



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

MEETING AGENDA

1. WELCOME

- A. Call to Order
- B. Flag Salute

2. BOARD REORGANIZATION

- A. Election of Board Chair for 2020-21
- B. Election of Vice Chair for 2020-21
- C. Board Meeting Schedule for 2020-21, pg. 3

Action: Motion/Vote Required
Action: Motion/Vote Required
Action: Approval Requested

3. AUDIENCE COMMENTS

This is a time for citizens to address the Board. Public comments will need to be submitted to ruth.hopkins@lebanon.k12.or.us by 4:00 PM on July 23, 2020. The Chair will read them into the record at this time.

4. FALL 2020 PLAN, pg. 4

Action: Informational

5. CIA UPDATE, pg. 5

Action: Informational

6. RESOLUTION 2021-1 REPRESENTATION AND AUTHORIZATIONS, pg. 13

Action: Approval Requested

7. CONSENT AGENDA

Action: Approval Requested

- A. June 25, 2020 Meeting Minutes, pg. 18
- B. Policies – Second Reading, pg. 25

CODE	TITLE
JHH	Student Suicide Prevention
GBL	Personnel Records
GBLA	Disclosure of Information
GBN/JBA GBN/JBA – AR JBA/GBN JBA/GBN - AR	Sexual Harassment
IGBAH-AR	Special Education – Evaluation and Eligibility Procedures

C. Hiring:

NAME	POSITION	FTE	START DATE	END DATE
Bell, Kacie	Math Teacher-Secondary/Middle School	1.0	8/24/2020	
Broadhurst, Jenna	Speech Language Pathologist	1.0	8/24/2020	
Conraads, Kelli	Counselor - Secondary	1.0	8/24/2020	
Cox, Sandi	Mental Health Specialist – Secondary	1.0	8/24/2020	
Eng, Marissa	Elementary Teacher	1.0	8/24/2020	
Johnson, Jacob	Welding/Small Engines - Secondary	1.0	8/24/2020	
Kinney, Kristina	Elementary Teacher	1.0	8/24/2020	
Kuenzi, Lisa	Elementary Teacher	1.0	8/24/2020	
Mulholland, Tayo	Elementary Teacher	1.0	8/24/2020	
Sherburne, Caitlin	Elementary Teacher	1.0	8/24/2020	
Taylor, Dylan	Math Teacher - Secondary	1.0	8/24/2020	
Treadway, Miranda	Elementary Teacher	1.0	8/24/2020	
Van Patten, Candace	SPED Life Skills	1.0	8/24/2020	
TEMPORARY HIRES				
Marshall, Kayla	Elementary Teacher	1.0	10/6/2020	1/19/2021
Shryock, Madison	Language Arts Teacher – Secondary/Middle School	1.0	8/24/2020	6/10/2021

8. DEPARTMENT REPORTS

Action: Informational

- A. Operations
- B. Human Resource
- C. Finance

9. COMMUNICATION

Action: Informational

- A. Board
- B. Superintendent

10. ADJOURNMENT

Agenda Item No. 2

2020-21 Board Meeting Schedule



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

2020-21 Board Meeting Schedule

DATE	TIME	MEETING TYPE	LOCATION
August 13, 2020	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
September 10, 2020	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
October 8, 2020	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
November 12, 2020	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
December 10, 2020	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
January 14, 2021	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
February 11, 2021	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
March 11, 2021	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
April 8, 2021	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
May 13, 2021	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street
June 10, 2021	6:00 PM	Regular Meeting and Budget Hearing	Santiam Travel Station, 750 3 rd Street
July 8, 2021	6:00 PM	Regular Meeting	Santiam Travel Station, 750 3 rd Street

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Agenda Item No. 4

2020 Fall Plan

LCSD Fall Startup

Priorities

- 1. Student and Staff safety**
- 2. State Operational Guidelines(social distancing, facial covers, sterilization schedule, etc)**
- 3. Operational capacity (transportation, food services, custodial, classroom size)**
- 4. Educational Effectiveness.**

Elementary and K-8

Option 1.

K-1 attend school half a day every day. They are divided into a morning class and an afternoon class.

Grades 2-8 attend either school on Monday and Tuesday or Thursday and Friday for full days. Wednesday is for online support\development and sterilization.

Option 2.

Students will not attend classes on-site. Teachers will provide online learning utilizing district curriculum and Canvas (online platform).

All students will be supported and have access to Canvas. We will be prepared to support all of our students using **Option 2.**

Students with special needs or behind grade level will be provided additional support.

Seven Oak 6-8

Option 1.

Grades 6-8 attend either school on Monday and Tuesday or Thursday and Friday for full days. Wednesday is for online support\development and sterilization.

Option 2.

Students will not attend classes on-site. Teachers will provide online learning utilizing district curriculum and Canvas (online platform).

All students will be supported and have access to Canvas. We will be prepared to support all of our students using **Option 2.**

Students with special needs or behind grade level will be provided additional support.

LHS 9-12

Option 1.

Grades 9-12 attend either school on Monday and Tuesday or Thursday and Friday for full days. Wednesday is for online support\development and sterilization.

Option 2.

Students will not attend classes on-site. Teachers will provide online learning utilizing district curriculum and Canvas (online platform).

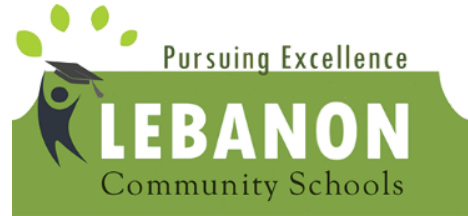
All students will be supported and have access to Canvas. We will be prepared to support all of our students using **Option 2.**

Students with special needs or behind grade level will be provided additional support

Agenda Item No. 5

Curriculum, Assessment and Instruction

BOARD MEMORANDUM



To: Board of Directors

From: Tami Volz, School Improvement Administrator

Date: July, 2020

Meeting Date: July 23, 2020

Re: Curriculum, Instruction and Assessment (CIA), Title I and English Learners

In planning for the 20-21 school year we needed to provide the teachers curriculum that will be responsive to all delivery methods: face-to-face, hybrid or online. Therefore any new purchases listed below are designed to allow teachers the level of flexibility needed to ensure our students get the education possible.

CURRICULUM:

Freckle is a new resource designed to support our existing assessment system (STAR). Once the students complete the Universal screener (assessment) in the fall, their results will guide their individual learning plan, making it more personalized experience for the students. This personal learning plan is available for Social Studies, Science and Language Arts, based on their reading ability. Math will incorporate other factors as well as a student's reading ability.

English Language Arts:

- K - 5 will continue with Journeys and we are working with the publisher to make sure our teachers have the online resources needed to support our ELA instruction.
- 6 - 8 will be piloting Amplify. This is a new curriculum for our school district. This program has a comprehensive on-line platform. In addition, it will help provide the data as we move into an ELA adoption year.
- 9 - 12 will continue with Springboard.

Math:

- K - 5 will be using Zearn, which is the online partner to Eureka Math, our adopted core math curriculum. This should provide a seamless transition for our teachers that have been using our adopted core curriculum.

- 6 - 12 will be using CPM. We are reviewing all the online options to support this curriculum, but the final list of resources has not been determined yet.

INSTRUCTION:

- AVID instructional strategies will continue to be a priority for our district. We want to maximize all AVID writing instructional strategies to unify our approach to writing instruction K - 12. We also have common agreements regarding instructional strategies that we will continue to use for a face-to-face environment and will develop new agreements for our hybrid and online learning environments. The “Digital” Summer Institute will take place at the end of July and will provide the foundation we need to launch this work during the month of August to prepare for our students.

ASSESSMENT:

- STAR license has been renewed for the 20-21 school year for grades 2 - 9. Some 1st graders will take the STAR assessment if they are ready.
- ESGI is a new assessment tool for our Kinder and 1st grade teachers. This tool will support our kindergarten teachers with an electronic report card, assessments and progress monitoring. The first grade teachers will also use this tool for assessments until the students are ready for the STAR assessment.

Implementation of online learning:

There are over 35 teachers, grades K - 12, who have “jumped in” to lead the design of lessons for their grade level and/or content area. They will be trained on Canvas and all the online curriculum resources needed to make sure we are all ready for students in the fall.

Agenda Item No. 6

*Resolution 2021-1
Representations and Authorizations*

Lebanon Community School District #9

Resolution 2021-1 Representations and Authorizations

The Lebanon Community School District Board of Directors resolves the following for Fiscal Year 2020/21:

- A. **Bonding of the Board Chairman, Superintendent/Clerk, Deputy Clerk.** BE IT RESOLVED that the Lebanon School Board of Directors designates Property and Casualty coverage for education (PACE) to provide a Public Employee Dishonesty Coverage in a minimum amount of \$100,000 (fidelity bond) in accordance with ORS 332.525 and ORS 328.441.
- B. **Chief Administrative Officer.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates as Chief Administrative Officer.
- C. **Deputy Clerk.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates William Lewis as Deputy Clerk.
- D. **Custodian of Funds.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates and William Lewis to be the custodian of funds and further authorizes facsimile signature under ORS 328.441, ORS 328.445.
- E. **Authorization to Sign Payroll and Monthly Disbursements.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates and/or William Lewis to sign monthly disbursements and payroll.
- F. **Authorization to Approve and Pay Accounts Payable.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates and/or William Lewis to approve and pay all accounts payable and balances on district-issued credit/purchase cards within the limits of the adopted budget document. Licensed administrators may approve purchase orders in amounts of \$250 or less unless revoked by the Superintendent.
- G. **Budget Officer.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates as the budget officer.
- H. **Official Auditors.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Pauly Rogers & Co. as the official auditor for the district's Fiscal Year 2020/21 books.
- I. **Newspapers-of-Record.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates the Albany Democrat Herald, Lebanon Local News, and the Lebanon Express as the district newspapers-of-record.

- J. **Insurance Agent-of-Record.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Rhodes Warden Insurance as the district insurance agent-of-record.
- K. **Attorney-of-Record.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Garrett Hemann Robertson, PC as the attorney-of-record for all general education related legal services and for collective bargaining services.
- L. **Hearing Officer.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Bo Yates to serve as the hearing officer in all matters pertaining to the operation of the school district and/or matters on personnel and further designates Bo Yates or his designee to serve as the hearing officer on student records, including expulsion hearings.
- M. **Authorization to Participate in Federal and State Programs.** BE IT RESOLVED that Superintendent Bo Yates is hereby authorized as the official district representative for IDEA, Title IA, Title IIA, Title III, Title IV, and Title V, Title VI, EBISS, Carl Perkins Grant, other various local grants, Linn/Benton Education Service District, miscellaneous state grants, and miscellaneous federal grants.
- N. **School Board Meetings.** BE IT RESOLVED that the following are the School Board meeting dates for Fiscal Year 2020/21. Regular meetings will begin at 6:00 PM.

Date	Meeting Type	Scheduled Location
August 13, 2020	Regular Meeting	Santiam Travel Station
September 10, 2020	Regular Meeting	Santiam Travel Station
October 8, 2020	Regular Meeting	Santiam Travel Station
November 12, 2020	Regular Meeting	Santiam Travel Station
December 10, 2020	Regular Meeting	Santiam Travel Station
January 14, 2021	Regular Meeting	Santiam Travel Station
February 11, 2021	Regular Meeting	Santiam Travel Station
March 11, 2021	Regular Meeting	Santiam Travel Station
April 8, 2021	Regular Meeting	Santiam Travel Station
May 13, 2021	Regular Meeting	Santiam Travel Station
June 10, 2021	Regular Meeting, Budget Hearing	Santiam Travel Station
July 8, 2021	Reorganizational Meeting	Santiam Travel Station

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

- P. **Borrowing Limit for the Custodian of Funds.** BE IT RESOLVED that the Lebanon School Board of Directors hereby allows the Custodian of Funds to borrow up to \$5,000,000. Notice is to be given to the Board prior to the loan.
- Q. **Short-term loans between funds.** BE IT RESOLVED that William Lewis, Deputy Clerk/Director of Business Services, is authorized to make short-term loans between funds in order to pay district obligations.
- R. **Employees Excluded from Bargaining Units.** BE IT RESOLVED that the Lebanon School Board of Directors hereby affirms that confidential employees and all directors and administrators are excluded from the bargaining units.
- S. **Local Contract Review Board.** BE IT RESOLVED that the Lebanon School Board of Directors hereby reaffirms the Lebanon Community School District as its own Local Contract Review Board.
- T. **Alternative Education Programs.** BE IT RESOLVED that the Lebanon School Board of Directors hereby designates Lebanon High School Alternative Programs, Linn Benton Community College Alternative Program, and Community Services Consortium as alternative education programs.
- U. The following designation of the Fiscal Year 2019/20 ending fund balances and revenues for specific uses in Fiscal Year 2020/21:
1. Committed Fund Balances
 - a. The ending balance of each of the following funds is “Committed” in accordance with the purposes stated for each fund or program in the FY 2020/21 adopted budget.
 2. Restricted Fund Balances
 - a. The ending balance of all grant related special revenue funds (including food service) shall be designated as restricted for the sole uses intended by the granting authorities.
 - b. Ending fund balances in Student Activities Funds are restricted for the benefit and intent associated with each of the student body groups.
 - c. Unemployment Insurance Fund is restricted for expenditures of unemployment claims paid by the State for former District employees.
 3. Debt Service Funds
 - a. Funds are “Restricted” for the accumulation of resources and payment of principal and interest related to associated debt offerings.

PASSED AND ADOPTED this 23rd day of July, 2020.

Tom Oliver, Board Chair

Bo Yates, Superintendent

Agenda Item No. 7

*Consent Agenda
June 25, 2020 Meeting Minutes*



MEETING MINUTES

<p><u>BOARD MEMBERS PRESENT:</u> Tom Oliver, Chair Mike Martin, Vice Chair Richard Borden Tammy Schilling</p> <p>ZOOM: Todd Gestrin</p>	<p><u>EXECUTIVE STAFF PRESENT:</u> Bo Yates, Superintendent Jennifer Meckley, Assistant Superintendent</p> <p>ZOOM: William Lewis, Business Director Kim Grousbeck, Human Resources Director Tami Volz, Director of School Improvement Rachel Cannon, Director of Alternative Education</p>
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The meeting minutes were recorded by Executive Secretary Ruth Hopkins.

1. WELCOME AND CALL TO ORDER

Board Chair Tom Oliver called the meeting to order at 6:03 PM and led the Pledge of Allegiance.

2. AUDIENCE COMMENTS

There were no public comments submitted to the Board.

3. LEBANON HIGH SCHOOL UPDATE

Superintendent Yates shared information regarding the percentages of students, by grade level, who were on-track to graduate.

Chair Oliver asked about the 10th grade class. Superintendent Yates answered that there were only 65% of 10th grade students that were currently on track to graduate, which is a very low number. The LHS administration team is working on a plan for them and will work to engage them and work toward getting them caught up.

Chair Oliver asked if there was an alternative within the online learning that would appeal to them and help to keep them engaged. Superintendent Yates indicated that the district is working on that and working to develop a more robust online program to have to offer. He added that we would need to have a stronger online program in case parents are not wanting to have their students present in a classroom.

Member Tammy Schilling asked about the 10th grade group and if it was the same group they had been trying to get on track. Superintendent Yates indicated that the administration had looked at that group as freshman mid-year and have been working to get them on track for graduation. With 35% of them not on track, there will almost need to be individual plans for each student.

Chair Oliver asked how many of them were the same that were not on track a year ago and how many of them were not on track because of being online due to COVID-19, and if we have weekly participation numbers for this group. Superintendent Yates responded that there was a strong correlation between the groups.

Whereupon, there was a discussion around the 10th grade group and getting them back on track for graduation.

Member Schilling added we are in an era where we need to be creative for getting that group to be successful. Superintendent Yates added that there was a level of urgency before, and now it is even more. He wants to be as intentional as possible with what we are doing. We have partnerships in the community that work to get kids where they need to be and we have a big group of kids that need extra support.

Member Borden asked if Superintendent Yates has looked at other districts to see what they are doing with this problem and what success stories are out there regarding this, and maybe we can look at adopting what they are doing. Superintendent Yates said he has been meeting with other superintendents daily to see what can be done to solve this problem. The key is to have adults that care and will engage with them to keep them engaged in school.

Chair Oliver added that assuming that we are looking at going to a hybrid model next year, we need to look at making that more engaging than the distance learning was on its own, and more engaging than our traditional school model has been.

Whereupon, there was an extensive discussion about how we could improve the learning and engagement of students, while following the state guidelines for next year.

4. ALTERNATIVE EDUCATION AND SUMMER SCHOOL UPDATE

Rachel Cannon then reviewed the information provided to the Board in the meeting packet. She discussed the elementary SEL, tutoring/supervised independent study, teen center and Ralston Academy. She shared the enrollment totals, current goals and future goals of each.

She added that they were able to offer three sections of Training Teens for Tomorrow on skills, and then did placements at different work sites, similar to an internship. Ralston also partnered with the school district and hired four students to do custodial work.

She then provided graduation data for the alternative education program. More students are now graduating through the Ralston program, and fewer are opting for the GED program. She concluded that she feels the staff is what has made Ralston successful.

Chair Oliver asked about the GED program and if the data presented reflects the students that graduated out of Ralston rather than going through the GED program. Rachel Cannon answered that they were able to steer students more towards the Ralston program, rather than trying to go the GED route, which previously not many students had actually completed.

Rachel Cannon then shared information on the district summer school program. The Summer at Home program that is being offered for the first part of the summer, runs from June 15th to July 31st. It is for K through 6th grades. Families do not need to sign up. They can come and go and choose the work that they do. Seven Oak is doing something similar. The high school is doing credit recovery and students will need to sign up for that. In August, we they are planning an in-person summer school that will run from August 3rd-21st. She is hopeful that they will be able to get students in the building and offer that.

There were no questions on the update.

5. PRELIMINARY PLAN FOR FALL OF 2020-21 SCHOOL YEAR

Superintendent Yates shared that the district is currently working on putting a plan together for next school year that he will bring before the Board next month for approval. The state has issued guidelines on what needs to be done and how it needs to be done. Currently what they are looking at, to meet the social distancing requirements, is to run on an A-B schedule. So there will be students that will come on Monday and Tuesday, and students that will come on Thursday and Friday. There will be distance learning on Wednesday. For students that will need extra instruction or have an IEP, they will be provided weekly support. We will target the students that need the extra help and try to facilitate them being at school all of the time. He added that we are also looking at having K-1st grade students there on a daily basis.

Chair Oliver asked about the state guidelines and what our obligation is to adhere to every single piece of those guidelines. For example, if there are parents who wanted their students in a classroom and are not concerned about the density, if there any latitude to accommodate that if all parties were agreeable to that, or on the other end, parents who did not want their students in there all.

Superintendent Yates answered that the district is looking at a multi-tiered programs. Starting with an online program that is more robust than what we had in the spring, for parents who did not want to send their students back to school. Then the next step would be a blended model where students would be in school part of the time and online part of the time, trying to be more thoughtful in the design of the online portion for what kids are doing and how they are doing it. Then the fall back plan would be distance learning for all again, which would be totally online.

Assistant Superintendent Meckley added that she did not think there was any latitude to go outside of the requirements from ODE. There is not any liability coverage for COVID currently. Superintendent Yates added that one of the main issues was operationally, feeding and transporting students, trying to do all of that and keep the six foot distancing and follow the guidelines. Adhering to the guidelines, we can only put 15 students on a bus at a time, instead of the normal 50; student can only enter through certain doors; they have to wash their hands regularly; and we will not be able to do PE because equipment would need to be washed regularly. He indicated that those are just some of the issues the district is trying to work through. It is a challenge and the district is trying to figure out what the best thing to do is.

Chair Oliver added that he assumed the leadership was looking at the situation by grade level. Superintendent Yates said that we were looking at the younger students to see what we could do to keep more of them at the school. At the middle school level, they will have cohorts and they will focus on core areas. The same thing will be done at the high school, keeping them in cohorts and focusing on the core classes. It will be more of a block schedule with longer class times to keep down the transitions and keep a cohort together.

Chair Oliver asked about the tracking and if that was a mandate with no flexibility. For example, if a student uses the restroom and if there will be a log of that. Assistant Superintendent Meckley answered that there will be login sheets of when students enter the school, if symptoms were checked or if they have left the building. Classrooms have a log sheet for if students leave for the bathroom already.

Chair Oliver added that it was up to staff to come up with a plan that would have the most success and equity for students. Superintendent Yates added that we will be looking at what the operational holdbacks are and discussing with each department to see what flexibility we have to make the plan work.

Whereupon, there was an extensive discussion around the how to make the plan flexible enough to work for all students, how we can support students and keep them engaged, support for parents, and all while following the guidelines that the state has put out for fall.

Chair Oliver said that he appreciated the effort that has gone into the plan and he hopes that we can find a silver lining in all of it.

Assistant Superintendent Meckley added that a couple of fun things was the retirement celebration. There was a drive-through parade outside with balloons, music and the retirees would drive through. All retirees had a fun time with the parade. She also shared that the high school graduation was amazing. She felt the high school staff did a great job and made it very personalized. Superintendent Yates added that he had heard only positive things on the graduation as well.

6. JULY MEETING DATE

It was decided that the July Board meeting date will be on July 23 at 6:00 PM.

7. FISCAL YEAR 2020-21 BUDGET HEARING

William Lewis presented the 2020-21 budget that has been approved by the budget committee. There was no public testimony on either resolution. There were no questions regarding the budget.

Upon motion made by Member Richard Borden, duly seconded by Vice Chair Mike Martin, the Board voted unanimously to approve Resolution 1920-6 Making Appropriation for the 2020-21 Budget in the amount of \$74,572,671, as presented.

Upon motion made by Member Tammy Schilling, duly seconded by Member Richard Borden, the Board voted unanimously to approve Resolution 1920-7 Imposing and Categorizing the Tax for the rate of 4.9925 per \$1,000, and the amount of \$4,044,968 for bonds, as presented.

8. CONSTRUCTION EXCISE TAX

William Lewis brought the construction excise tax back to the Board. He has a contract with the City and he is working on one with the county. At the last meeting there was a question of doing one without the other. He had our attorney check on that issue and found we can do one without the other. He is asking that the Board approve the construction excise tax with the City of Lebanon.

Chair Oliver asked how far away we are on having an IGA with the county and William Lewis indicated it was a ways away. He added that the county agreement was very different than the City of Lebanon. It put all of the risks on the district. It precluded the county from statutory obligations. It included additional fees that are over and above what is required by statute, and then we are paying a full percentage for the fees associated with it.

Chair Oliver asked if there was a legal basis for the county to assess fees that are greater than the city. Lewis answered that there was no legal obligation at all and this is a part of our requested updates. Chair Oliver asked if the county would prefer not to execute the IGA and collect the funds. Lewis indicated it was safe to assume that the county is interested in keeping the IGAs with Albany, Corvallis and Lebanon as close as possible to the same agreements. He is currently reviewing the other city's agreements.

Chair Oliver clarified that the next steps would be submitting revisions back to the county and have the Board of Commissioners approve it. Lewis indicated that yes, that was the process, and then we would

need to bring it back to our Board. Chair Oliver asked if we could assume that we could wrap it up by our August meeting and Lewis indicated we could. Chair Oliver added that he did not like having the tax imposed on one group of citizens and not the other. He would prefer that we treated them the same.

Whereupon, there was a discussion around implementing the tax. It was decided to table the construction excise tax with the City of Lebanon until we have the agreement with the county and approve both of them at the same time.

9. CONSENT AGENDA

A. Minutes

Upon motion made by Member Tammy Schilling, duly seconded by Vice Chair Mike Martin, the Board voted unanimously to approve the meeting minutes from May 14, 2020, June 4, 2020 and June 11, 2020, as presented.

B. Policies – First Reading

Assistant Superintendent Meckley provided information on the policies that are being presented for first reading and they were moved to second reading.

C. Hiring

Upon motion made by Vice Chair Mike Martin, duly seconded by Member Richard Borden, the Board voted unanimously to approve the hiring of Thomas VaVerka as the JROTC Senior Army Instructor.

10. DEPARTMENT REPORTS

A. Operations

Superintendent Yates shared that the district is installing a large commercial freezer at the district office. The district is feeding more kids, and having centralized storage will allow us to buy more in bulk. He then asked for feedback from the Board on the duplex that Eric Frazier was building, and would like thoughts on another building that may be like a preschool and would work with others in the community. He felt we could get some grant funds for that. He added that it would not just be the district funding it. He would go out in the community and get some funding. He felt there is a huge need in the community for this. There is a need for the extra space for a preschool, parenting classes and other things that are needed in the community.

B. Human Resources

Kim Grousbeck shared that HR is getting ready for the new school year and doing exit interviews for the staff that are leaving the district. They have also been doing a lot of work on the Work Share Program. There is not an update as to when it will be funded at this time. Everything is in to the state that needs to be in and HR tried to be as complete as possible. She is hoping that we will hear from them soon so that she can share that update with employees. There were no questions.

C. Finance

William Lewis brought up information on the charter school in regards to the ESSER money that has come in. There is no federal requirement to provide any of those resources to the charter school. ODE said they

recommend that we share the resources. He said that we could share any amount from zero to whatever we want to. He is asking for the Board's guidance on this matter.

Member Richard Borden asked if Sand Ridge was aware of the potential for the money. Lewis indicated that they have been a part of all of the conversations that the ODE has had regarding this. Chair Oliver felt it would be appropriate to allocate the money using the same methodology that we use to fund them currently. He asked what that amount would be. William Lewis said that it would 8%, so it would be the normal split for ADM.

Superintendent Yates added that they had students who were not from Lebanon that attend there, and he felt that we should adjust it for Lebanon students only. He wants to stay consistent with the contract.

William Lewis reiterated that it would be the 8% and then adjusted to reflect Lebanon students only. He shared that we do a final true-up reconciliation at the end of the year and make adjustments if needed. So if the estimate is off, it will be balanced at the end of the year.

11. COMMUNICATION

A. Board

There were no Board communications.

B. Superintendent

Superintendent Yates wanted to share how hard Kim Grousbeck and her crew have been working in HR. They have been working hard through the Work Share Program and taking care of all of that. They have done a tremendous amount of work on this.

He then shared a short video on the Ralston Academy graduates.

12. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:28 PM.

Tom Oliver, Chair

Bo Yates, Superintendent

Agenda Item No. 7

*Consent Agenda
Policies – Second Reading*

Code: JHH
Adopted:

Student Suicide Prevention**

The district shall develop a comprehensive student suicide prevention plan for students in kindergarten through grade 12.

The district may consult with state or national suicide prevention organizations, the Oregon Department of Education (ODE), school-based mental health professionals, parents, guardians, employees, students, administrators and school boards associations when developing the required plan.

The plan shall include, at a minimum:

1. Procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide;
2. Identification of the school officials responsible for responding to reports of suicidal risk;
3. A procedure by which a person may request the district to review the actions of a school in responding to suicidal risk;
4. Methods to address the needs of high-risk groups, including:
 - a. Youth bereaved by suicide;
 - b. Youth with disabilities, mental illness or substance abuse disorders;
 - c. Youth experiencing homelessness or out of home settings, such as foster care; and
 - d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students.
5. A description of, and materials for, any training to be provided to employees as part of the plan, which must include:
 - a. When and how to refer youth and their families to appropriate mental health services; and
 - b. Programs that can be completed through self-review of suitable suicide prevention materials.
6. Supports that are culturally and linguistically responsive;
7. Procedures for reentry into a school environment following a hospitalization or behavioral health crisis¹; and
8. A process for designating staff to be trained in an evidence-based suicide prevention program.²

¹ “Behavioral health crisis” as defined by Oregon Administrative Rule (OAR) 581-022-2510, means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual’s mental or physical health.

² ODE will provide a list of available programs.

The plan must be written to ensure that a district employee acts only within the authorization and scope of the employee’s credentials or licenses.

The plan must be available annually to the community of the district, including district students, their parents and guardians, and employees and volunteers of the district, and readily available at the district office and on the district website.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.343](#)

[OAR 581-022-2510](#)

OSBA Model Sample Policy

Code: GBL

Adopted:

Personnel Records *

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

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

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

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

1. The individual employee. An employee may arrange with the personnel office to inspect the contents of their personnel file on any day the personnel office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the district or the district's designated representative on matters of district business;
9. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

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

No personnel files shall be removed from their central location for personal inspection. Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a subpoena or court order.

END OF POLICY

Legal Reference(s):

[ORS 339.370 – 339.374](#)
[ORS 339.388](#)

[ORS 342.143](#)
[ORS 342.850](#)

[ORS 652.750](#)
[OAR 581-022-2405](#)

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

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

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

OSBA Model Sample Policy

Code: GBLA
Adopted:

Disclosure of Information

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

OSBA Model Sample Policy

Code: GBN/JBA

Adopted:

Sexual Harassment

The district is committed to the elimination of sexual harassment in district schools, activities and programs. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment: of students by staff members, other students or third parties; of staff members by students, other staff members or third parties; and of third parties by staff members and students. This policy applies to third parties who are on or immediately adjacent to school grounds or district property, are at any school-sponsored or district-sponsored activity or program, or are off school or district property, if a student or staff member acts toward the person in a manner that creates a hostile environment for the person while at school or a school-sponsored or district-sponsored activity or program. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with a staff member's district job responsibilities.

All staff members, students, and third parties are subject to this policy.

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

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with the staff member's ability to perform the job or that creates an intimidating, offensive or hostile work environment; or unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that creates an intimidating, offensive or hostile environment; and
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Examples of sexual harassment may include, but not be limited to, ^[1]physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials;

^[1] OAR 581-021-0038 requires that the policy include a "list of examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district does have discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school district's legal counsel.]

sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

All complaints or reports about behavior that may violate this policy shall be promptly investigated.

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official so that the district official (and the reporting staff member when the victim of the harassment is a student or third party) may coordinate efforts to take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

Upon receipt of a complaint from a student or the student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(5) to the complainant.

The person who initiated the complaint and if applicable the student's parents or person's parents shall be notified when the investigation is initiated and concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal student confidentiality laws.

The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the educational assignments or any terms or conditions of employment or of work or educational environment of the person who initiated the complaint or who participates in the investigation. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals 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.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all schools. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

OSBA Model Sample

Code: GBN/JBA-AR

Revised/Reviewed:

Sexual Harassment Complaint Procedure

Principals, the compliance officer and the superintendent have responsibility for reports, complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to district officials, this includes officials such as the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. The rights of the student, student's parents, staff member, person or person's parents who filed the complaint;
2. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parents may pursue, including the person designated for the school or district for receiving complaints;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment; and
7. Notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and
3. Be made available to students, students' parents, staff members and members of the public at each school office, at the district office and on the school or district website.

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within ten working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 20 working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 5 working days after receipt of the step 3 decision. The Board shall, at a properly-noticed Board meeting, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

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

Signature: _____ Date: _____

[Name of District]
[Address] | [Phone]

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: JBA/GBN

Adopted:

Sexual Harassment

The district is committed to the elimination of sexual harassment in district schools, activities and programs. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment: of students by staff members, other students or third parties; of staff members by students, other staff members or third parties; and of third parties by staff members and students. This policy applies to third parties who are on or immediately adjacent to school grounds or district property, are at any school-sponsored or district-sponsored activity or program, or are off school or district property, if a student or staff member acts toward the person in a manner that creates a hostile environment for the person while at school or a school-sponsored or district-sponsored activity or program. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with a staff member's district job responsibilities.

All staff members, students, and third parties are subject to this policy.

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

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with the staff member's ability to perform the job or that creates an intimidating, offensive or hostile work environment; or unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that creates an intimidating, offensive or hostile environment; and
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Examples of sexual harassment may include, but not be limited to, ^[1]physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials;

^[1] OAR 581-021-0038 requires that the policy include a "list of examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district does have discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school district's legal counsel.]

sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

All complaints or reports about behavior that may violate this policy shall be promptly investigated.

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official so that the district official (and the reporting staff member when the victim of the harassment is a student or third party) may coordinate efforts to take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

Upon receipt of a complaint from a student or the student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(5) to the complainant.

The person who initiated the complaint and if applicable the student's parents or person's parents shall be notified when the investigation is initiated and concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal student confidentiality laws.

The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the educational assignments or any terms or conditions of employment or of work or educational environment of the person who initiated the complaint or who participates in the investigation. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals 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.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all schools. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)

[ORS 332.107](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

[ORS 342.865](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

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

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

OSBA Model Sample

Code: JBA/GBN-AR

Revised/Reviewed:

Sexual Harassment Complaint Procedure

Principals, the compliance officer and the superintendent have responsibility for reports, complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to district officials, this includes officials such as the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. The rights of the student, student's parents, staff member, person or person's parents who filed the complaint;
2. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parents may pursue, including the person designated for the school or district for receiving complaints;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment; and
7. Notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and
3. Be made available to students, students' parents, staff members and members of the public at each school office, at the district office and on the school or district website.

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within ten working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 20 working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 5 working days after receipt of the step 3 decision. The Board shall, at a properly-noticed Board meeting, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

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

Signature: _____ Date: _____

[Name of District]
[Address] | [Phone]

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: IGBAH-AR

Adopted:

Special Education - Evaluation and Eligibility Procedures**

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation
 - a. The district conducts re-evaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.
 - b. The district does not conduct re-evaluation more than once a year unless the parent and district agree otherwise.

5. Evaluation Planning

- a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals as appropriate, must review existing information on the child, including:
 - (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations;
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
 - (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs, or continues to need, early intervention/early childhood special education (EI/ECSE) or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
 - (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
 - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
 - (3) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Are administered by trained and knowledgeable personnel; and

- (5) Are administered in accordance with any instructions provided by the producer of the assessments.
- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:

- (1) Identification of the evaluation data considered in determining the child’s eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child’s disability has an adverse impact on the child’s educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team’s written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child’s IEP addresses all of the child’s special education needs.