



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

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

**AMENDED 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. SIA ANNUAL REPORT, pg. 4** **Action: Informational**
- 4. LHS GRADES AND ON-TRACK DATA, pg. 7** **Action: Informational**
- 5. CERTIFIED EVALUATIONS** **Action: Informational**
- 6. SANTIAM ACADEMY UPDATE** **Action: Informational**
- 7. COVID-19 UDPATE** **Action: Informational**
- 8. RESOLUTION NO. 2122-2, pg. 9** **Action: Approval Requested**
- 9. CONSENT AGENDA** **Action: Approval Requested**

- A. October 14, 2021 Board Meeting Minutes, pg. 12
- B. Policy Updates – First Reading, pg. 22:

CODE	TITLE
AC	Nondiscrimination
AC-AR	Discrimination Complaint Procedure
GBA	Equal Employment Opportunity
GBEA	Workplace Harassment
GBNAA/JHFF	Suspected Sexual Conduct with Students and Reporting Requirements
GBNAA/JHFF-AR	Suspected Sexual Conduct Report Procedures and Forms
GBNAB/JHFE	Suspected Abuse of a Child Reporting Requirements
GBNAB/JHFE-AR	Reporting of Suspected Abuse of a Child

JHFE/GBNAB	Suspected Abuse of a Child Reporting Requirements
JHFE/GBNAB-AR	Reporting of Suspected Abuse of a Child
JHFF/GBNAA	Suspected Sexual Conduct with Students and Reporting Requirements
JHFF/GBNAA-AR	Suspected Sexual Conduct Report Procedures and Forms
IB	Freedom of Expression
IGBI	Bilingual Education
JB	Equal Education Opportunity
JFC	Student Conduct
IKH-AR	Credit for Proficiency
JFCJ	Weapons in Schools

C. Hiring:

NAME	POSITION	FTE	START DATE	END DATE
<b>TEMPORARY</b>				
Debra Price	1 <sup>st</sup> Grade Teacher – Lacombe School	1.0	11/9/21	6/15/22
Alyssa Rappe	Permanent Substitute Teacher – Riverview	1.0	10/25/21	6/14/22

**10. DEPARTMENT REPORTS**

**Action: Informational**

- A. Operations
- B. Human Resources
- C. Finance, pg. 94

**11. COMMUNICATION**

**Action: Informational**

- A. Board
- B. Superintendent

**12. 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.**

### **13. ADJOURNMENT**

Upcoming meeting dates:

December 9, 2021 – Regular Meeting at 6:00 PM

January 13, 2022 – Regular Meeting at 6:00 PM

February 10, 2022 – Regular Meeting at 6:00 PM

# *Agenda Item 3*

*SIA Annual Report*

**Student Investment Account Annual Report Questions**

<b>Annual Report Questions</b>	
<b>District or Eligible Charter School</b>	
<p>1. There are clear impacts from the reduction in SIA funding and from the direct efforts to respond to COVID-19. While you can't fully set those aside, what is important for your community, including focal student groups, families, and educators, to understand about your SIA implementation efforts during the 2020-21 school year and the positive impacts that have occurred? How were you able to make progress towards the goals and outcomes you were aiming at with SIA funding and processes? (500 words or less)</p>	<p>Close to 100% of our SIA funding was used for staffing in the 20-21 school year. We prioritized hiring mental health therapists, instructional assistants for kindergarten, and bilingual staff. The mental health therapists had a large impact on every student group and staff member, They directly served families and students and also improved our systems for accessing mental health support for ALL. It is because of them that we are now connected with multiple community/regional organization working toward increasing access to mental health for all students through ISF (Interconnected Systems Framework). The instructional assistants were vital in supporting our early learners during CDL as well as when we return to in-person instruction. Early intervention for struggling readers is necessary if we are to meet our goal of every student reading at grade level by 3rd grade. The bilingual staff worked tirelessly throughout the school year to connect and engage with our Latinx families and students. They provided multiple family forums to support families through CDL. They are strong advocates for our Latinx families and help to keep us focused and accountable to listening to and meeting their needs and/or concerns.</p>
<p>2. What barriers, impediments, or challenges to your SIA implementation have you faced or identified that are helpful for your community and/or state leaders to be aware of? (500 words or less)</p>	<p>Barriers to implementation of our SIA plan were largely due to the COVID-19 pandemic. We were fortunate to hire very competent employees, but their impact was lessened due to lack of in-person connection with students. Connecting virtually with our most at-risk students was a huge challenge.</p> <p>Another challenge was our ability to capture and track data for each of our student sub-groups. Some of our systems disaggregate data, and others do not.</p>

**Annual Report Questions**

3. SIA implementation includes ongoing engagement with focal students, the families of focal students, and educators. What successes and challenges, if any, have you experienced in maintaining engagement? (500 words or less)

Authentic, ongoing community engagement is a challenge in the best of circumstances. During the COVID-19 pandemic, it has been even more challenging. There was an overwhelming amount of information and communication flowing from the district throughout the year regarding COVID-19, comprehensive distance learning, hybrid instruction, etc. So, while we communicated extensively, the focus was most often on logistics and changes.

Schools and individual staff members spent countless hours trying to connect with students and families virtually. We did have several virtual family forums which were well attended by our bilingual families. It was a support they truly needed to understand how to navigate CDL.

Our Welcome Center staff were able to connect with and serve hundreds of families. Each Welcome Center staff member has a caseload of our most at-risk students and families (many that fall into multiple at-risk categories). They have built trusting relationships over time which we believe has kept many of our students in school and families off the streets. The Welcome Center staff work with community partners (faith community, Chamber of Commerce, Optimists, Linn County Mental Health, etc) to provide extensive wrap around support for families.

4. Please share your professional assessment of what guided your choices and prioritization efforts in the first year of SIA implementation? What stands out? Anything important or surprising to report back or reflect on? How were key decisions on scaled down implementation made? What impacts, if any, are helpful to name in how you navigated through the last year, specifically as it relates to SIA implementation? (500 words or less)

Our district prioritized early literacy, mental health, and support for EI students and families in our first year of SIA implementation. We chose these areas because they could be more easily implemented during Comprehensive Distance Learning and would support some of our most vulnerable populations.

To say the last year was a challenge is an understatement. As we know, navigating how to educate and care for students during the pandemic was new territory for all of us. Having the support of new employees who continually advocated for our students and families helped guide us in equitable decision making.

# *Agenda Item 4*

*LHS Grade and On-Track Data*

**School Improvement**  
 Lebanon High School  
**Formative Data Examination**

LHS Data						
Grade Level	On Track to Graduate %	# of F's	% F's	Students with F's	Total Grades	Notes
<b>9</b>	60%	364	15%	134	2365	
<b>10</b>	55%	370	18%	126	2091	51 students in the not-on-track category earned at least 5.0 credits. Last year we offered 6.0 potential credits and we usually offer 7.0 credits. If we considered earning 5.0+ credits on track then we would be at 70%.
<b>11</b>	63%	337	20%	115	1714	
<b>12</b>	76%	250	21%	90	1177	<i>Ralston students are in their own category due to mini-terms. Distance learning is also in a separate category. These students could potentially graduate this year.</i>
All Grade Levels		1321	18%	465 39%	7347	

<b>Criteria for On-Track</b>		
<b>Grade10</b> Earned at least 6 credits	<b>Grade 11</b> Earned at least 12 credits	<b>Grade 12</b> Earned at least 18 credits



# *Agenda Item 8*

*Resolution No. 2122-2*

# BOARD RESOLUTION



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

**From:** William Lewis, Business Director

**Date:** 11/04/2021

**Meeting Date:** 11/09/2021

**Re:** Approval of Wildish Construction Company Base Bid 2

## **Background**

In early October 2021 the Lebanon School District advertised a request from proposal (RFP) for construction services for the Phillips Subdivision Project. The RFP is for services needed to construct the required street improvements for the subdivision. This was a competitive bidding process with four bidders participating.

## **Recommendation**

It is recommended that the Board award the contract to Wildish Construction Company for the base bid 2 in the amount of \$583,657.00.

## **Resolution #2122-2 Construction Services Contract for Phillips Subdivision Project**

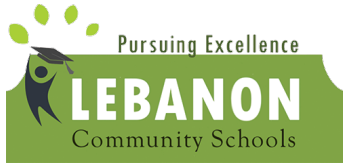
**Whereas:** ORS 279A allows a contracting agency to enter into public contracts when authorized by board resolution, and;

**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 Wildish Construction Co. for the completion of the street improvements at the Phillips Subdivision Project.

Approved: \_\_\_\_\_  
Date

Signed: \_\_\_\_\_  
Board Chair



LEBANON COMMUNITY SCHOOLS  
 PHILLIPS SUBDIVISION PROJECT  
 BID TALLY

Date 10.28.21      2 PM	Pacific Excavation	K&E Excavating	Emery and Sons	Wildish
<b>Base Bid #1</b>	<b>\$ 727,450.00</b>	<b>\$ 748,434.00</b>	<b>\$ 728,223.00</b>	<b>\$ 630,101.00</b>
<b>Base Bid #2</b>	<b>\$ 682,650.00</b>	<b>\$ 680,718.00</b>	<b>\$ 689,679.00</b>	<b>\$ 583,657.00</b>

Attended Mandatory Pre-Bid	Yes	Yes	Yes	Yes
Time Bid Received	1:38 PM	1:43 PM	1:48 PM	1:52 PM
Bid Bond	Yes	Yes	Yes	
CCB Registration Number	135018	128542	221536	695
Addendum Received	3	None	3	3
Bid Form Signed	Yes	Yes	Yes	Yes
First Tier Sub Contractor Disclosure Form	No	Yes	Yes	Yes
Checklist	No	Yes	Yes	Yes

# *Agenda Item 9*

***Consent Agenda***

*October 14, 2021 Meeting Minutes*



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

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## **MEETING MINUTES**

<p><b><u>BOARD MEMBERS PRESENT:</u></b> Mike Martin, Chair Tom Oliver, Member Tammy Schilling, Member, via Zoom Todd Gestrin, Member, via Zoom  Absent: Richard Borden, Vice Chair</p>	<p><b><u>EXECUTIVE STAFF PRESENT:</u></b> Bo Yates, Superintendent Jennifer Meckley, Assistant Superintendent William Lewis, Business Director Kim Grousbeck, Director of Human Resources Bill Wittman, School Improvement and Federal Programs Director</p>
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The meeting minutes were recorded by Executive Secretary Ruth Hopkins.

### **1. WELCOME AND CALL TO ORDER**

Mike Martin called the meeting to order at 6:00 PM and led the Pledge of Allegiance.

### **2. PUBLIC COMMENTS**

Michael Downs addressed the Board. He stated that he had been talking with Member Tammy Schilling to borrow a copy of the high school social studies books, but had not received those. Superintendent Yates had the copies and provided Mr. Downs with those.

### **3. DIVISION 22 REPORT**

Assistant Superintendent Jennifer Meckley shared the district's Division 22 report with the Board. She indicated that the timeline for submitting the report to the ODE had changed from February to November. There were a few standards that have been waived due to COVID. The district is in compliance with all of the required standards for the 2020-2021 school year.

### **4. STAR BASELINE ACHIEVEMENT DATA**

Bill Wittman reviewed the STAR achievement data for the Board. He shared that the goal for the STAR assessment was to get a high number of students participating. Since the assessments were waived this last year, this year will serve as a baseline for moving forward. He then reviewed the graphs that were provided for math and reading assessments for grades 2-9.

The question was asked as to whether or not there was intact cohort data to share. Bill Wittman had some that he shared verbally with the Board, all of which showed a drop off in scores once COVID started and students went to distance learning.

There was some discussion regarding the data and how the information was pulled from the system and shared, as well as the process for assessing a student and implementing the RTI process for a student that needed support.

Superintendent Yates added that although the assessments show what work needs to be done, there are also some good things to report, such as an increase in our district attendance rates.

## **5. BOND PRESENTATION**

Superintendent Yates shared that the purpose of the bond was to do some maintenance in our schools, as well as doing the needed renovations of the swimming pool. He shared the tax assessment rates that were a part of the graph attached to these minutes. The current tax rate is \$1.60. The 20-year average tax assessment has been at \$2.20. They would like to have a plan in place to take care of current needs, but also have a plan for the future needs of repair or replacement of school buildings, and that is the purpose behind this bond.

William Lewis then shared an example, that if your house was assessed at \$100,000, the current rate would be \$14.00 per month. This bond would increase it to \$18.33 per month. That would be a yearly impact of \$52.00, or \$4.33 per month.

Member Tom Oliver summarized that we are looking at a three-prong approach for long-term facility needs: what we could potentially do right now with the bond and the possibility of the \$8 million matching grant to go with that; then the ongoing maintenance needs beyond that, some of which could be satisfied by ongoing excise tax funds; and the third piece would be around 2029-2030 and looking at a bond to backfill the drop off in the levy rate drop off, which would then allow for replacement of the two oldest facilities or a new facility that would serve the projected increase of students in the next eight or nine years.

The question was asked as to whether or not we were able to show what had been done with the assessed taxes that we have been receiving, just as part of accountability. It was answered that we could with various financial reports. It was clarified that the current bond was not for repairs. The current bond was from the new schools that were built 20 years ago.

The consensus is that the Board supports moving forward with the bond measure in the spring of 2022.

Whereupon, there was a discussion around where the past money has been spent and the plan for where to spend the monies from the bond increase.

It was asked when the comprehensive list for the bond would be available. The answer is that we basically have that already, as it was put together as a part of the facility assessment and also with the community survey and what the community feels the needs are.

## **6. COVID-19 OPERATIONAL UPDATE**

Superintendent Yates shared that the district is trying to hire employees to replace some of the staff that we are losing next week due to the vaccine mandate. The district is down bus drivers, so currently the biggest concern is getting kids to schools. Changes made may impact start times at schools. There will need to be some flexibility and partnership with parents to make that all

happen. The district will try to give as much notice as possible regarding any changes in times and routes.

He also shared that one positive for this year is that attendance is up ten percent. He then shared the quarantine days for the schools and they are: Cascades has had 465 days; Green Acres has had 1376; Hamilton Creek has had 999; Lacombe has had 835; the high school has had 1,227; Pioneer has had 655 and Riverview has had 204. The building staff have done a fantastic job with all of the extra duties that are involved with tracking and notifications, on top of their regular jobs of educating students.

The question was asked if the quarantine days would need to be made up, and it was answered that it would not, however the district will offer summer school again next year to help to support student needs.

It was asked how many staff members the district is losing on October 18<sup>th</sup>. It was answered that it will lose 15 staff members, all of which are classified. These are the staff that did not request an exemption to the vaccine mandate. This will not keep the district from being operational, but it will be inconvenient and it will have to do more with less support.

#### **7. ORS 342.850(2)(a) – AMENDMENT TO THE LOCAL EVALUATION PROCESS FOR 2021-22**

Kim Grousbeck shared the amendment with the Board. She indicated that to do a successful evaluation, it required a lot of time and right now that is something that the district is lacking. The Oregon Department of Education is allowing districts to do an amendment that will allow them to do evaluations on temporary employees only for this year. This will include licensed and classified staff.

Assistant Superintendent explained that last year the district did evaluations, but amended the checklist to have fewer observations.

Kim Grousbeck clarified that with administrators teaching in classrooms, as well as the lack of substitutes in the district and the amount of quarantine days, it is making it harder for evaluations to be done by administrators.

Member Tom Oliver shared that he felt it was an important part of professional development and having that feedback from administrators. He would prefer a modified process, similar to what was done last year as a scaled back model, but not to remove the process all together.

Whereupon, there was a lengthy discussion around the evaluation process.

The Board agreed to have the district go back to bargaining and discuss with the unions regarding a modified evaluation process for licensed and classified staff, and therefore tabled this item until that was done.

Member Tammy Schilling requested that the Board approve the process once it is put together.

It was decided that the district would come back with a modified process for the Board to approve at the next board meeting.

## **8. CONSENT AGENDA**

- A. September 9, 2021 Meeting Minutes
- B. Hiring
- C. Policies – Second Reading

Whereupon, upon a motion made by Member Tom Oliver to approve the consent agenda as a whole as presented, duly seconded by Member Tammy Schilling, the Board voted unanimously to approve the September 9, 2021 meeting minutes; the hiring of Jennifer Baugh, Michael Benedict, Rachel Brandt, Stefennie Brooling, Kirsten Marin, Monica Turkisher, Barbara Wilson and the leave of absence for Amanda Gaskey; and the adoption of Policy BDDH upon second reading.

## **9. DEPARTMENT REPORTS**

- A. Operations

There were no additional items to report for the operations report.

- B. Human Resources

Kim Grousbeck reported that the Human Resources Department has been busy. The district currently has over 600 employees and is still looking to hire employees. Most of the licensed positions are full, so primarily it is classified that are still open.

Member Tom Oliver asked if they anticipate that the sub shortage would be eased by the degree requirement waiver for subs. Grousbeck thought it would help on the teacher's side. At this point it is a temporary waiver for this year. The substitutes have a vaccine mandate as well.

The question was asked that of the 15 employees that did not ask for an exemption, if they would be eligible for unemployment. It was answered that they are not. If they would like to request an exemption in the future or if the mandate is lifted, they can apply for a position to return to the district.

- C. Finance

William Lewis then shared the financial reports. He mentioned that over the last four or five years the management of the grants have become more of a burden than they used to be. This district has the opportunity to charge the grants with an indirect fee to help pay for the management of the grants. The district administration has elected that they are going to start taking an indirect rate to help with the management of over 90 grants, which will mean that there will be an addition to the general fund.

## **10. COMMUNICATION**

- A. Board

Member Todd Gestrin wanted to personally thank the 15 staff members that are separating from the school district for what they have provided to the district.



B. Superintendent

Superintendent Yates asked that Alisha Port share about the grant for technology that she received.

Alisha Port then shared about the ECF Grant. She indicated it would allow all of the busses to have Wi-Fi so that students can access Wi-Fi on bus trips to and from home, athletics, etcetera, in addition to the purchase of 800 new Chromebooks. The amount of the grant was approximately \$250,000. The district has recently received the commitment letter regarding that.

**11. AUDIENCE COMMENTS**

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

**12. ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 7:31 PM.

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Mike Martin, Board Chair

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Bo Yates, Superintendent

## LCSO 2022 BOND PROPOSAL

Our goal is to ensure that LCSO has safe and well-functioning facilities. Many of our buildings have significant maintenance needs that do not fit within the maintenance or capital improvement budgets. These major facility expenditures need to be part of a more comprehensive capital improvement/maintenance program.

Over the past twenty years, the LCSO impact on taxpayers by way of GO bonding has averaged @ \$2.20/\$1000.00 of *assessed* (not market) property value. We have refinanced our GO bond twice in order to take advantage of dropping interest rates. The tax rate has been as high as \$3.00, and as low as our current rate of \$1.68. We would like to go to the voters next spring with a target of raising approximately \$20 million through the issuance of a new GO bond. Ten million of these funds will be targeted for the renovation of our swimming pool. The remainder of the funding would be allocated to projects that have been prioritized. We will also be applying for state matching funds of up to \$8 million. Matching funds can be applied for every six years and LCSO should take advantage of this program while it is funded.

This process would allow us to implement a long-term funding strategy. **(See graphs.)** In 2030, when the major bond is paid off, LCSO should replace or make major upgrades to several schools. Using this same strategy will provide LCSO with the funding required for major renovations, while limiting impact on taxpayers.

For every \$100,000.00 of assessed value:

A current average home owner in Lebanon

\$100,000.00 AV       $100 \times 1.68 = \$168.00$  year or \$14.00 month

At the 20-year average levy rate of \$2.20       $100 \times 2.2 = \$220.00$       \$18.33 month

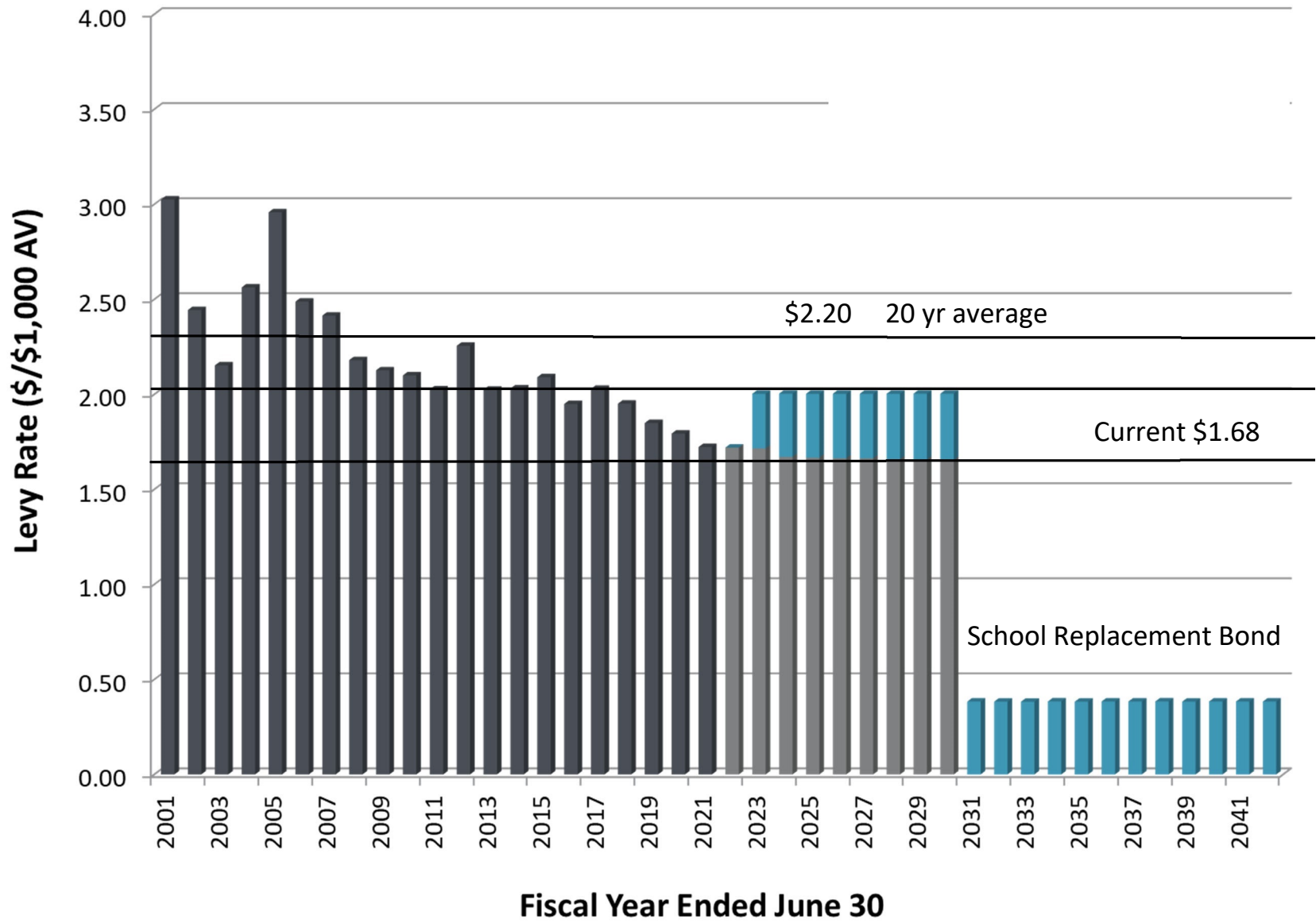
**A yearly impact of \$52.00 or \$4.33 month**

\*The average assessed value of homes within the Lebanon city limits is \$150,000.00 per Linn County Tax Assessors office

**Information shared with the community throughout this process can be found on our website at <http://lebanon.k12..us/facilities-bond/>**

## LEBANON COMMUNITY SCHOOL DISTRICT No. 9

General Obligation Bonds, Series 2022 – Target \$2.20 Levy Rate Upfront – Current Interest Bonds Only



School	Grade	KG	1	2	3	4	5	6	7	8	9	10	11	12	Total by School	AR
CASCADES		46	38	46	46	48	46	33							303	91
GREEN ACRES		35	40	36	46	29	50	33							269	93
HAMILTON CREEK		26	28	29	32	32	27	31	30	34					269	93
LACOMB		25	30	21	30	27	27	22	28	34					244	93
LEBANON HIGH											356	332	287	309	1284	87
PIONEER		59	43	52	47	47	60	39							347	93
RIVERVIEW		63	56	55	65	79	71								389	91
SANTIAM ACADEMY		12	11	7	12	17	12	11	9	10					101	91
SEVEN OAK								85	219	231					535	87
<b>Total by Grade</b>		<b>266</b>	<b>246</b>	<b>246</b>	<b>278</b>	<b>279</b>	<b>293</b>	<b>254</b>	<b>286</b>	<b>309</b>	<b>356</b>	<b>332</b>	<b>287</b>	<b>309</b>	<b>3741</b>	<b>91</b>

### Quarantine days

Students Days

CASCADES	29	465
GREEN ACRES	79	1376
HAMILTON CREEK	83	999
LACOMB	53	835
LEBANON HIGH	208	1227
PIONEER	47	655
RIVERVIEW	17	204

Total	516	5761
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# *Agenda Item 9*

***Consent Agenda***

*Policy Updates – First Reading*

# BOARD MEMORANDUM



**To: Board of Directors**

**From: Jennifer Meckley, Assistant Superintendent**

**Date: November 1, 2021**

**Meeting Date: November 9, 2021**

**Re: Policy Updates**

## NOVEMBER 2021 POLICY UPDATES – REVIEW AND RECOMMENDATIONS

Code	Title	OSBA Recommendation	DO Staff Lead(s)	Changes/DO Staff Comments	Recommend Adoption? (Yes/No)
AC AC - AR	Nondiscrimination			Updated language to comply with HB 2935 and HB 3041	Yes
GBA	Equal Employment Opportunity				
GBEA	Workplace Harassment	Required	Jen		
GBNAA/JHFF	Suspected Sexual Conduct with Students and Reporting Requirements			Updated language to reflect revisions to ORS 339.	Yes
GBNAA/JHFF- AR	Suspected Sexual Conduct Report Procedures and Forms				
	Suspected Abuse of a Child Reporting Requirements				
GBNAB/JHFE GBNAB/JHFE-AR	Reporting of Suspected Abuse of a Child	Required	Jen		
JHFE/GBNAB	Suspected Abuse of a Child Reporting Requirements	Required	Jen	Updated language to reflect revisions to ORS 339.	Yes

JHFE/GBNAB-AR JHFF/GBNAA JHFF/GBNAA-AR	Reporting of Suspected Child Abuse Suspected Sexual Conduct with Students and Reporting Requirements Suspected Sexual Conduct Report Procedures and Forms				
IB	Freedom of Expression	Required	Jen	Updated language to reflect HB 3041.	
IGBI	Bilingual Education	Required	Jen	Updated language to reflect changes in ORS 329.451 (HB 2056).	Yes
JB	Equal Educational Opportunity	Required	Jen	Updated language to reflect 3041.	Yes
JFC	Student Conduct	Required	Jen	Includes language that prohibits students from knowingly giving false information in an investigation.	Yes
IKH - AR	Credit for Proficiency		Bo	Removal of the maximum of 3 proficiency-based credits toward meeting graduation requirements.	Approval not needed.
JFCJ	Weapons in Schools	Required	Jen	Updated language to reflect SB 554 which includes amendments to ORS 166.360 and ORS 166.370.	Yes





## CONTENTS

Join OSBA Policy Services staff on Tuesday, October 26, 2021 for the *Policy Update* Webinar at 9 a.m.

Watch for news coming soon.

AC – Nondiscrimination, Required  
 AC-AR – Discrimination Complaint Procedure, Required  
 BBAA – Individual Board Member’s Authority and Responsibilities, Optional  
 BD/BDA – Board Meetings, Optional  
 BDDH - Public Comment at Board Meetings, Highly Recommended  
 BDDH-AR - Public Comment at Board Meetings, Optional  
 CM – Compliance and Reporting on Standards, Highly Recommended  
 DJC – Bidding Requirements, Highly Recommended (Versions 1 or 2)  
 GBA – Equal Employment Opportunity, Required  
 GBEA – Workplace Harassment \*, Required  
 GBNAA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements \*, Required  
 GBNAA/JHFF-AR – Suspected Sexual Conduct Report Procedures and Form \*, Required  
 GBNA-AR – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures -- Staff, Highly Recommended  
 GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements, Required  
 GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child, Required  
 GBNAB/JHFE-AR(2) – Reporting of Suspected Abuse of a Child, Highly Recommended  
 IA - Instructional Goals, Optional  
 IB – Freedom of Expression, Required  
 IGBHA – Alternative Education Programs\*\*, Required  
 IGBI - Bilingual Education\*\*, Required  
 IIA – Instructional Resources/Instructional Materials, Highly Recommended  
 IJ – School Counseling Program, Highly Recommended  
 IKF – Graduation Requirements\*\*, Conditionally Required  
 IKFB – Graduation Exercises, Optional  
 IL – Assessment Program, Highly Recommended  
 JB – Equal Educational Opportunity[\*\*], Required  
 JBB – Educational Equity, Optional  
 JECB - Admission of Nonresident Students, Highly Recommended  
 JFC – Student Conduct, Required  
 JFCF – [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student\*\*, Required  
 JFCJ – Weapons in Schools\*\*, Required  
 JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements, Required  
 JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child, Required  
 JHFE/GBNAB-AR(2) – Reporting of Suspected Abuse of a Child, Highly Recommended  
 JHFF/GBNAA – Suspected Sexual Conduct with Students and Reporting Requirements \*, Required

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

**Jim Green**

Executive Director

**Mary Paulson**

Deputy Executive Director

**Haley Percell**

Chief Legal Counsel

Director of Legal Services

**Michael Miller**, Attorney

**Amy Williams**, Attorney

**Tonya Brady**, Attorney

**Elliot Field**, Attorney

**Callen Sterling**, Attorney

**Leslie Howell**, Attorney

**Spencer Lewis**

Director of Policy Services

**Rick Stucky**

Policy Services Specialist

**Leslie Fisher**

Policy Services Specialist

**Colleen Forcier**

Senior Policy Services

Assistant

**Jean Chiappisi**

Policy Services Assistant

If you have questions regarding this publication or OSBA, please call our offices: 503-588-2800 or 800-578-6722

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

**2021  
STAFF/STUDENT  
HANDBOOKS AND  
KEY DATES  
CALENDAR**

*(Available Now):*

OSBA's Model Staff and Student Handbooks and Key Dates Calendar are revised annually to reflect recent legislation and other changes.

Online ordering of these tools can be accessed through the OSBA portal:

<https://osba.envisiams.com/>. (Can be purchased in the *Online Store*, from *Subscriptions/Downloads*. Select *Download* in Membership Category). Information about purchasing Handbooks can be found [here](#) under *Publications*.

JHFF/GBNAA-AR – Suspected Sexual Conduct Report Procedures and Form \*, Required  
KGBB – Firearms Prohibited, New Conditionally Required  
LBE-AR – Public Charter Schools, Highly Recommended

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**Review recommendations carefully, including the {braced} language prompts in the proposed documents to help modify current policy language. Please reach out to OSBA if there are questions.**

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**GENDER IDENTITY & PHYSICAL CHARACTERISTICS ASSOCIATED WITH RACE**

**Summary**

House Bill (HB) 2935 added an aspect to the definition of discrimination in ORS 659.850 for race that includes physical characteristics historically associated with race such as natural hair and hair texture (see new footnote in AC and JB for full language). Another bill, HB 3041, revised the definition of sexual orientation and added a new definition for gender identity to the protected classes. Both of these bills affected change represented in the attached model policies.

A change created by HB 2935 that is not reflected by policy changes but is still important for districts, the bill created additional criteria a school district must ensure when paying fees to a voluntary organization. In addition to the complaint policy requirements imposed on these voluntary organizations in 2019, these policies must now be equity focused. Voluntary organizations must have policies that prohibit discrimination as defined in ORS 659.850, which now includes physical characteristics related to race such as natural hair or hair texture. These equity focused policies must now also permit a student to wear religious clothing when consistent with any safety and health requirements, which will be balanced based on reasonable accommodation needs of participants for a specific activity. Further, the HB adds a provision regarding employer driven dress code or policy, amending ORS 659A.030(5), that they cannot create “a disproportionate adverse impact on members of a protected class to a greater extent than the policy impacts persons generally” (HB 2935, 2021).

**Collective Bargaining Impact**

None

**Local District Responsibility**

The board and the district should review, revise and readopt with the recommended changes.

**Policy(ies) and ARs Impacted by these Revisions**

AC – Nondiscrimination, Required  
AC-AR – Discrimination Complaint Procedure, Required  
JB – Equal Educational Opportunity[\*\*], Required

---

## **BOARD MEMBERS SEEKING LEGAL ADVICE**

### **Summary**

There are many instances when a district board needs to consult with legal counsel prior to making a decision. This policy change clarifies when individual board members are authorized to seek legal counsel and incur legal costs for the educational entity.

### **Collective Bargaining Impact**

None

### **Local District Responsibility**

Revise and readopt affected policy as recommended.

### **Policy(ies) and ARs Impacted by these Revisions**

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

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## **BOARD MEETING PARTICIPATION & PUBLIC COMMENT**

### **Summary**

House Bill 2560 (2021) updated law governing public attendance and comment at public meetings of the board. When public meetings are held and access is made available in-person, the board must provide, to the extent reasonably possible, an opportunity to access and attend meetings by telephone, video or other electronic or virtual means; if in-person oral testimony is allowed during a meeting, allow the public to submit oral testimony by telephone, video or other electronic or virtual means; and if in-person written testimony is allowed, written testimony must be allowed by email or other electronic means.

### **Collective Bargaining Impact**

None

### **Local District Responsibility**

Review the board’s policy manual and if these policies are present, review and readopt the recommended changes. The AR, BDDH-AR, does not require board adoption and can be submitted to the board for review as an information item.

### **Policy(ies) and ARs Impacted by these Revisions**

BD/BDA – Board Meetings, Optional

BDDH - Public Comment at Board Meetings, Highly Recommended

BDDH-AR - Public Comment at Board Meetings, Optional

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## **DIV. 22 COMPLIANCE REPORTING**

### **Summary**

The changes result from an updated rule adopted by the State Board of Education; revising the report due date from February 1 to November 1 of each school year. The revised rule also adds a requirement to present the report orally at a board meeting and allow public comment on the report.

**Collective Bargaining Impact**

None

**Local District Responsibility**

If the board has adopted policy CM, revise and readopt with the recommended changes.

**Policy(ies) and ARs Impacted by these Revisions**

CM – Compliance and Reporting on Standards, Highly Recommended

---

**BIDDING REQUIREMENTS**

**Summary**

Senate Bill 420, passed in the 2021 legislative session, created a provision in the public improvements bidding requirements in ORS 279C. The provision defines a “community benefit project” and the requirements for a public improvement to be a community benefit project.

**Collective Bargaining Impact**

None

**Local District Responsibility**

If the Board has adopted highly recommended policy DJC – Bidding Requirements, review the recommended changes and re-adopt.

**Policy(ies) and ARs Impacted by these Revisions**

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

---

**GENDER IDENTITY DEFINITION**

**Summary**

House Bill 3041 (2021) revised the statutory definition of sexual orientation (removed gender identity) and created a new definition for gender identity.

**Collective Bargaining Impact**

None

**Local District Responsibility**

Review the board’s policy manual for the policies listed herein and if present, revise and readopt. GBNA-AR is an AR that does not require adoption by the board so it can be submitted as an information item to the board for their review.

**Policy(ies) and ARs Impacted by these Revisions**

GBA – Equal Employment Opportunity, Required  
GBEA – Workplace Harassment \*, Required  
GBNA-AR – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures -- Staff, Highly Recommended

IB – Freedom of Expression, Required  
IIA – Instructional Resources/Instructional Materials, Highly Recommended  
IJ – School Counseling Program, Highly Recommended  
JBB – Educational Equity, Optional  
JECB - Admission of Nonresident Students, Highly Recommended

---

## **DEFINITIONS FOR CHILD ABUSE AND SEXUAL CONDUCT**

### **Summary**

Recent revisions to ORS 339 affecting reporting of child abuse and sexual conduct were adopted by the 2021 Legislature. The passing of these bills revised the definition of ‘sexual conduct’ and ‘licensed administrator’ as it relates to reporting and helps define the persons who can be designated to receive and respond to these reports. Additionally, a new definition was added for ‘commission licensee’ to distinguish between district employees suspected of sexual conduct that shall be reported to and investigated by TSPC and those that shall be reported to and investigated by ODE. The effective date of these changes are immediate.

Additionally, because of the requirements of staff involved in child abuse reporting, a second code has been added to model policy JHFE and its administrative regulations. This policy can now be inserted into section G (if desired) of the board’s policy manual and support informing staff of these reporting requirements.

### **Collective Bargaining Impact**

Review any collective bargaining agreement language as it relates to GBNAA/JHFF and sexual conduct presented herein.

### **Local District Responsibility**

Review the recommendations in the required policies and administrative regulations, i.e., GBNAA/JHFF and GBNAB/JHFE presented herein and readopt; review and modify to meet current practices.

### **Policy(ies) and ARs Impacted by these Revisions**

GBNAA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements \*, Required  
GBNAA/JHFF-AR – Suspected Sexual Conduct Report Procedures and Form \*, Required  
GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements, Required  
GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child, Required  
GBNAB/JHFE-AR(2) – Reporting of Suspected Abuse of a Child, Highly Recommended  
JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements, Required  
JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child, Required  
JHFE/GBNAB-AR(2) – Reporting of Suspected Abuse of a Child, Highly Recommended  
JHFF/GBNAA – Suspected Sexual Conduct with Students and Reporting Requirements \*, Required  
JHFF/GBNAA-AR – Suspected Sexual Conduct Report Procedures and Form \*, Required

---

## LANGUAGE ARTS AND ESSENTIAL SKILLS

### Summary

The 2021 Oregon Legislature updated statute in ORS 329.451 (House Bill 2056) modifying Oregon diploma requirements by changing ‘English language arts’ to ‘language arts’ and redefining definitions for language arts, world languages and holocaust and genocide studies. Statute updates to ORS 329.045 made changes to the required characteristics of a school system and to Essential Skills.

Senate Bill 744 (2021) has suspended the requirement for a student to show proficiency in Essential Skills as a condition of receiving a high school diploma for the 2021-2022, 2022-23 or the 2023-2024 school year.

Lastly, there has been two versions of policy for IKF – Graduation Requirements and an AR to accompany version 2. The decision was made to maintain one version of IKF – Graduation Requirements and remove the alternate version (2) and the AR from the model samples, leaving one version of model policy IKF. The designation for IKF – Graduation Requirements has been changed to *conditionally required* because the district is required to adopt policy if the district has established additional credit and/or graduation requirements above the state-adopted graduation requirements for any state described diploma or alternative certificate.

### Collective Bargaining Impact

None

### Local District Responsibility

School districts should review their current graduation requirements to update and revise.

### Policy(ies) and ARs Impacted by these Revisions

IA - Instructional Goals, Optional

IGBI - Bilingual Education\*\*, Required

IKF – Graduation Requirements\*\*, Conditionally Required

---

## ALTERNATIVE EDUCATION PROGRAMS

### Summary

Revisions to model policy IGBHA - Alternative Education Programs\*\* and its administrative regulation are made to better align and update with ODE’s rule governing alternative education programs.

### Collective Bargaining Impact

None

### Local District Responsibility

Review and readopt policy and administrative regulation (this AR should be adopted) with recommended revisions.

### Policy(ies) and ARs Impacted by these Revisions

IGBHA – Alternative Education Programs\*\*, Required

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## **GED STUDENT INTERSCHOLASTIC ACTIVITY PARTICIPATION**

### **Summary**

Recent passage of House Bill 2817 (2021) allows certain students enrolled in GED programs with a district or ESD to participate in interscholastic activities in their district of residence.

### **Collective Bargaining Impact**

None

### **Local District Responsibility**

Revise and readopt affected policy as recommended.

### **Policy(ies) and ARs Impacted by these Revisions**

IGDJ - Interscholastic Activities, Optional

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## **GRADUATION EXERCISES**

### **Summary**

The 2021 Oregon Legislature passed House Bill 2052 that allows student to wear Native American items of cultural significance to school events.

### **Collective Bargaining Impact**

None

### **Local District's Responsibility**

If the district has policy IKFB – Graduation Exercises, review the policy and readopt.

### **Policy(ies) and ARs Impacted by these Revisions**

IKFB – Graduation Exercises, Optional

---

## **ASSESSMENT PROGRAM**

### **Summary**

Senate Bill 602 passed in 2021 made a student's choice of opting out of taking a statewide summative assessment permanent and requiring them to opt-out annually.

### **Collective Bargaining Impact**

None

### **Local District Responsibility**

If the district has highly recommended policy IL – Assessment Program, the board should review the proposed update and readopt.

## **Policy(ies) and ARs Impacted by these Revisions**

IL – Assessment Program, Highly Recommended

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### **PROHIBITION ON FALSE STATEMENTS**

#### **Summary**

Districts have multiple procedures to handle various types of complaints. These procedures prohibit retaliation for good faith reports, however, districts can also prohibit knowingly making false reports, or knowingly providing false information as part of an investigation.

#### **Collective Bargaining Impact**

None

#### **Local District Responsibility**

Revise and readopt affected policy as recommended.

## **Policy(ies) and ARs Impacted by these Revisions**

JFC – Student Conduct, Required

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### **[HAZING, ]HARASSMENT, INTIMIDATION, BULLYING, [MENACING,] CYBERBULLYING, TEEN DATING VIOLENCE, OR DOMESTIC VIOLENCE – STUDENT\*\***

#### **Summary**

House Bill 2631 passed by the 2021 Legislature added requirements to notify parents or guardians of a student who was the subject 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. House Bill 3041 also passed and revised the statutory definition of sexual orientation and added a new term defining gender identity in Oregon affecting protected classes.

Additionally, OSBA will now maintain only one version of model sample policy JFCF and its administrative regulation, JFCF-AR with the option for boards to included hazing and menacing (not required to be in policy) as shown in the updated version presented herein.

#### **Collective Bargaining Impact**

None

#### **Local District Responsibility**

The board should review policy JFCF – [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student and adopt the proposed language.

## **Policy(ies) and ARs Impacted by these Revisions**

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

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## **FIREARMS**

### **Summary**

The 2021 Oregon Legislature passed Senate Bill (SB) 554 which includes amendments to ORS 166.360 and 166.370 and is now effective.

Oregon law has allowed members of the public possessing a concealed carry license to carry firearms on district property in accordance with ORS 166.370(3)(g). SB 554 (2021) created law that now allows districts to prohibit persons with concealed carry licenses from carrying firearms on school grounds by adopting a policy and posting notice at entry points. A person who is properly licensed to carry may still possess the firearm IF the person is not otherwise prohibited from possessing and if it is unloaded and locked in a motor vehicle and in accordance with law.

OSBA considers this policy to be conditionally required because if the district wants to prohibit concealed carry licensees from carrying firearms on district property, the district must adopt a policy. If the district does not want to limit concealed carry licensees, it does not need to adopt this policy.

To institute this prohibition, this requires a policy adopted by the board, the board to identify all school grounds subject to policy in a notice posted on the board's website, and post appropriate signage "at all normal points of entry to school grounds subject to policy" (Senate Bill 554, 2021), in accordance with law.

Law enforcement are still permitted to carry and [superintendent's] may still approve use for district-sponsored activities.

### **Collective Bargaining Impact**

None

### **Local District Responsibility**

Review proposed revisions for policy JFCJ - Weapons in Schools and adopt changes. In addition, consider if new proposed policy KGBB - Firearms Prohibited is in the best interest of the district to adopt. The adoption of policy language prohibiting firearms as described in Senate Bill 554 (2021) is required only if the board intends to prohibit.

### **Policy(ies) and ARs Impacted by these Revisions**

JFCJ – Weapons in Schools\*\*, Required

KGBB – Firearms Prohibited, *New* Conditionally Required

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## **WEIGHTED LOTTERY FOR ENROLLMENT IN CHARTERS**

### **Summary**

House Bill 2954 (2021) reinserted weighted lottery provisions for public charter schools so they may favor historically underserved students.

### **Collective Bargaining Impact**

None

## **Local District Responsibility**

If the district has added LBE-AR to the board's policy manual, the district can consider revising the AR with the recommended changes. Submit any revisions to the AR to the board for review as an information item.

## **Policy(ies) and ARs Impacted by these Revisions**

LBE-AR – Public Charter Schools, Highly Recommended

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## **ABOUT *POLICY UPDATE***

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

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

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

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

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## **TRY OUR ONLINE POLICY DEMO**

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

Go to [policy.osba.org](http://policy.osba.org) and select "Policy Online Demo." The online manual includes a subscription to *Policy Update* and policy manual maintenance service to help keep policies current.

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

# OSBA Model Sample Policy

Code: AC  
Adopted:

## Nondiscrimination

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

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

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

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act ~~of 1990~~ and Americans with Disabilities Act Amendments Act ~~of 2008~~ (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments ~~of 1972~~, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

END OF POLICY

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### Legal Reference(s):

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

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

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

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<sup>1</sup> Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

House Bill 2935 (2021).

House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: AC-AR

Adopted:

## Discrimination Complaint Procedure

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

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

The administrator shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within 5 school days of receipt of the complaint.

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

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

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

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

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

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

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

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing.

The complainant, if a person who resides in the district[,] 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 initialing filing of the complaint, may appeal<sup>2</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

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

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

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

**DISCRIMINATION COMPLAINT FORM**

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

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

Type of discrimination:

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

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

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

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

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

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

# OSBA Model Sample Policy

Code: GBA  
Adopted:

## Equal Employment Opportunity

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

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

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

END OF POLICY

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### Legal Reference(s):

[ORS 174.100](#)  
[ORS 243.317 – 243.323](#)  
[ORS 326.051](#)  
[ORS 332.505](#)  
[ORS 342.934](#)  
[ORS 408.225](#)

[ORS 408.230](#)  
[ORS 408.235](#)  
[ORS 652.210 - 652.220](#)  
[ORS 659.850](#)  
~~[ORS 659.870](#)~~  
[ORS 659A.003](#)

[ORS 659A.006](#)  
[ORS 659A.009](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)  
[ORS 659A.040](#)  
[ORS 659A.082](#)

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<sup>1</sup> Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

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

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

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

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



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

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

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (~~2012~~2018).  
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (~~2012~~2018).  
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (~~2012~~2018); 34 C.F.R. Part 104 (2019).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2019~~2020).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (~~2012~~2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (~~2012~~2018).  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).  
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (~~2012~~2018).  
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).  
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).  
[House Bill 2935 \(2021\)](#)  
[House Bill 3041 \(2021\)](#)

# OSBA Model Sample Policy

Code: GBEA  
Adopted:

## Workplace Harassment \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

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

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (~~2012~~2018).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2019~~2020).  
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).  
House Bill 3041 (2021)

# OSBA Model Sample Policy

Code: GBNAA/JHFF

Adopted:

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

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

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

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

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

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

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

<sup>4</sup> This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

The district will post in each school building the names and contact information of the employees<sup>{5}</sup> designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any district employee<sup>{6}</sup>, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the <sup>{7}</sup>designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the assistant superintendent who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When ~~the~~ a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district’s administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) ~~as appropriate, for investigation~~ in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

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

<sup>6</sup> {The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.}

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

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

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

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

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

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

House Bill 2136 (2021).

Senate Bill 51 (2021).

# OSBA Model Sample Policy

Code: GBNAA/JHFF-AR  
Revised/Reviewed:

## Suspected Sexual Conduct Report Procedures and Forms \*

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

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

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

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

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

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

<sup>2</sup> A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.

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

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



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

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

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

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

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

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

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

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process.

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

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

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

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

## **Training**

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

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

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

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

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

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

**LEBANON COMMUNITY SCHOOL DISTRICT**

**SUSPECTED SEXUAL CONDUCT REPORT FORM**

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

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

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

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

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

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

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

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

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

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

**LEBANON COMMUNITY SCHOOL DISTRICT**

**WITNESS DISCLOSURE FORM**

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

# OSBA Model Sample Policy

Code: **GBNAB/JHFE**  
Adopted:

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

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

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

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

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

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

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

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

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

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

If the superintendent is the alleged perpetrator the report shall be submitted to the [insert {<sup>7</sup>} licensed administrator position title] who shall also report to the Board chair.

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

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

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

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

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

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

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

<sup>7</sup> {A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

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

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

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. [A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.]

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

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

[OAR 581-022-2205](#)

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



# OSBA Model Sample Policy

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

Adopted:

## Reporting of Suspected Abuse of a Child

### Reporting

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

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

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

If the superintendent is the alleged abuser the report shall be submitted to the assistant superintendent who shall refer the report to the Board chair.

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

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

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

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

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>3</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor<sup>{4}</sup>, agent or volunteer, the district may prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated<sup>5</sup> and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process.

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

## Definitions

1. Oregon law recognizes these **and other** types of abuse:
  - a. Physical;
  - b. Neglect;
  - c. Mental injury;
  - d. Threat of harm;

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<sup>3</sup> The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

<sup>4</sup> {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

<sup>5</sup> The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

- e. Sexual abuse and sexual exploitation.
- 2. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
- 3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

**Confidentiality of Records**

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

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

**Failure to Comply**

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

**Cooperation with Investigator**

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

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

Law enforcement ~~officers~~ officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement ~~officer~~ official shall sign the student out ~~on a form to be provided by the school~~ in accordance with district procedures;

- 2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;

3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

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

# OSBA Model Sample Policy

Code: JHFE/GBNAB  
Adopted:

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

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

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

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

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

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

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

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

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

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

If the superintendent is the alleged perpetrator the report shall be submitted to the [insert {<sup>7</sup>} licensed administrator position title] who shall also report to the Board chair.

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

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

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

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

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

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

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

<sup>7</sup> {A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

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

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

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. [A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.]

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

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

[OAR 581-022-2205](#)

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



# OSBA Model Sample Policy

Code: JHFE/GBNAB-AR(1)

Adopted:

## Reporting of Suspected Abuse of a Child

### Reporting

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

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

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

If the superintendent is the alleged abuser the report shall be submitted to the assistant superintendent who shall refer the report to the Board chair.

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

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

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

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

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>3</sup> and take necessary actions to ensure the student’s safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor<sup>{ 4}</sup>, agent or volunteer, the district may prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated<sup>5</sup> and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process.

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

## Definitions

1. Oregon law recognizes these **and other** types of abuse:
  - a. Physical;
  - b. Neglect;
  - c. Mental injury;

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<sup>3</sup> The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

<sup>4</sup> {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

<sup>5</sup> The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

- d. Threat of harm;
  - e. Sexual abuse and sexual exploitation.
2. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
  3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

**Confidentiality of Records**

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

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

**Failure to Comply**

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

**Cooperation with Investigator**

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

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

Law enforcement ~~officers~~ officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement ~~officer~~ official shall sign the student out ~~on a form to be provided by the school~~ in accordance with district procedures;

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

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

# OSBA Model Sample Policy

Code: JHFF/GBNAA

Adopted:

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

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

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

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

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

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

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

<sup>4</sup> This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

The district will post in each school building the names and contact information of the employees<sup>{5}</sup> designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any district employee<sup>{6}</sup>, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the <sup>{7}</sup>designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the assistant superintendent who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When ~~the~~ a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district’s administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) ~~as appropriate, for investigation~~ in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

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

<sup>6</sup> {The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.}

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

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

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

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

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

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

House Bill 2136 (2021).

Senate Bill 51 (2021).



# OSBA Model Sample Policy

Code: JHFF/GBNAA-AR

Revised/Reviewed:

## Suspected Sexual Conduct Report Procedures and Forms \*

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

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

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

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

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>4</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC<sup>5</sup> or ODE<sup>6</sup> determines that the report is substantiated and the district takes appropriate employment

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

<sup>2</sup> A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.

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

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

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

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

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

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

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

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

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

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

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

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process.

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

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

339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

### **Training**

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

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

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

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

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

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

**LEBANON COMMUNITY SCHOOL DISTRICT**

**SUSPECTED SEXUAL CONDUCT REPORT FORM**

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

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

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

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

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

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

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

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

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

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

**LEBANON COMMUNITY SCHOOL DISTRICT**

**WITNESS DISCLOSURE FORM**

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

# OSBA Model Sample Policy

Code: IB

Adopted:

## Freedom of Expression

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

### Freedom of Student Inquiry and Expression

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

### Freedom of Association

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

### Publications K-8, Displays and Productions

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

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

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

### **High School Student Journalists**

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 174.100](#)

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 336.477](#)

[ORS 339.880](#)

[ORS 339.885](#)

[ORS 659.850](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

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



# OSBA Model Sample Policy

Code: IGBI  
Adopted:

## Bilingual Education\*\*

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

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

END OF POLICY

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### Legal Reference(s):

~~ORS 336.074~~  
~~ORS 336.079~~

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

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

# OSBA Model Sample Policy

Code: JB  
Adopted:

## Equal Educational Opportunity[\*\*]

Every student of the district will be given equal educational opportunities regardless of age, sex, sexual orientation<sup>1</sup>, gender identity, race<sup>2</sup>, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability or geographic location.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district or denied access to facilities in the district.

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

All reports, complaints or information will be investigated.

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

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

END OF POLICY

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### Legal Reference(s):

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

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

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

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

<sup>2</sup> Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

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

# OSBA Model Sample Policy

Code: JFC  
Adopted:

## Student Conduct\*\* (Version 1)

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

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

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

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

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

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

END OF POLICY

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### Legal Reference(s):

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

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

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

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

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

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

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

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

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

### **Credit for Proficiency: High School Level Credit**

Students are awarded credit for successful demonstration of knowledge and skills that meet or exceed defined levels of performance. Most students will demonstrate the necessary proficiency and earn credit through courses taken as part of the regular school program (high school curriculum, programs of study, coursework, etc.). In addition, students will have opportunities to earn credit outside of these traditional settings through demonstration of proficiency of identified knowledge, skills and standards.

Students may demonstrate proficiency through classroom work, documentation of learning experiences outside of school, or a combination of these methods. Fractional credits may be allowed. Student's education plan and profile will determine the balance of credit earned by proficiency and by state instructional hours.

Proficiency is defined as sufficient evidence of student-demonstrated knowledge and skills that meet or exceed defined levels of performance. The intent of offering credit for proficiency is to:

1. Value all learning achieved by individual students.
2. Personalize and bring increased relevance to a student's high school education.
3. Encourage student engagement in learning beyond the classroom in real-world contexts.
4. Provide more options for students.

#### **Prior Learning Credit for Proficiency**

Students may provide documentation of prior learning activities or experiences which demonstrates proficiency or mastery of identified standards (knowledge and skills).

#### **Out-of-Class / Off site Credit for Proficiency**

Credits earned through proficiency options outside the regular high school program that meet requirements for an existing course offered at Lebanon High School will be assigned a "Pass" grade.

Credit for course work completed prior to high school (e.g., at the middle school level) will be transcribed, upon request, during the student's senior year. Records of successful completion will be maintained by the student's counselor and/or the registrar in the student's file. (*See Form 3*)

Credits earned for community-based learning which do not align to an existing course will earn a "Pass" grade.

#### **Process for earning credit through Out-of-Class or Prior Learning:**

Students will submit a *collection of proficiency evidence* that conforms to the criteria for the course according to the school's timelines. School staff will review the evidence to determine whether the evidence satisfies the proficiency criteria for the course. It approved credit will be awarded and placed on the student's transcript.

Students will be notified within 30 days if the *collection of evidence* is approved or denied. If the collection is denied, the specific reason(s) will be discussed with the student with the possibility of resubmission. The school decision is final and may not be appealed.

#### **In-Class Credit for Proficiency**

A syllabus (or planned course statement—*see Form 1*) shall be submitted for approval to the building administrator and the Director of Student Achievement. The document must detail the following:

1. The Learning **standards:** What students are expected to know and be able to do (e.g. content standards, essential skills, industry-based knowledge and skills),

2. The required **proficiency**: The defined levels of achievement based on state and local criteria (e.g. state scoring guides, classroom rubrics, national or industry-based criteria),
3. The **assessment evidence**: Quantity and quality of student work which demonstrates proficiency or mastery of identified standards (e.g. tests, work samples, projects, daily assignments) and the amount of credit to be awarded.

### **Credit for Demonstrating Mastery Through Examination**

When available, a student may be able to challenge a course and earn credit by meeting standards through an approved assessment. Assessments must be approved by the department and the building administration.

### **Maximum Credit for Proficiency**

Students may earn a combined maximum of three (3) total proficiency based credits applicable towards meeting graduation requirements from Lebanon High School.

A waiver of these criteria may be considered for transfer students as determined by the high school principal.

**Credit for Proficiency Proposal: In Class Proficiency**

**Course Title** \_\_\_\_\_ **NCES Code(s):** \_\_\_\_\_ **Date** \_\_\_\_\_

**Content Area:** \_\_\_\_\_ **Teacher's Name:** \_\_\_\_\_

**Proposed Credit**  0.25 credit  0.50 credit  1.0 credit  Other (list) \_\_\_\_\_

**Grade Level**  9<sup>th</sup>  10<sup>th</sup>  11<sup>th</sup>  12<sup>th</sup>  All **Grade Option:**  P/NP  A/B/C/D

**Course Syllabus**

*(aka Planned Course Statement)*

**Provide the information below and attach additional documents that support the request.**

**Course Overview** Provide a brief description of the course or proficiency activity.

**Prerequisites:** List any prerequisites if applicable.

**Learning standards/targets:** What are students expected to know and be able to do?  
*Using the Oregon Standards and other appropriate documents, list all related content standards, essential skills, industry-based knowledge and skills that .are the focus of the course or activity.*

**Required level of proficiency:** The defined levels of achievement based on state and local criteria  
*Using appropriate assessment tools such as state scoring guides, classroom rubrics, national or industry-based criteria, describe what level indicates proficiency.*

**Assessment evidence:** Describe the quantity (sufficiency) and quality (proficiency) of student work which will demonstrate proficiency or mastery of identified standards  
*Describe the types and amount of assessment that will be used to determine proficiency. For example, multiple choice or short answer tests, work samples, written essays, projects, daily assignments, etc.)*

**Scope and Sequence:** Attach a scope and sequence or course outline.

**CREDIT FOR PROFICIENCY**



## TEACHER CHECKLIST

To ensure that the appropriate steps have been taken to submit a class for “Credit for Proficiency”, please follow the steps below:

	<b>Activity</b>	<b>Date Completed</b>
<input type="checkbox"/>	Administrative Approval for Course or Proficiency Credit Activity	
<input type="checkbox"/>	Levels of sufficiency, proficiency and rigor for student performance discussed and approved by Department Chair	
<input type="checkbox"/>	Planned Course Statement/Syllabus completed and submitted for review to Administration and Department Chair (if appropriate)	
<input type="checkbox"/>	Obtained appropriate NCES code(s) from registrar	
<input type="checkbox"/>	Counseling staff notified of course requests	
<input type="checkbox"/>	Student contract signed	
<input type="checkbox"/>	Course expectations submitted to counselor(s)	

**Credit for Proficiency: Request for Pre-High School work**

**Attach a copy of the Middle School Transcript.**

**PLEASE NOTE:** Credit is transcribed during the senior year ONLY and ONLY upon request.

**Student's Name** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Course Title:** \_\_\_\_\_ **Middle School where completed:** \_\_\_\_\_

**Type of credit:** \_\_\_\_\_ **MS Teacher's Name:** \_\_\_\_\_

**Proposed Credit**     0.25 credit     0.50 credit     1.0 credits     \_\_\_\_\_

\_\_\_\_\_  
**Student Signature**

\_\_\_\_\_  
**Teacher's Signature:**

**For Office Use Only**

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**Date Received:** \_\_\_\_\_

**Approval Status**     Credit approved  
                               Credit denied

**Administrator Signature:** \_\_\_\_\_

**Amount of Credit:** \_\_\_\_\_

**Type of Credit:** \_\_\_\_\_

**Date Transcribed:** \_\_\_\_\_

**Transcribed by:** \_\_\_\_\_

**Parent/Student contacted:** \_\_\_\_\_

**Date/type of contact:** \_\_\_\_\_

# OSBA Model Sample Policy

Code: JFCJ

Adopted:

## Weapons in ~~the~~ Schools\*\*

Students shall not bring, possess, conceal or use a weapon on or at any ~~district~~ property under the jurisdiction of the district, any activities under the jurisdiction of the district or any interscholastic activities administered by a voluntary organization.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

The superintendent may authorize persons to possess weapons for courses, programs and activities approved by the district and conducted on district property [including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports]. The district will post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under Oregon Revised Statute (ORS) 166.370.

For purposes of this policy, and as defined by state and federal law, “weapon” includes:

1. A “dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. A “firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm ~~muffler or~~ silencer or any destructive device;
4. A “destructive device” ~~includes but is not limited to~~ ~~means~~ any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

Weapons may also include, but are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and ~~patrons~~ community members.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the district’s replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any district employee who has reasonable cause to believe a student or other person, while in a school, is or has, within the previous 120 days, has unlawfully been in possession of a firearm or destructive device, as defined by this policy, shall immediately report such violation to an administrator, his/her or designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations for firearms or destructive devices have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device.

A person making a report as described above who has reasonable grounds for making the report is immune from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. The identity of a person participating in a good faith report as described above may not be disclosed except when allowed by law.

Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students found determined to have brought, possessed, concealed or used a firearm, as defined in policy, in violation of this policy or state law shall be expelled from school for a period of not less than one year. All other violations of the policy will result in discipline up to and including may include expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are age-appropriate and accessible to the student, and shall provide such information in writing to the student and the parent in accordance with law<sup>1</sup>. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation.

~~Weapons under the control of law enforcement personnel [or a person who has a valid license under ORS 166.291 and 166.292] are permitted.~~

~~The district [will] [may] post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.~~

~~In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.~~

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<sup>1</sup> At least once every six months or at any time the information changes because of the availability of new programs.

“Gun-Free School Zone” signs [will] [may] be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

The superintendent will annually report the name of each school and the number of students from each listed schools expelled for bringing, possessing, concealing or using a firearm to the Oregon Department of Education.

END OF POLICY

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**Legal Reference(s):**

[ORS 161.015](#)  
[ORS 166.210 - 166.370](#)  
[ORS 166.382](#)  
[ORS 332.107](#)  
[ORS 339.115](#)  
[ORS 339.240](#)

[ORS 339.250](#)  
[ORS 339.315](#)  
~~[ORS 339.327](#)~~  
~~[ORS 809.135](#)~~  
~~[ORS 809.260](#)~~

[OAR 581-021-0050 - 0075](#)  
[OAR 581-053-0010\(5\)](#)  
[OAR 581-053-0230\(9\)\(k\)](#)  
[OAR 581-053-0330\(1\)\(r\)](#)  
[OAR 581-053-0430\(17\)](#)  
[OAR 581-053-0531\(16\)](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (~~2012~~2018).  
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (~~2012~~2018).  
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (~~2012~~2018).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (~~2012~~2018).  
Oregon Senate Bill 554 (2021).

# *Agenda Item 10*

*Finance Department Reports*

# BOARD MEMORANDUM



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

**From:** William H. Lewis III, Business Director

**Date:** November 1, 2021                      **Meeting Date:** November 4, 2021

**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 11/01/21.

**District Request for Proposals-** The district currently has two active requests for proposals (RFP). The first RFP is for the excavation and street improvements for the Phillips Street Subdivision Project for the LHS Construction class. The second RFP is for construction management services for the Seven Oak additional classroom space project.

District administration is working through the bids and would like to bring the excavation and street improvements for the Phillips Street Subdivision Project to the November school board meeting with a request for approval for the RFP.

## 2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	11-01-21 YTD	11-01-21 Encumb	11-01-21 Balance
Certified salaries	12,295,790	12,665,056	12,540,564	12,871,079	2,167,821	10,502,541	200,717
Classified salaries	5,554,869	6,227,931	6,008,791	6,250,523	1,270,336	4,252,513	727,674
Administrative salaries	1,782,092	1,873,807	1,863,955	2,059,820	693,504	1,378,225	(11,909)
Managerial - classified	249,120	154,577	289,051	299,689	101,355	202,711	(4,377)
Retirement stipends	19,904	91,904	133,413	120,000	20,000	100,000	0
Confidential salaries	159,789	162,808	284,898	343,800	123,992	247,984	(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	7,337	72,152	(79,489)
Temp classified	23,111	8,000	21,658	481	6,978	0	(6,497)
Student helpers salaries	4,413	21,000	16,654	5,748	5,732	0	16
Overtime	50,768	0	91,513	57,127	16,812	1,908	38,407
Compensation time	77,738	52,300	44,207	71,883	23,589	0	48,294
Extra duty	350,933	279,579	128,295	230,761	59,089	0	171,672
Classified extra hrs	200,393	208,000	0	0	0	0	0
Vacation Payoff	14,017	29,817	24,292	28,240	14,261	0	13,979
Mentor teacher pay	0	0	0	0	0	0	0
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	135	0	1,865
Cell Phone Stipend		0	1,080	1,080	360	720	0
Travel Stipend		0	11,400	0	8,967	17,933	(26,900)
Club Advisor	34,950	29,650	120,904	169,964	42,043	108,052	19,869
<b>Total Salaries</b>	<b>21,069,833</b>	<b>21,896,193</b>	<b>21,680,883</b>	<b>22,526,487</b>	<b>4,562,311</b>	<b>16,884,739</b>	<b>1,079,437</b>
PERS	5,753,639	7,398,130	7,286,664	6,797,646	1,315,983	4,734,718	746,945
Social Security	1,544,838	1,655,388	1,642,024	1,627,475	335,912	1,230,847	60,716
Worker's Comp	210,272	293,025	275,747	189,328	28,893	86,642	73,793
Employee Ins - Admin	239,427	215,642	275,263	283,669	88,628	189,364	5,677
Employee Ins - Certified	2,829,522	2,449,421	2,756,998	2,840,563	478,749	2,332,601	29,213
Employee Ins - Classified	2,408,513	2,327,520	2,596,579	2,598,694	495,916	1,810,358	292,420
Employee Ins - Other	36,487	33,429	65,298	92,498	24,284	48,557	19,657
Employee Ins - Retired	120,255	83,600	52,700	120,000	6,489	0	113,511
TSA	24,336	25,200	45,600	45,600	15,200	30,400	0
<b>Total Benefits</b>	<b>13,157,764</b>	<b>14,481,355</b>	<b>15,086,873</b>	<b>14,597,973</b>	<b>2,790,054</b>	<b>10,463,487</b>	<b>1,344,432</b>



## 2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	11-01-21 YTD	11-01-21 Encumb	11-01-21 Balance
Instructional Services	125,368	103,800	76,375	66,000	11,592	250	54,158
Instr Prog Improve Service	33,042	53,000	67,750	87,750	6,400	0	81,350
Other Instr-Prof-Tech SVCS	11,205	20,000	10,000	11,500	2,645	58,960	(50,105)
Repairs & Maintenance	206,884	190,300	227,612	258,500	103,645	9,941	144,914
Radio Service	12,455	11,100	11,100	15,000	0	0	15,000
Rentals	121,067	129,400	88,286	86,300	29,068	35,434	21,798
Electricity	453,206	502,620	465,700	451,500	89,889	272,696	88,915
Fuel	181,534	223,135	217,800	208,100	16,186	100,898	91,016
Water & Sewer	138,029	153,520	142,500	146,700	34,249	0	112,451
Garbage	112,864	102,400	87,000	106,500	17,659	0	88,841
Other Property Services	3,500	20,000	0	0	0	0	0
Reimb. Student Transportation	4,658	10,200	29,900	34,500	24,436	20,757	(10,693)
Reimb. Student Transportation	(79,915)				0	0	0
Travel	163,937	158,263	150,513	153,011	7,185	89	145,737
Travel - Student - Out of Dist.	1,140	5,300	4,500	3,500	0	0	3,500
Meals/Transportation	153	200	350	350	0	0	350
Staff Tuition	92,746	47,000	2,000	72,000	5,324	0	66,676
Telephone	44,987	73,165	65,100	52,300	18,599	27,619	6,082
Postage	24,224	26,074	28,900	32,117	4,474	18,145	9,498
Advertising	2,761	4,300	2,650	3,500	5,796	0	(2,296)
Printing & Binding	13,712	29,400	30,950	31,700	2,809	29,712	(821)
Charter School Payments	2,159,564	2,195,000	2,300,000	2,400,000	1,015,398	1,584,602	(200,000)
Tuitions Payments to Other Dist.	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	0	0	115,000
Audit Services	29,150	30,000	39,000	36,000	3,671	0	32,329
Legal Services	33,971	35,000	35,000	35,000	0	0	35,000
Negotiation Services	0	10,000	5,000	1,000	0	0	1,000
Data Processing SVCS	65,278	89,600	65,000	57,500	0	0	57,500
Election Services	4,632	5,000	5,000	18,000	60,204	6,200	(48,404)
Other Non_instr Pro/Tech	447,701	363,700	351,450	402,650	0	0	402,650
Other General Prof & Tech Svcs	(722)	0	0	0	2,461	2,625	(5,086)
Physical Exams - Drivers	4,072	4,400	5,750	5,500	0	2,000	3,500
Drug Tests Drivers	1,670	3,000	2,250	3,000	0	0	3,000
Child Care Services	0	15,000	0	0	0	0	0
Sub calling service	14,113	15,000	12,000	7,500	4,820	0	2,680
Classified subs	226,030	194,000	228,600	251,500	0	0	251,500
Criminal History checks	3,394	3,200	3,500	3,500	0	0	3,500
Fingerprinting	626	1,000	2,500	1,000	0	0	1,000
Classified subs	499,112	425,000	445,791	510,573	7,894	0	502,679
<b>Total P. Services</b>	<b>5,396,276</b>	<b>5,349,577</b>	<b>5,299,827</b>	<b>5,686,551</b>	<b>1,486,076</b>	<b>2,169,953</b>	<b>2,030,522</b>

## 2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	11-01-21 YTD	11-01-21 Encumb	11-01-21 Balance
Gas Oil & Lubricants	185,324	190,500	189,100	192,000	27,399	103,602	60,999
Supplies & Materials	457,850	648,024	651,837	698,023	173,644	25,645	498,734
Vehicle repair parts	27,649	52,800	50,500	50,500	8,202	30,697	11,601
Transportation operations	30,665	15,000	25,000	25,000	7,087	10,838	7,075
Textbooks	68,642	28,033	9,933	5,433	8,976	0	(3,543)
Library Books	5,914	15,694	8,200	11,700	207	0	11,494
Periodicals	6,511	6,000	10,800	12,100	9,048	2,549	503
Equipment under 5K	160,140	178,842	146,100	125,550	11,829	3,849	109,872
Computer software	184,472	264,360	257,398	323,918	270,389	0	53,529
Computer hardware	142,441	170,593	181,265	162,359	62,813	0	99,546
<b>Total Supplies &amp; Materials</b>	<b>1,269,608</b>	<b>1,569,846</b>	<b>1,530,133</b>	<b>1,606,583</b>	<b>579,594</b>	<b>177,180</b>	<b>849,810</b>
Buildings Acquisition		0	0	25,000	0	0	25,000
Improvements Other Than Buildings				0	13,665	0	(13,665)
Equipment	33,623	54,500	25,000	45,000	0	12,137	32,863
New Equipment over 5K	35,353	0	45,000	10,000	22,726	0	(12,726)
Replace of Equip over 5K		0	20,000	20,000	0	0	20,000
Depreciable Technology	7,579	0	0	0	0	0	0
Bus Replacement	0	0	0	0	0	0	0
<b>Total Capital Outlay</b>	<b>76,554</b>	<b>54,500</b>	<b>90,000</b>	<b>100,000</b>	<b>36,391</b>	<b>12,137</b>	<b>51,472</b>
Regular Interest	0	500	0	0	0	0	0
Dues & Fees	105,393	175,180	159,726	148,076	58,182	774	89,120
Insurance & Judgments	245,279	265,588	306,221	350,000	358,748	0	(8,748)
Settlements		0	0	0	0	0	0
Taxes & Licenses	0	200	700	700	985	0	(285)
<b>Total Other Objects</b>	<b>350,672</b>	<b>441,468</b>	<b>469,147</b>	<b>501,776</b>	<b>418,015</b>	<b>774</b>	<b>82,987</b>

## 2021-22 General Fund Expenditure Report

Description	18/19 Actual	19/20 Budget	20/21 Budget	21/22 Budget	11-01-21 YTD	11-01-21 Encumb	11-01-21 Balance
Transfer - Vocational House Fund	40,000	0	70,000	250,000	0	0	250,000
Transfer - Technology	100,000	0	80,000	100,000	0	0	100,000
Transfer - Classroom Furniture	50,000	0	10,000	35,000	0	0	35,000
Transfer - Textbook Adoption	400,000	400,000	200,000	350,000	0	0	350,000
Transfer - Capital Improvement	400,000		200,000	300,000	0	0	300,000
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	0	0	475,000
Transfer - Bus Replacement	300,000	150,000	225,000	225,000	0	0	225,000
Transfer - Unemploy Ins	25,000	25,000	250,000	0	0	0	0
PERS Reserve	525,000	0	450,000	300,000	0	0	300,000
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	0	0	20,000
Transfer - Debt Service	150,000	50,000	0	0	0	0	0
Transfer - Academic Achievement	0	0	0	0	0	0	0
<b>Total Transfers</b>	<b>2,621,000</b>	<b>1,185,000</b>	<b>2,100,000</b>	<b>2,279,446</b>	<b>0</b>	<b>0</b>	<b>2,279,446</b>
Reserve/Contingency	0	1,750,000	2,000,000	3,000,000	0	0	3,000,000
<b>Grand Total</b>	<b>43,941,707</b>	<b>46,727,940</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>9,872,441</b>	<b>29,708,270</b>	<b>10,718,105</b>

## 2021-22 General Fund Revenue Report

		18/19 Actual	19/20 Actual	20-21 Budget	21-22 Budget	11-01.-21 YTD	11-01.-21 Balance
SSF Formula							
1111,	Taxes	10,179,205	10,509,179	10,938,094	11,873,719	56,751	11,816,968
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	211,309	233,510
2101	County School		209,250	200,000	195,000	24,447	170,553
3104	State Timber	167,048	23,587	100,000	100,000	67,704	32,296
3101/3199	School Support Fund	29,101,930	30,942,140	31,791,963	31,702,011	13,206,239	18,495,772
	Adjustments to SSF Payments						-
	Adj for Prior Year payments	(755,646)		-	-	-	-
	Adj for HC Disability Grant	439,748	-	-	-	-	-
	<b>Total SSF Formula</b>	<b>39,748,844</b>	<b>42,038,081</b>	<b>43,560,057</b>	<b>44,440,549</b>	<b>13,566,450</b>	<b>30,874,099</b>
1510	Interest on Investments	385,564	320,317	250,000	150,000	19,507	130,493
4200	Third Party billing	72,372	-	-	-	-	-
2210	TMR	180,556	212,376	210,000	210,000	-	210,000
4300	JROTC reimbursement	35,236	77,982	65,000	65,000	15,697	49,303
	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	33,551	74,715
1312, 1960, 1990,							
5300	Miscellaneous	370,469	304,781	250,000	255,000	47,695	207,305
1760	Club Fundraising		-	-	-	-	-
1411, 1993	Transportation Fees		4,538	-	-	-	-
1994	E-Rate reimbursement	-	-	80,000	-	-	-
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)
	<b>Total</b>	<b>46,068,310</b>	<b>45,951,175</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>19,888,554</b>	<b>30,410,262</b>

	<b>18/19</b>	<b>19/20</b>	<b>20-21</b>	<b>21-22</b>	<b>11-01-21</b>	<b>11-01-21</b>
	<b>Actual</b>	<b>Actual</b>	<b>Budget</b>	<b>Budget</b>	<b>YTD &amp; Enc</b>	<b>Balance</b>
<b>General Fund - Revenue</b>						
SSF Formula	39,748,844	42,038,081	43,560,057	44,440,549	13,566,450	30,874,099
SSF Adjustment	-	-	-	-	-	-
State Fiscal Stabilization Fund	-	-	-	-	-	-
Federal Ed Jobs	-	-	-	-	-	-
School Year SubAccount	-	-	-	-	-	-
Loan Receipts	-	-	-	-	-	-
Interest	385,564	320,317	250,000	150,000	19,507	130,493
Third Party Billing	72,372	-	-	-	-	-
TMR	180,556	212,376	210,000	210,000	-	210,000
JROTC	35,236	77,982	65,000	65,000	15,697	49,303
Other	374,395	325,816	387,500	368,266	81,246	287,020
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)
<b>Total</b>	<b>46,068,310</b>	<b>45,951,175</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>19,888,554</b>	<b>30,410,262</b>
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<b>General Fund - Expenses</b>						
Salaries	21,069,833	21,896,193	21,680,883	22,526,487	21,447,050	1,079,437
Benefits	13,157,764	14,481,355	15,086,873	14,597,973	13,253,541	1,344,432
P. Services	5,396,276	5,349,577	5,299,827	5,686,551	3,656,029	2,030,522
Supplies	1,269,608	1,569,846	1,530,133	1,606,583	756,774	849,810
Capital Outlay	76,554	54,500	90,000	100,000	48,528	51,472
Other Objects	350,672	441,468	469,147	501,776	418,789	82,987
Transfers	2,621,000	1,185,000	2,100,000	2,279,446	-	2,279,446
Contingency	-	1,750,000	2,000,000	3,000,000	-	3,000,000
<b>Total</b>	<b>43,941,707</b>	<b>46,727,940</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>39,580,711</b>	<b>10,718,105</b>
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