	0	(285)
		0	0	0	0	0	0
Total Other Objects	350,672	441,468	469,147	501,776	432,080	197	69,499

2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	3-02-22 YTD	3-02-22 Encumb	3-02-22 Balance
Transfer - Vocational House Fund	40,000	0	70,000	250,000	250,000	0	0
Transfer - Technology	100,000	0	80,000	100,000	100,000	0	0
Transfer - Classroom Furniture	50,000	0	10,000	35,000	35,000	0	0
Transfer - Textbook Adoption	400,000	400,000	200,000	350,000	350,000	0	0
Transfer - Capital Improvement	400,000		200,000	300,000	300,000	0	0
Transfer - Track and Turf Fund	85,000	10,000	0	0	0	0	0
Transfer - Athletic Fund	446,000	450,000	475,000	475,000	475,000	0	0
Transfer - Bus Replacement	300,000	150,000	225,000	225,000	225,000	0	0
Transfer - Unemploy Ins	25,000	25,000	250,000	0	0	0	0
Transfer - OHC Fund	0			0	0	0	0
PERS Reserve	525,000	0	450,000	300,000	300,000	0	0
Transfer - Food Service	100,000	100,000	120,000	224,446	0	0	224,446
Transfer - Music/Band Replaceme	0	0	20,000	20,000	20,000	0	0
Transfer - Debt Service	150,000	50,000	0	0	0	0	0
Transfer - Academic Achievement	0	0	0	0	0	0	0
Total Transfers	2,621,000	1,185,000	2,100,000	2,279,446	2,055,000	0	224,446
Reserve/Contingency	0	1,750,000	2,000,000	3,000,000	0	0	3,000,000
Grand Total	43,941,707	46,727,940	48,256,864	50,298,816	26,503,893	17,449,129	6,345,793

2021-22 General Fund Revenue Report

		18/19	19/20	20-21	21-22	3-02-22	3-02-22
		Actual	Actual	Budget	Budget	YTD	Balance
SSF Formula							
1111,	Taxes	10,179,205	10,509,179	10,938,094	11,873,719	10,998,411	875,308
4801,4899	Federal Forest Fees	179,478	157,804	130,000	125,000	-	125,000
3103	Common School	437,082	196,120	400,000	444,819	437,986	6,833
2101	County School		209,250	200,000	195,000	24,871	170,129
3104	State Timber	167,048	23,587	100,000	100,000	115,423	(15,423)
3101/3199	School Support Fund	29,101,930	30,942,140	31,791,963	31,702,011	24,046,199	7,655,812
	Adjustments to SSF Payments						-
	Adj for Prior Year payments	(755,646)					-
	Adj for HC Disability Grant	439,748	-	-	-	-	-
	Total SSF Formula	39,748,844	42,038,081	43,560,057	44,440,549	35,622,890	8,817,659
1510	Interest on Investments	385,564	320,317	250,000	150,000	48,788	101,212
4200	Third Party billing	72,372	-	-	-	-	-
2210	TMR	180,556	212,376	210,000	210,000	85,313	124,687
4300	JROTC reimbursement	35,236	77,982	65,000	65,000	41,914	23,086
	Other						-
1741	Outdoor School		-	-	-	-	-
1910	Rental Fees	3,926	1,582	7,500	5,000	-	5,000
1980	Fees Charged to Grants	-	14,915	50,000	108,266	86,606	21,660
1312, 1960, 1990,							
5300	Miscellaneous	370,469	304,781	250,000	255,000	115,877	139,123
1760	Club Fundraising		-	-	-	-	-
1411, 1993	Transportation Fees		4,538	-	-	-	-
1994	E-Rate reimbursement	-	-	80,000	-	12,855	(12,855)
5200	Interfund Transfer - Athletics	8,029	850,000	-	-	-	-
5400	Beginning Fund Balance	5,263,314	2,126,603	3,784,307	5,065,000	6,205,654	(1,140,654)
	Total	46,068,310	45,951,175	48,256,864	50,298,816	42,219,897	8,078,919

	18/19 Actual	19/20 Actual	20-21 Budget	21-22 Budget	3-02-22 YTD & Enc	3-02-22 Balance
General Fund - Revenue						
SSF Formula	39,748,844	42,038,081	43,560,057	44,440,549	35,622,890	8,817,659
SSF Adjustment	-	-	-	-	-	-
State Fiscal Stabilization Fund		-	-	-	-	-
Federal Ed Jobs		-	-	-	-	-
School Year SubAccount		-	-	-	-	-
Loan Receipts		-	-	-	-	-
Interest	385,564	320,317	250,000	150,000	48,788	101,212
Third Party Billing	72,372	-	-	-	-	-
TMR	180,556	212,376	210,000	210,000	85,313	124,687
JROTC	35,236	77,982	65,000	65,000	41,914	23,086
Other	374,395	325,816	387,500	368,266	215,338	152,928
Interfund Transfer	8,029	850,000	-	-	-	-
BFB	5,263,314	2,126,603	3,784,307	5,065,000	6,205,654	(1,140,654)
Total	46,068,310	45,951,175	48,256,864	50,298,816	42,219,897	8,078,919
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General Fund - Expenses						
Salaries	21,069,833	21,896,193	21,680,883	22,526,487	22,035,876	490,611
Benefits	13,157,764	14,481,355	15,086,873	14,597,973	13,499,930	1,098,043
P. Services	5,396,276	5,349,577	5,299,827	5,686,551	4,573,399	1,113,152
Supplies	1,269,608	1,569,846	1,530,133	1,606,583	1,132,974	473,609
Capital Outlay	76,554	54,500	90,000	100,000	223,567	(123,567)
Other Objects	350,672	441,468	469,147	501,776	432,277	69,499
Transfers	2,621,000	1,185,000	2,100,000	2,279,446	2,055,000	224,446
Contingency	-	1,750,000	2,000,000	3,000,000	-	3,000,000
Total	43,941,707	46,727,940	48,256,864	50,298,816	43,953,023	6,345,793
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