



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

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

MEETING AGENDA

1. WELCOME

- A. Call to Order
- B. Flag Salute

2. RALSTON ACADEMY UPDATE

Action: Informational

3. AUDIENCE COMMENTS/PUBLIC COMMENTS ON NAMING LHS BASKETBALL COURT

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

4. STAR DATA, pg. 4

Action: Informational

5. BEHAVIOR AND ATTENDANCE DATA, pg. 8

Action: Informational

6. ALTERNATIVE EDUCATION UPDATE, pg. 11

Action: Informational

7. NAMING OF THE LHS BASKETBALL COURT

Action: Approval Requested

8. PERSONAL SERVICES CONTRACT FOR AUDITORS, pg. 22

Action: Approval Requested

9. SIA APPLICATION, pg. 33

Action: Approval Requested

10. CONSENT AGENDA

Action: Approval Requested

- A. January 9, 2020 Meeting Minutes, pg. 42
- B. Hiring:

Name	Position	FTE	Start Date	End Date
Bart Baldwin	Science Teacher – Alternative Education	1.0 FTE	1/13/2020	
TEMPORARY				
Evan Albrethsen	Spanish Teacher – Secondary	1.0 FTE	1/24/2020	6/12/2020
Ross Dilts	Science Teacher – Secondary	1.0 FTE	1/24/2020	6/12/2020
Kayla Marshall	3 rd Grade Teacher – Elementary	1.0 FTE	1/27/2020	6/12/2020

Dylan Taylor	Math Teacher – Secondary	.7143 FTE	1/30/2020	6/12/2020
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C. Policies – First Reading, pg. 47

CODE	TITLE
BBF	Board Member Standards of Conduct
BDDG	Minutes of Board Meetings
ECACB	Unmanned Aircraft Systems (UAS) a.k.a. Drone
EEF	Student Transportation Services
GBA	Equal Employment Opportunity
GBEDA	Drug and Alcohol Testing and Record Query – Transportation Personnel
GBEDA-AR	Drug and Alcohol Testing and Record Query – Transportation Personnel
JEA	Compulsory Attendance
JEC	Admissions
JGE	Expulsion
LBE-AR	Public Charter Schools

D. Policies – Second Reading, pg. 113

CODE	TITLE
AC-AR	Discrimination Complaint Procedure
KL	Public Complaints
KL-AR(1)	Public Complaints Procedure
KL-AR(2)	Appeal to the Deputy Superintendent of Public Instruction

11. APPOINTMENT TO FILL ZONE 5 VACANCY

Action: Approval Requested

12. ELECTION OF VICE CHAIR

Action: Approval Requested

13. DEPARTMENT REPORTS

Action: Informational

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

14. COMMUNICATION

Action: Informational

- A. Board
- B. Superintendent

15. AUDIENCE COMMENTS

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

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

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

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

16. ADJOURNMENT

Upcoming Board Meeting Dates:

March 12, 2020, 6:00 PM at Santiam Travel Station

April 09, 2020, 6:00 PM at Santiam Travel Station

May 14, 2020, 6:00 PM at Santiam Travel Station

June 11, 2020, 6:00 PM at Santiam Travel Station

Agenda Item 4

STAR Data

Math

2019-20 Lebanon Community School District 9 Data

School or Grade	% Urgent Intervention			% At/Above Benchmark			% expected to pass State Proficiency			Median SGP	Mean (Avg) Percentile Rank		
	Fall	Winter	Change	Fall	Winter	Change	Fall	Winter	Change	Winter	Fall	Winter	Change
Cascades	15	12	-3	49	60	11	37	52	15	52	41	52	11
Green Acres	13	16	3	42	45	3	26	29	3	51	33	44	11
Hamilton Creek	13	9	-4	50	54	4	33	32	-1	52	41	51	10
Lacomb	12	12	0	54	60	6	36	43	7	54	45	55	10
Pioneer School	8	7	-1	52	60	8	36	42	6	53	45	58	13
Riverview School	7	7	0	62	61	-1	46	42	-4	49	50	60	10
Seven Oak M.S.	20	14	-6	42	48	6	29	32	3	52	39	44	5
District	14	11	-3	48	55	7	33	39	6	51	41	52	10
2	9	8	-1	50	62	12	43	50	7	54	37	59	22
3	15	12	-3	51	55	4	32	32	0	43	38	51	13
4	14	10	-4	46	54	8	34	31	-3	48	43	52	9
5	11	9	-2	53	53	0	29	27	-2	55	36	54	18
6	21	16	-5	38	52	14	24	34	10	60	31	49	18
7	22	13	-9	48	53	5	37	43	6	50	35	47	12
8	17	12	-5	35	42	7	22	25	3	49	30	39	9

ELA

2019-20 Lebanon Community School District 9 Data

School or Grade	% Urgent Intervention			% At/Above Benchmark			% expected to pass State Proficiency			Median SGP	Mean (Avg) Percentile Rank		
	Fall	Winter	Change	Fall	Winter	Change	Fall	Winter	Change	Winter	Fall	Winter	Change
Cascades	22	15	-7	41	52	9	44	45	1	50	32	41	9
Green Acres	27	24	-3	35	28	-7	38	39	1	46	37	36	-1
Hamilton Creek	19	14	-5	38	45	7	49	49	0	55	37	43	6
Lacomb	17	16	-1	42	48	6	49	52	3	55	40	44	4
Pioneer	16	9	-7	50	50	0	53	51	-2	58	42	50	8
Riverview	10	12	2	53	56	3	54	55	1	54	47	55	8
Seven Oak M.S.	20	16	-4	32	37	5	46	50	4	56	32	37	5
District	21	18	-3	39	42	3	45	46	1	53	34	40	6
2	21	15	-6	50	55	5	44	51	7	52	46	52	6
3	22	26	4	43	37	6	47	42	-5	44	43	46	3
4	19	27	8	46	43	-3	49	48	-1	54	44	48	4
5	13	9	-4	44	47	3	48	50	2	56	39	42	3
6	26	21	-5	31	32	1	41	46	5	58	32	37	5
7	24			40	0		49	51	2	61	35	38	3
8	19	50		22	25	3	47	51	4	52	29	33	4



Kinder Readiness

		Approaches to Learning Self Regulation Average Rating (1 - 5)	Approaches to Learning Interpersonal Skills Average Rating (1 - 5)	Approaches to Learning Total Average Rating (1 - 5)	Early Mathematics Numbers & Operations Average Number Correct (0-16)	Early Literacy English (Uppercase) Letter Names Recognition Average Number Correct (0-26)	Early Literacy English (Lowercase) Letter Names Recognition Average Number Correct (0-26)	Early Literacy English Letter Sound Recognition Average Number Correct (0-26)
State	Total Population	3.5	3.7	3.6	11	14.3	11.6	7.7
State	Female	3.7	3.9	3.8	11.0	14.5	11.8	7.9
State	Male	3	4	3	11	14	12	8
Lebanon	Total Population	3.2	3.6	3.4	10.4	10.3	7.7	3.9
Lebanon	Female	3.4	3.8	3.5	10.3	10.2	7.6	3.7
Lebanon	Male	3.0	3.4	3.2	10.5	10.4	7.8	4.1
Sweet Home	Total Population	3.1	3.3	3.2	10.0	12.7	11.1	8.4
Sweet Home	Female	3.2	3.4	3.3	9.9	13.2	11.3	8.9
Sweet Home	Male	3.0	3.2	3.1	10.1	12.3	10.9	7.9
Scio SD 95	Total Population	3.6	3.8	3.6	11.4	13.3	10.6	7.0
Scio SD 95	Female	3.9	4.1	4.0	11.5	13.8	10.9	8.0
Scio SD 95	Male	2.9	3.4	3.1	11.1	12.4	10.3	5.3
Santiam Can	Total Population	3.7	3.9	3.7	12.0	14.3	12.0	8.7
Santiam Can	Female	3.8	3.9	3.8	11.7	12.0	10.0	7.0
Santiam Can	Male	3.6	3.8	3.6	12.3	16.9	14.3	10.7
Central Linn	Total Population	3.6	3.7	3.6	11.0	14.1	10.4	6.0
Lincoln County SD	Total Population	3.2	3.6	3.3	10.3	13.5	11.3	7.5
Lincoln County SD	Female	3.3	3.7	3.4	10.1	12.9	10.6	7.3
Lincoln County SD	Male	3.1	3.5	3.2	10.5	14.0	12.0	7.7
Harrisburg SD 7J	Total Population	4.0	4.3	4.1	11.6	13.0	10.6	6.6
Harrisburg SD 7J	Female	4.2	4.7	4.4	12.0	16.1	13.7	9.3
Harrisburg SD 7J	Male	3.7	3.9	3.8	11.2	9.9	7.5	4.0
Greater Albany	Total Population	3.4	3.6	3.5	10.6	13.4	10.9	5.9
Greater Albany	Female	3.6	3.8	3.7	10.8	14.2	11.4	6.6
Greater Albany	Male	3.2	3.4	3.3	10.4	12.7	10.3	5.3

Agenda Item 5

Behavior and Attendance Data

1st Semester Behaviors

Sept- Dec Attendance

		CASCADES				CASCADES
		major	# students	Minor	# students	
1819 1st SEM		202	62	170	63	94.48
1920 1st SEM		126	43	165	65	92.71
		GREEN ACRES				GREEN ACRES
		major	# students	Minor	# students	
1819 1st SEM		761	119	637	124	92.7
1920 1st SEM		467	91	250	83	91.77
		HAMILTON CREEK				HAMILTON CREEK
		major	# students	Minor	# students	
1819 1st SEM		218	51	200	64	93.56
1920 1st SEM		112	33	184	61	93.36
		LACOMB				LACOMB
		major	# students	Minor	# students	
1819 1st SEM		160	48	144	55	94.89
1920 1st SEM		61	27	125	39	92.96
		LHS				LHS
		major	# students	Minor	# students	
1819 1st SEM		509	237	99	70	89.2
1920 1st SEM		219	136	249	142	87.05
		PIONEER				PIONEER
		major	# students	Minor	# students	
1819 1st SEM		99	44	601	119	94.28
1920 1st SEM		46	18	312	93	93.63
		RIVERVIEW				RIVERVIEW
		major	# students	Minor	# students	
1819 1st SEM		70	33	417	106	95.45
1920 1st SEM		65	28	340	97	93.74
		SEVEN OAK				SEVEN OAK
		major	# students	Minor	# students	
1819 1st SEM		415	133	2	2	93.76
1920 1st SEM		174	82	337	148	92.48

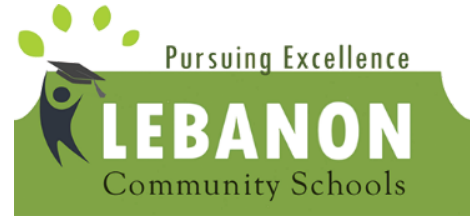
LCSD Major Referrals

All Schools		CASCADES		GREEN ACRES		HAMILTON CREEK		LACOMB		LHS		PIONEER		RIVERVIEW		SEVEN OAK	
# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students	# of major referrals	count of students
1	244	1	18	1	37	1	14	1	11	1	103	1	5	1	17	1	39
2	97	2	11	2	9	2	6	2	6	2	48	2	2	2	5	2	10
3	46	3	1	3	6	3	3	3	2	3	23	3	2	3	3	3	6
4	43	4	2	4	9	4	3	4	1	4	19	4	1	4	3	4	6
5	25	5	2	5	5	5	1	5	1	5	12	5	1	5	3	5	3
6	15	6	2	6	3	6	1	6	1	6	5	6	1	6	3	6	3
7	9	7	2	7	2	7	1	7	1	7	2	7	1	7	1	7	1
8	3	8	1	8	1	8	1	8	1	8	1	8	1	8	1	8	1
9	7	9	1	9	3	9	1	9	1	9	2	9	1	9	1	9	1
10	6	10	0	10	2	10	1	10	1	10	1	10	1	10	1	10	1
11	3	11	1	11	1	11	1	11	1	11	1	11	1	11	1	11	1
12	2			12	1	12	1	12	1	12	1	12	1	12	1	12	1
13	2			13	1	13	1	13	1	13	1	13	1	13	1	13	1
15	2			15	1	15	1	15	1	15	1	15	1	15	1	15	1
16	2			16	1	16	1	16	1	16	1	16	1	16	1	16	1
19	1			19	1	19	1	19	1	19	1	19	1	19	1	19	1
23	1			23	1	23	1	23	1	23	1	23	1	23	1	23	1
27	1			27	1	27	1	27	1	27	1	27	1	27	1	27	1
34	1			34	1	34	1	34	1	34	1	34	1	34	1	34	1

Agenda Item 6

Alternative Education Update

BOARD MEMORANDUM



To: Board of Directors

From: Rachel Cannon, Director of Alternative Education

Date: 2/6/2020

Meeting Date: 2/13/2020

Re: Behavior Response to Intervention System

Background

In 2019-2020 the school district aligned the behavior process for all students.

Recommendation

None; this is an informational item only.

Attachment

LCSD Behavior RTI Process

Universal Interventions Grade Level Student Support Team (GL-SST)

100% of Students (approximately 80% will be successful with this level of support)

Before a teacher can refer a student to the RTI process they must implement the following:

[Flow Charts ELEMENTARY LCSD School Student Behavior Management Process](#)
[Rtl Triangle](#)

After there is a pattern of behaviors needing support based on frequency, duration, and intensity the teacher will ask for additional resources.

The classroom teacher will:

- Meet with grade/department level team to review and brainstorm "Classroom Intervention."
- Choose multiple interventions to implement and keep data with dates.
- Fill out [LCSD Elementary Master Interventions and Supports Documentation](#), [LCSD Secondary Master Interventions and Supports Documentation](#), keep data to share with level II team, and monitor student.

After trying multiple interventions, the teacher will:

- Share with behavior team designee LCSD Master Interventions and Supports Documentation

Level 2: Yellow Zone - Building Student Support Team (BST)

20% of Students may require targeted supports for success

RTI **Tier II** team will create an initial student behavior folder. To access this folder do the following:

[Create a new student folder](#)

- Make an electronic copy of the LCSD Master Interventions and Supports and LCSD Master RTI Tracking Sheet
- Rename and drag both copies into the student folder and Move student folder into Building Behavior Folders

After submitting the documents the teacher will:

- Present the LCSD Interventions and Supports data to the Yellow Zone team.
- The **Tier II** team will look at teacher documentation along with the all additional data and fill out the RTI Tracking Sheet in the student's created folder. (i.e. student's SWIS referral data, CICO, 3 point).

If applicable, the team will

- Move to **Tier II** Targeted Interventions as noted on the LCSD Interventions and Supports document.
- All team members agree to follow [Yellow Zone Meeting Agreements](#) and Next Steps as noted in RTI Tracker.

Level 3: Red Zone - Building Student Support Team (BST)

5% of Students may require intensive supports for success

If a pattern of behavior continues or intensifies after implementing the **Tier II** interventions the team will

- Move to **Tier III** Targeted Interventions as noted on the LCSD Interventions and Supports document.

- ❑ All team members agree to follow Red Zone Meeting Agreements and Next Steps as notified in the RTI Tracker.

Level 4: District - Student Support Team (DST)

< 5% of Students may require more intensive supports for success

If a pattern of behavior continues or intensifies after implementing the **Tier III** interventions the principal will:

- ❑ Contact the Director of Alternative Education and **Director of Special Education IF on an IEP** to discuss the placement options for the student in an alternative education setting.
- ❑ The team will hold a parent meeting (or IEP meeting) and fill out [Elementary Level III Intensive District Support Intake Paperwork](#), [Secondary Level III Intensive District Support Intake Paperwork](#) based on team decision.
- ❑ Once placement has been chosen, the principal will contact the Director of Alternative Education and **Director of Special Education to plan** an intake meeting.

Elementary LCSD Interventions and Supports RtI Process

<https://www.pbisworld.com>

Tier I / Level I (Universal Interventions)

Grade Level Team Mtg

- Clear expectation with [class matrix](#) taught
- Welcoming classroom and [Greet Students at Door](#)
- Morning Meetings - [Restorative Practices](#)/Character traits
- **SECOND STEP** and Safe Touch Curriculum
- [Incentives \(Tokens, individual, points on ClassDojo\)](#)
- [Reflection Sheet](#)
- [Guardian Feedback/Communication](#)
- Student Feedback/[Reflection](#) (Student Feedback)
- [Parent Communication](#) (ClassDojo, email, phone log)
- [Document referrals in SWIS \(data summary\)](#)
- Observation notes
- [Use BSP room](#)
- [Calming Corner](#)

Tier II / Level II (Targeted Interventions)

[Yellow Zone Meeting](#)- RTI team creates [student folder](#)

Teacher Implements classroom interventions and tracks data on this sheet.

- Buddy room break/[self reflection](#)
- [Individual & Visual Schedules](#)
- [Restorative Justice Practice](#)
- Behavior Conference
- [CICO](#)
- [3-Point](#) or [Behavior Intervention Plan](#) or [Mini FBA](#)
- Check and Connect (peer or teacher mentor)
- [Social Skills Group /Superflex/Zones of Regulation](#)
- [Peer Mentor](#)
- Parent Meeting
- [No Contact Form](#)
- [Structured Breaks](#)
- [Safety Plan \(ie bathroom,leaving area etc.\)](#)
- Breaks: scheduled or break card

Tier III / Level III

[Weekly Red Zone Meeting](#)

- IEP/504 Identification
- [Mentoring](#)
- [Behavior Contract](#)
- [Youth Service Team \(YST\)](#)
- [Linn County Mental Health](#)
- [Functional Behavior Assessment \(FBA\) - Behavior Support Plan \(BSP\)](#)
- [Abbreviated School Day/Shortened Schedule](#)
- [Wrap Around Services](#)
- [Student Threat Assessment Team](#)
- [Suicide Ideation](#)
- [Restraint / Seclusion Paperwork](#)

Classroom Interventions

Level 1: Classroom Interventions Menu and Log	Dates Implemented
Classroom Management Strategies: ● Preferential seating	

<ul style="list-style-type: none"> ● Proximity ● Avoiding distracting stimuli (e.g open door) ● Increasing distance between desks ● Allow student an opportunity to save face <ul style="list-style-type: none"> ● Talking 1:1 ● Look for opportunity for student to display leadership role ● Give student choices ● Design a signal for the student to use ● Look for signs of stress build up ● Focus on growth mindset ● More structured routine ● Increasing immediacy of rewards ● Using nonverbal cues to stay on task 	
<p>Instruction:</p> <ul style="list-style-type: none"> ● Allowing extra time to complete tasks ● Alternative modes of completing assignments ● Simplifying or “chunking” complex directions ● Setting Short Term Goals with student ● Providing specific feedback ● Marking student correct answers, not mistakes ● Touch base with student 	
<p>Allowing time for movement:</p> <ul style="list-style-type: none"> ● Breaks, moving position in class ● Frequent breaks or activity ● Send student on an errand ● Snack Break ● Take a break ● Use of stress ball or fidget ● Stand while working 	
<p>Praise:</p> <ul style="list-style-type: none"> ● Acknowledging positive behavior ● Praise student frequently ● Praise when cooperative and well behaved. ● Praise when good attitude and involvement occur ● Praise when on task 	
<ul style="list-style-type: none"> ● Send positive notes home 	
<ul style="list-style-type: none"> ● Provide headphones 	
<ul style="list-style-type: none"> ● Positive Peer Reporting 	

Student Name, ID, Grade, 2019-2020 School Year
LCSD SECONDARY Interventions and Supports RtI Process

<https://www.pbisworld.com>

Tier I / Level I (Universal Interventions)

Department Team Mtg

- Clear expectation with class matrix taught
- Welcoming classroom and [Greet Students at Door](#)
- Morning Meetings - [Restorative Practices](#)/Character traits
- **SECOND STEP** and Safe Touch Curriculum
- [Incentives \(Tokens, individual, points on ClassDojo\)](#)
- [Reflection Sheet](#)
- [Guardian Feedback/Communication](#)
- Student Feedback/[Reflection](#) (Student Feedback)
- [Parent Communication](#) (ClassDojo, email, phone log)
- [Document referrals in SWIS \(data summary\)](#)
- Observation notes
- [Use BSP room](#)
- [Calming Corner](#)
- Supervising during transition time
- Behavior re-teaching based on monthly PBIS training

Tier II / Level II (Targeted Interventions)

[Yellow Zone Meeting](#)- RTI team creates [student folder](#)

Teacher Implements classroom interventions and tracks data on this sheet.

- De-escalation space: break/[self reflection](#)
- Behavior Conference
- [Restorative Justice Practice](#)
- Check and Connect (peer or teacher mentor)
- Breaks: scheduled or break card
- [CICO](#)
- [Mini FBA](#)
- [3-Point](#) or [Behavior Intervention Plan](#)
- [Social Skills Group](#)(BSP/Counselor)
- [Peer Mentor](#)
- Parent Meeting
- [No Contact Form](#)
- [Structured Breaks](#)
- [Safety Plan](#)
- [Staff/Student Common Agreement](#)
- Yellow Zone Meeting

Tier III / Level III Weekly Red Zone Meeting

- IEP/504 Identification
- [Mentoring](#)
- [Behavior Contract](#)
- [Youth Service Team \(YST\)](#)
- [Linn County Mental Health](#)
- Mentoring
- [Functional Behavior Assessment \(FBA\) - Behavior Support Plan \(BSP\)](#)
- [Abbreviated School Day/Shortened Schedule](#)
- [Wrap Around Services](#)
- Crisis Interventions:
 - [Student Threat Assessment Team](#)
 - [Suicide Ideation](#)
 - [Restraint / Seclusion Paperwork](#)

Classroom Interventions

<p style="text-align: center;">Level 1: Classroom Interventions Menu and Log</p>	<p style="text-align: center;">Dates Implemented</p>
<p>Classroom Management Strategies:</p> <ul style="list-style-type: none"> ● Preferential seating ● Proximity ● Avoiding distracting stimuli (e.g open door) ● Increasing distance between desks ● Allow student an opportunity to save face <ul style="list-style-type: none"> ● Talking 1:1 ● Look for opportunity for student to display leadership role ● Give student choices ● Design a signal for the student to use ● Look for signs of stress build up ● Focus on growth mindset ● More structured routine ● Increasing immediacy of rewards ● Using nonverbal cues to stay on task ● Integrate real-life experiences/connect to students' life/cultural experiences 	
<p>Instruction:</p> <ul style="list-style-type: none"> ● Allowing extra time to complete tasks ● Alternative modes of completing assignments ● "Chunking" complex directions ● Setting Short Term Goals with student ● Providing specific feedback ● Marking student correct answers, not mistakes ● Check and connect with student ● Aligning instruction with standards ● Differentiated instruction ● WICOR strategies ● Word walls ● Sentence frames/starters ● Frequent formative assessment & progress monitoring ● Academic planners ● Flexible grouping ● Strategic questioning ● Provide verbal & written instructions ● Frequent, precise, actionable feedback ● Incorporate technology ● Visual aids ● Focused Note-Taking ● Graphic organizers ● Purposeful speaking & listening ● Opportunities for students to respond in a variety of ways ● Engagement strategies 	

<ul style="list-style-type: none"> ● Clearly communicate academic expectations & rubrics ● Gradual release model ● Connect to previously learned info and background knowledge ● Review assessment data in PLC 	
<p>Allowing time for movement:</p> <ul style="list-style-type: none"> ● Breaks, moving position in class ● Frequent breaks or activity ● Send student on an errand ● Snack Break ● Take a break ● Use of stress ball or fidget ● Stand while working 	
<p>Praise:</p> <ul style="list-style-type: none"> ● Acknowledging positive behavior ● Praise student frequently ● Praise when cooperative and well behaved. ● Praise when good attitude and involvement occur ● Praise when on task 	
<ul style="list-style-type: none"> ● Send positive notes home 	
<ul style="list-style-type: none"> ● Provide headphones 	
<ul style="list-style-type: none"> ● Positive Peer Reporting 	

RTI Tracking Sheet
(Sort documentation descending order by date, newest ↑)

Name:		Teacher:	
504/SpEd	Case Manager/School:	Grade:	

Summary of Classroom Data (Prior Year-based on CUM and assessments):

Behavior (ie - SWIS) •	Academic (i.e. - STAR, Phonics Screener, EasyCBM) •
Attendance •	Health •
Guardian Feedback (strengths, interests, needs) •	Student Feedback (strengths, interests, needs) •

Summary of Interventions with start dates:

Behavior •	Academic •
---------------	---------------

Date:		Meeting Type:	
In Attendance:			
Concern:	•		
Interventions:	•		
Data:	•		
Notes:	•		
Next Steps/ Responsible Person:			
Review Date:			

Incident Report	
Date:	Incident:
Time:	
Consequence/Result:	

Date:		
Weekly Notes:		

Agenda Item 8

Personal Services Contract

BOARD RESOLUTION



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

From: William Lewis, Business Director

Date: 02/06/2020

Meeting Date: 02/13/2020

Re: Approval of Personal Services Contract for FY 2019/2020 Audit

Background

At the August 8, 2019 Board meeting, Resolution 1920-1 Representations and Authorizations was approved. Section H of that resolution designated Accuity, LLC as official auditors of the District for the Fiscal Year 19/20 books. On January 17, 2020 the District received notification from Accuity, LLC that they had made a business decision to no longer serve some of their customers, including Lebanon Community School District, and were canceling the audit services contract with the District.

Recommendation

It is recommended that the Board approve Pauly Rogers & Co., one of the largest government audit companies in the State, as official auditors for the Fiscal Year 2019/2020. The District will be contracting with Pauly Rogers & Co. as per ORS 279A.055 Personal services contracts, and Board Policy DJCA Personal Services Contracts.

Resolution #1920-4 Personal Services Contract for FY 2019/2020 Audit

Whereas: ORS 279A.055 allows a contracting agency to enter into personal services contracts when authorized by board resolution, and;

Whereas: the Oregon Procurement Manual defined personal services as; "Services that require specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment, including, without limitation, the services of an accountant, physician or dentist, educator, information technology professional, Consultant, broadcaster, or artist (including a photographer, filmmaker, painter, weaver or sculptor)."

Whereas: Lebanon Community School District Board Policy DJCA allows the district to enter into personal services contracts with qualified professionals as provided by ORS 279A.055; therefore:

Be It Resolved that Lebanon Community School District enter into a personal services contract with Pauly Rogers, Co. for the Fiscal Year 2019/2020.

Approved: _____
Date

Signed: _____
Board Chair

Lebanon Community Schools

Code: DJCA
Adopted: 8/6/09
Readopted: 5/6/10
Orig. Code(s): DJCA

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$75,000 shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

ORS Chapters 279, 279A, 279B and 279C
279B

ORS 332.107
ORS 670.600

OAR 459-010-0030

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE.

Personal Services Contracts - DJCA
1-1

Pauly Rogers & Co

Governmental Audit:



GOVERNMENT AUDIT SERVICES

We serve many municipal governments in Oregon, our municipal audit practice is one of the largest in the State. We understand thoroughly the work to be done on these engagements; we have established excellent relationships with the Councils, Boards, and Administrations of these entities; and, we have consistently delivered audit reports on schedule.

All of our auditors meet or exceed the GAO's Government Auditing Standards' "Yellow Book" and Oregon Board of Accountancy's continuing education requirements. Our firm is an equal opportunity employer with a diverse staff, and is a small firm as described in OMB Uniform Guidance (previously known as A-133). We are confident you will find our firm has the experience and ability to provide excellent auditing and advisory services.

Pauly Rogers & Co

specialized audit programs and procedures to ascertain compliance with the many requirements of the Single Audit Act of 1996 and OMB Uniform Guidance (previously known as A-133), the Oregon Revised Statutes and other state and federal audit and reporting requirements. Our professional library contains all available specialized audit programs for federal financial assistance programs. Over 36 of our current municipal engagements and 5 of our non-profit engagements have Single Audits.

SINGLE AUDITS

All financial statements issued for Oregon Municipal Corporations must conform to the audit and reporting requirements of the Minimum Standards for Audits of Oregon Municipal Corporations, and where applicable, the Government Auditing Standards, 1994 Revision, the Single Audit Act Amendment of 1996, as revised, and OMB Uniform Guidance (previously known as A-133) Audits of States, Local Governments and Non-profit Organizations. The auditors' reports required by these standards are summarized as follows:

A Comprehensive Annual Financial Report with Single Audit Requirements includes:

- Independent Auditor's Report.
- Auditor comments and disclosures as required by the State of Oregon Regulations which include many of the disclosures in the notes to the financial statements.

Pauly Rogers & Co

- Schedule of Expenditures of Federal Awards.
- Report on Compliance and on Internal Control over Financial Reporting in Accordance with Government Auditing Standards.
- Report on compliance with Requirements Applicable to Each major Program and Internal Control Over Compliance with OMB Uniform Guidance (previously known as A-133).
- Schedule of Prior and Current Year Audit Findings and Questioned Costs Relative to Federal Awards.

A copy of the Financial Report, including all of the above applicable reports, is due at the Secretary of State's office by December 31st each year.

GFOA CERTIFICATE OF ACHIEVEMENT

We are also available to assist our clients with any technical questions. The GFOA Certificate of Achievement requires strict conformity with professional standards and requiring additional information about the government in the program. There is an expert panel evaluating the government's submission and progress toward insuring excellence. We have not had a failure to secure or maintain one of these certificates. We proudly indicate that we currently have 16 clients in the program.

OUR PROCESS IN CONDUCTING A MUNICIPAL AUDIT

Pauly Rogers & Co

clients. This process involves the Firm's Shareholders, Managers, and In-Charge accountants. This process is designed to develop programs which meet all professional standards of the American Institute of Certified Public Accountants, Government Auditing Standards and the Minimum Standards for Audits of Oregon Municipal Corporations.

To help provide timely audit reports, we normally perform interim work during a mutually agreeable time within the last several months of a client's fiscal year. During interim work, we perform a review of the accounting records in use and conduct an evaluation of internal control as required by generally accepted auditing standards and, when applicable, Government Auditing Standards. Any deficiencies encountered in the accounting records or internal control, together with our recommendations, are discussed with Management at that time. This procedure may permit implementation of corrective action prior to issuance of the audit report and management letter.

The work we perform includes documentation of our understanding of the client's system of internal accounting controls, initial testing of the processing controls and initial testing of management's reconciliation procedures for higher risk balance sheet accounts such as cash and investments. If it is determined that the client needs an audit in accordance with the Single Audit Act, we study and evaluate the internal control system governing

Pauly Rogers & Co

procedures developed through years of experience and the most current authoritative guidance. Samples are taken and tests performed to ensure processing of data in accordance with prescribed policies and procedures and good management practices. Also, we can document a client's compliance with many of the laws and regulations applicable to a single audit such as allowable cost, Davis-Bacon Act, and procurement procedures. Any problems encountered during our interim tests are discussed with the client at the conclusion of our on-site interim fieldwork.

We also meet with our clients in the fall to complete the audit. An exit conference is conducted at the conclusion of our audit. For our municipal audits we include:

- Preparation of the Minimum Standards Comments and our opinion on the financial statements.
- Copies of all adjusted working trial balances and adjusting journal entries at the conclusion of the audit and copies of final lead schedules of our workpapers (where requested).
- An entrance conference, progress conference, and exit conference as necessary.
- A written report on the internal control structure communicating any reportable conditions to management and communicating our recommendations for enhancing internal controls and improving operational efficiency if

Pauly Rogers & Co

- Assistance with questions in the areas of accounting, reporting, budgeting, and/or internal control throughout the year as they arise.
- Delivery of audit reports as agreed to in the entrance conference each year, with similar dates in succeeding years. We do not allow other engagements to prevent us from delivery on the required dates.

Our substantive testing includes independent confirmations where practical, needed, or examination of subsequent activity when efficient. Our procedures include testing the reconciliation of property tax receipts, confirmation of any revenues received from the State of Oregon, and confirmation of any other significant grants or revenues. Tests of expenditures include both sampling and analytical analysis. We perform detailed review of the financial statements to ensure there are no errors on their preparation. We also complete any grant compliance review.

The review component of a municipal audit includes a review of all workpapers, documents, management/Board communications, and financial reports. We also perform a technical review of the financial statements, a completeness review of the workpapers, and a general review of any important accounting issues, the significant deficiencies letter, if applicable, and the attorney letter.

Because of our extensive experience with governmental audits, we are able to focus on the critical areas and

Pauly Rogers & Co

We can compare your procedures with other similar entities. These advantages have kept us in the forefront of municipal auditing in Oregon.

We would appreciate the opportunity to provide you a proposal on our services. Please contact us for information.

PAULY ROGERS AND CO, PC

12700 SW 72nd Ave
Tigard, OR 97223

(503) 620-2632

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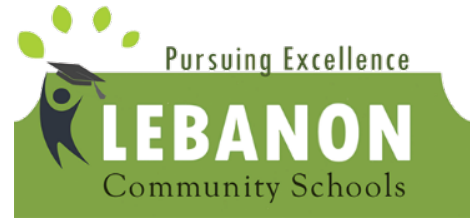
Request a Quote

ShareFile

Agenda Item 9

SIA Application

BOARD MEMORANDUM



To: Board of Directors

From: Bo Yates, Superintendent

Date: February 7, 2020

Meeting Date: February 13, 2020

Re: **SIA Application**

Student Investment Account

The Student Success Act includes \$200 million to enhance the State School Fund, with the remaining funds primarily divided among three key accounts:

- A Student Investment Account (at least 50%) **Lebanon - \$3.4 million** projected funding
- An Early Learning Account (at least 20%)
- A Statewide Education Initiatives Account (up to 30%)

There are two stated purposes for the funds distributed under the Student Investment Account:

1. Meet students' mental or behavioral health needs, and
2. Increase academic achievement for students, including reducing academic disparities for:
 - Economically disadvantaged students;
 - Students from racial or ethnic groups that have historically experienced academic disparities;
 - Students with disabilities;
 - Students who are English language learners;
 - Students who are foster children;
 - Students who are homeless and mobile.

Allowable Uses

1. Expanding instructional time
 - a. More hours or days of regular school year
 - b. Summer programs
 - c. Before/After school programs

Attachment

- d. Tutoring
2. Addressing student health and safety
 - a. Social emotional learning/trauma-informed practices
 - b. Address mental/behavioral health issues
 - c. Add school health professionals
 - d. Add equity-focused support positions (Deans) to address disparities in academic and behavior data
 - e. Facilities improvements
3. Reducing class size and caseload
 - a. Decrease student to adult ratios in classrooms
 - b. Provide additional language acquisition support in the classroom
 - c. Add equity-focused support positions (IAs) to address disparities in academic instruction
4. Providing a well-rounded education
 - a. Early literacy support
 - b. Expand middle school programs and supports
 - i. Examples: Mental health specialists, family liaison, behavior support specialists,
 - ii. Intervention program (reading, math)
 - iii. Staff to support intervention program and instruction
 - c. Expand curricular options

Performance Growth Targets will be set in collaboration between participants and ODE.

There are five required metrics:

- 4-Year graduation rate
- 5-year completion rates
- 9th Grade on-track rates
- Third grade reading proficiency rates (ELA SBAC)
- Regular attender rates

Process

Engagement

We began the process with engagement activities to solicit input from the different stakeholder groups with intentional inclusion of the students and families of our historically underserved populations in the areas of Special Education, Minorities, Low Socio-Economic status, and other marginalized groups with gaps, needs, or deficiencies that impact academic and social/emotional success.

Activities:

- Presentations to stakeholders explaining the nature of the work and soliciting feedback.
- Online surveys – Staff, Students, Parents/Guardians, Community (bilingual for students, parent, and community member)
- Group Conversations, Focus Groups (with translators as needed)

Review of Data

LCSD staff from Student Achievement, Special Education, Alternative Ed, and the Leadership team as well as ESD specialists discussed information from multiple data sources and survey responses to prepare for designing a plan for inclusion in the grant application.

Data was reviewed in order to determine areas where there are discrepancies in student achievement. The SBAC data indicates a need for specific support for subgroups. The following represents the rank order of achievement among our students from our lowest to our highest:

1. Special Education identification (90% econ disadv). (Math 8% pass rate, LA 12% pass rate)(28%)
2. Economically Disadvantaged, not SPED (Math 40% pass rate, LA 49% pass rate)(61%)
3. Not Economically Disadvantaged, not SPED (Math 51% pass rate, LA 68% pass rate)(11%)

Plan Design and Preparation for Implementation

We are currently working on this step and will submit a plan proposal to the stakeholders for public comment. Then we will present the updated plan at the March 12th Board meeting. At that time the Board will have it as an action item for approval. The finalized plan must be submitted by April 15th, 2020.

District Continuous Improvement Plan (CIP) Goals that will inform the work include:

1. Increase Student Achievement
2. Students Reading at Grade Level by the end of Third Grade (Early Literacy)
3. 90% of our Cohort Students will Graduate On-Time

Overview of LCSD areas to include in the plan:

- Provide added staff and resources to our K-3 classrooms in order to address our early literacy goal in addition to providing behavior support within the classroom.
- Add staff to serve as a *Student Success Coordinators*. The position will be focused on behavior support as well as systems that provide targeted interventions focused on increasing historically underserved student growth and achievement. The additional

staff will allow administration to increase instructional support in the classrooms and decrease student to adult ratios.

- Expand student opportunities. After school programs, summer programs, music, drama, CTE, and athletic programs will receive increased funding in order to support student engagement, support, and growth.
- Increase the staffing for middle school students in order to support math and ELA support as well as offer additional elective programs to provide students hands on experiences, and activities or classes to increase engagement in school.
- Professional Development Examples:
 - Instructional improvement and enhancement to address areas of equity or disparity.
 - Behavioral support
 - IA growth toward certification as Special Ed teachers
 - Understanding issues of equity and historical marginalization
 - Trauma-Informed classroom practices

Lebanon Community Schools

School Investment Account Application Part 1

Overview of Community Engagement

Describe your approach to community engagement. **(250 words or less)**. Ensure your response includes:

- Who you engaged
- Frequency / occurrence
- How you ensured engagement of staff and each of the focal student groups and their families
- Key information you collected
- Who you partnered with in the engagement efforts

Community engagement work focused on discovery of pertinent information to identify areas of concern. Groups needing support include the following groups (all groups engaged in the process and will participate continuously from now on): Special Education; low SES; Minorities; and other groups with gaps, needs or deficiencies. The focus is on improving academic achievement; closing achievement gaps; and, addressing social/emotional/behavioral issues and barriers. Input collected includes disaggregated stakeholder perception data and longitudinal academic and behavioral data.

We developed and disseminated surveys; conducted evening invitational meetings in the schools; conducted round table discussions with various stakeholder groups; and invited as many community members as possible to participate. We provided time for staff during paid work hours and meeting times to seek input and encourage contributions from classified and certified employee groups. We partnered with numerous groups and official entities. The local Chamber of Commerce; Optimist Club; Athletic Booster Club; Boys and Girls Club; Samaritan Medical Organization; the local medical college, the community college; as well as Live Longer Lebanon community coalition group all provided access to diverse community member groups and helped encourage participation of stakeholders in the surveys, meetings and conversations conducted to solicit information and input. All invitations and information for families and community members were produced in bi-lingual format to ensure inclusion of the local Latino community, which is our largest minority group. Engagement activities monthly and ensure that targeted populations have activities to which they are proactively invited. (241 words)

Self-Assessment of Community Engagement

Please share a self-assessment about the quality and nature of your engagement of focal students, families and the staff more broadly. If the goal is meaningful, authentic and ongoing community engagement, where are you at in that process? What barriers, if any, were experienced and how might you anticipate and resolve these issues in future engagement? (500 words or less)

It is vital that this process be meaningful and productive and so we have taken care to ensure that the work be done with forethought and planning to include all groups and connect with stakeholders. Our focus was and continues to be two-fold; identifying and addressing student issues, and supporting staff to effect change. The impetus is supporting students with needs that impact success. Focal groups of this process are Special Education students; students with disabilities, behavioral issues, or mental health issues; students impacted by issues of equity due to race, ethnicity, or gender; students with gaps in learning due to mobility or other socio-economic circumstances; under-privileged students; and, families in need.

Providing staff with the resources and training to implement the systems and processes is vital for success. Staff has been provided surveys, included in focus group conversations, and given opportunity to give input on a regular basis. Classified and certified staff have provided significant information to the process and will be included continuously.

The process has been guided by the precepts that we must gather enough accurate information to effectively assess the situation and then address issues effectively. We utilized external specialists to develop and implement an engagement process to disseminate information, solicit needed input, and review feedback. In order to ensure that information is accurate, we provide opportunities for input that are confidential.

As part of the process there were glitches in learning the best methods for communicating with parents about the nature of our efforts. We discovered that having multiple points of communication is vital. We now ensure that bi-lingual information and survey links are included on the district website and all school websites. We provide hard-copy and electronic information to all stakeholder groups.

In general, our system of engagement has developed into a sustainable cycle-model of input solicitation from stakeholder groups; examination and analysis of student data; examination of input from stakeholders; adjustments in practice as determined by the data; and, communication back to the stakeholders. (331 words)

What relationships and/or partnerships will you cultivate to improve future engagement? (150 words or less)

The district enjoys established reciprocal relationships with the local Chamber of Commerce; the Optimist Club; the Athletic Booster Club; the Boys and Girls Club; the Samaritan Medical Organization; the local medical college and community college extension center; and, the Live Longer Lebanon community coalition. We are part of the development of the Regional Racial Equity group focused on effective engagement and support for students, families, and communities of color.

We continue to collaborate with stakeholders in supporting our students and schools in order to improve our community. LCSD will continue to reach out to other groups as we discover them. We will utilize established communication and input methods to maintain interactive support for our efforts. Website updates and a newsletter outline the work, the process, upcoming opportunities for engagement and results as discovered will be disseminated through all existing communication methods as well as provided at district and building-level events. (150 words)

What resources would enhance your engagement efforts? How can ODE support your continuous improvement? (150 words or less)

Schools need a comprehensive support system from the state that includes: interim SBAC assessments and results or other assessment information; state-funded support systems for academic and behavioral issues; state provided best-practice trainings that are concise and efficient and do not require extensive professional development; and processes where the state provides the data and information in a simple format that does not require district staff to duplicate information from the state into other forms and documents. A page on the ODE website that shares strategies and processes for other districts to see what is being done in other parts of the state would be helpful as well. (106 words)

Who was engaged? Select all of the community members / groups you engaged for this process:

- Students of color
- Students with disabilities
- Students who are emerging bilinguals
- Students navigating poverty, homelessness, and foster care
- Families of students of color
- Families of students with disabilities
- Families of students who are emerging bilinguals
- Families of students navigating poverty, homelessness, and foster care
- Licensed staff (administrators, teachers, counselors, etc.)
- Classified staff (paraprofessionals, bus drivers, office support, etc.)
- Community Based Organizations (non-profit organizations, civil rights organizations, community service groups, culturally specific organizations, etc.)
- Tribal members (adults and youth)
- School volunteers (school board members, budget committee members, PTA/PTO members, booster club members, parent advisory group members, classroom volunteers, etc.)
- Business community
- Community leaders

How did you engage your community? Select all of the strategies / activities you deployed to engage your community:

- Survey(s) or other engagement applications (i.e. Thought Exchange)
- In-person forum(s)
- Focus group(s)
- Roundtable discussion
- Community group meeting
- Website
- Email messages
- Newsletters
- Social media
- School board meeting
- Partnering with unions
- Partnering with community based partners
- Partnering with faith based organizations
- Partnering with business

Agenda Item 10

*Consent Agenda
January 9, 2020 Minutes*



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

MEETING MINUTES

<p><u>BOARD MEMBERS PRESENT:</u> Tom Oliver, Chair Richard Borden Mike Martin Tammy Schilling</p>	<p><u>EXECUTIVE STAFF PRESENT:</u> Bo Yates, Superintendent Jennifer Meckley, Assistant Superintendent Tami Volz, Director of School Improvement William Lewis, Business Director</p>
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The meeting minutes were recorded by Executive Secretary Ruth Hopkins.

1. WELCOME AND CALL TO ORDER

Chair Tom Oliver called the meeting to order at 6:08 PM and led the Pledge of Allegiance.

2. AUDIENCE COMMENTS / LHS BASKETBALL COURT PUBLIC COMMENTS

Audience member Jeff Stolsig addressed the Board regarding the proposed naming of the LHS basketball court. He read into the record a letter written by Lebanon High School teacher, Anne Williams, in support of naming the LHS basketball court after Dave Winters.

Jeff Stolsig then added that he had grown up in Lebanon and remembers when Dave Winters was playing basketball at the high school. He shared about the work ethic, desire and passion that he has for the game of the basketball. He feels he has been a great role model for the youth in Lebanon and supports the naming of the court after him as well.

3. ATTENDANCE AND BEHAVIOR UPDATE

Superintendent Yates presented the attendance and behavior data update. He indicated the attendance numbers were low at the end of December due to the sickness that was going around the schools. He looked at the behavior data and pulled information from the individual students that had five referrals or more, and then went back to the schools to see if there were behavior plans in place. He shared that there were students that had 20 major referrals at the elementary level and that was not what we would like to see.

Member Mike Martin asked if referrals continue after the first five. Superintendent Yates said that they do, but that hopefully the behavior plan that gets put in place will curb the number of continued referrals.

There was a discussion held around the behavior data.

4. CIA REPORT

Tami Volz provided information on language arts and math. She shared that the district will not begin doing another adoption with language arts this year. The district will go one more year with Springboard. She indicated that the ODE has a tool they have provided to look at different curriculum and evaluate them, and she plans to utilize that tool.

Chair Oliver asked how involved we were with the surrounding school districts and what weight was given for what is used in other districts, given the mobility rate of our students. Tami Volz said she was working on that and hoping to collaborate more with surrounding districts in the future.

There was a discussion held around the different math programs and how they worked in the district.

5. DIVISION 22 REPORT

Assistant Superintendent Meckley presented the Division 22 report that was ready for submission to the state. She indicated that the district was in compliance with all areas, with the exception of two: prevention education in drugs and alcohol, and human sexuality education. Progress has been made with both of those. The district is working with local agencies to get feedback on the program. The plan is to have a dedicated staff member to help with this process, beginning in February.

Member Mike Martin asked about a time limit for compliance. Assistant Superintendent Meckley said there was not a deadline, but it needed to be done as soon as possible. There are no punitive measures for not being in compliance. She also shared that the state was currently revamping the Division 22 standards, so that next year the requirements could be different.

6. LBL ESD LOCAL SERVICE PLAN

Superintendent Yates shared that by statute, the district needs to have board approval on the service plan. He shared that he has met with the ESD several times throughout the year to discuss what services need to be in the plan.

A discussion was held around the services and support that the LBL ESD provided to the district.

Upon a motion made by Member Mike Martin, duly seconded by Member Richard Borden, the Board voted unanimously to approve the Local Service Plan as presented.

7. CONSENT AGENDA:

A. December 12, 2019 Minutes

Upon motion made by Richard Borden, duly seconded by Tammy Schilling, the Board voted unanimously to approve the December 12, 2019 Board meeting minutes as presented.

B. Hiring

Upon motion made by Member Richard Borden, duly seconded by Member Mike Martin, the Board voted unanimously to approve the hiring of temporary PE Teacher, Tyler Volpi.

C. Policies – First Reading

Policies KL, KL-AR(1), KL-AR(2) and AC-AR were presented by Assistant Superintendent Meckley for review. She shared that the areas that needed to be decided upon was if the board would like to hear Division 22 complaints from the charter school that go through the charter school board and if our board would like to hear the appeals. The charter school operates under their own board and policies.

There are not a significant number of complaints and there is already a process for charter school parents to appeal their complaints. Chair Oliver indicated it would be hard to hear complaints around policies that were not ours. Member Borden was in agreement. Member Schilling indicated that she felt local was usually better. She asked what the charter school would like and she would like some data from them as far as if they would like to have appeals go through us and how many.

Chair Oliver asked if there was a legal issue, would we get drawn in legally by hearing an appeal and felt that was some feedback we would like to have from legal counsel.

It was decided that the district would contact the charter school for some discussion regarding this and to get their input on the process and present it to the Board in February.

D. Policies – Second Reading

Policies IGAI, IKF, JGAB, JHFE, JHFF/GBNAA, GBEA, GBNAA/JHFF were presented for second reading. There were no questions regarding these policies.

Upon motion made by Member Richard Borden, duly seconded by Member Mike Martin, the board voted unanimously to approve Policies IGAI, IKF, JGAB, JHFE, JHFF/GBNAA, GBEA and GBNAA/JHFF as presented.

8. DEPARTMENT REPORTS

A. Operations

Superintendent Yates shared that the technology department continues to always do a fantastic job with technology in the district. We are getting closer to winter weather and information has gone out to staff and parents in the district on what the winter transportation process is.

With the sickness outbreaks that were going on in our schools, the custodians were working overtime getting our schools cleaned and sanitized. Some of our maintenance staff was brought in to help with that process as well.

He also shared that our Nutrition Director, Angie Gorman, organized a winter break program for meals. There were about 30 kids showing up for activities and meals. This program will be offered again for spring break.

B. Human Resources

There was nothing reported for Human Resources.

C. Finance

Business Director William Lewis, III, presented the district financial reports. He indicated that our audit was now complete and has been reported to the state. He is now ready to present it to the Board, if they would like to have it presented, and asked how they would like to see that. Chair Oliver would like to have the auditors come and give a report in February. Business Director Lewis will also have a construction excise tax presentation for the February board meeting as well, for informational purposes.

9. COMMUNICATION

A. Board

The board discussed the date for the official announcement regarding the LHS basketball court and it was set for February 28th.

B. Superintendent

Superintendent Yates brought up that January was School Board Appreciation month and shared that we appreciate our members and their contributions to our district. Each member was presented with a Ralston Academy shirt.

10. AUDIENCE COMMENTS

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

12. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 6:58 PM.

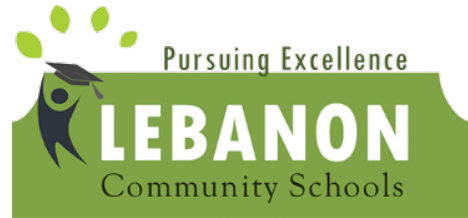
Tom Oliver, Chair

Bo Yates, Superintendent

Agenda Item 10

*Consent Agenda
Policies – First Reading*

BOARD MEMORANDUM



To: Board of Directors

From: Jennifer Meckley, Assistant Superintendent

Date: February 7, 2020

Meeting Date: February 13, 2020

Re: Policy Updates

OSBA FEBRUARY POLICY UPDATES – REVIEW AND RECOMMENDATIONS

Code	Title	OSBA Recommendation	DO Staff Lead(s)	Changes/DO Staff Comments	Recommend Adoption? (Yes/No)
EEA	Student Transportation Services	Required	Maggi	Changes in language to comply with SB 905	Yes
JEA	Compulsory Attendance	Highly Recommended	Jen	Changes in language to comply with SB 802.	Yes
JEC	Admissions	Optional	Jen	Changes in language to comply with SB 905 and SB 802.	Yes
GBA	Equal Employment Opportunity	Required	Jen	HB 2341 makes it an unlawful employment practice to any employer to deny employment opportunities, fail to make reasonable accommodations, or take certain actions because of known limitation of an employee or applicant’s pregnancy, childbirth, or related medical condition. SB 479 made ORS 659.082 part of the definition of workplace harassment involving discrimination of an employee’s service in a uniformed service.	Yes

LBE-AR	Public Charter Schools	Highly Recommended	Jen	Minor language updates to comply with changes in Oregon Revised Statutes related to Public Records Law, discrimination, physical education, and reporting of suspected sexual conduct.	Yes
BDDG	Minutes of Board Meetings	Optional	Jen	Language change to reflect HB 2514 which expands the privacy of student records allowed in Executive Session.	
ECACB	Unmanned Aircraft System (UAS) a.k.a. Drone	Conditionally Required	Jen	Revisions reflect changes in federal law, SB 581 and meets PACE requirements.	Yes
BBF	Board Member Standards of Conduct	Highly Recommended	Jen	Changes include some clarifying language as well as SB 415 which designates members of the school board as mandatory reporters of suspected child abuse.	Yes
JGE	Expulsion	Required	Jen	Language change to reflect HB 2514 which expands the privacy of student records allowed in Executive Session.	Yes
GBEDA and GBEDA-AR	Drug and Alcohol Testing and Record Query - Transportation Personnel.	Required	Jen/Maggi	Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse has implemented the mandatory use (beginning January 2020) of the Dept. of Transportation rules which were adopted in 2016 requiring a clearinghouse to support collection and maintenance of records on drivers made subject to testing by Omnibus Transportation Employee Testing Act (OTETA).	Yes
KL, KL-AR, and AC-AR	Complaints	Required	Jen	Conferred with Sand Ridge Charter School. They do not LCS Board to hear appeals based on decisions from their Board.	Adopt the language stating we will not review an appeal of a decision reached by the Board of Sand Ridge Charter School.



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- BBF – Board Member Standards of Conduct, Highly Recommended (Versions 1 or 2)
- BBFC – Reporting of Suspected Abuse of a Child, *New* Optional
- BDC - Executive Sessions, Optional
- BDDG - Minutes of Board Meetings, Optional
- ECACB – Unmanned Aircraft System (UAS) a.k.a. Drone, Conditionally Required
- EEA - Student Transportation Services, Required
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- JGAB – Use of Restraint or Seclusion, Required
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- KL – Public Complaints*/** (Versions 1 thru 4), Highly Recommended
- KL-AR[(1)] – Public Complaint Procedure, Highly Recommended
- LBE-AR – Public Charter Schools, Highly Recommended

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

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

MANDATORY REPORTERS

Summary

Recent passing of Senate Bill (SB) 415 (2019) designates members of a school district board as mandatory reporters of suspected child abuse.

Legal Reference

[Senate Bill 415 \(2019\)](#)

ORS 419B.005

ORS 419B.010

ORS 419B.015

Collective Bargaining Impact

None

Local District Responsibility

Review the recommended revisions and optional new policy and consider if in the best interest of the district to adopt.

Policy Implications

BBF – Board Member Standards of Conduct, Highly Recommended (Versions 1 or 2)

BBFC – Reporting of Suspected Abuse of a Child, *New* Optional

EXECUTIVE SESSION - STUDENT RECORDS

Summary

House Bill 2514 (2019) expands the privacy of student records allowed in executive session to include “confidential records of a student” deleting the language limiting to medical records and student educational programs.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

If the district has either optional policy BDC - Executive Sessions or BDDG - Minutes of Board Meetings, and has required policy JGE - Expulsion, it is recommended that the district review the revised language and readopt.

Policy Implications

BDC - Executive Sessions, Optional

BDDG - Minutes of Board Meetings, Optional

DRONES

Summary

The revisions in this policy reflect changes in federal law, Senate Bill 581 (2019) and meets PACE insurance requirements.

Legal Reference

[Senate Bill 581 \(2019\)](#)

Collective Bargaining Impact

None

Local District Responsibility

If the district uses drones as part of any curriculum or district-sponsored activity this policy is required. The district should review the recommended language revisions and readopt the policy.

If the district does not use drones as part of any curriculum or district-sponsored activity this policy is not needed.

Policy Implications

ECACB – Unmanned Aircraft System (UAS) a.k.a. Drone, Conditionally Required

MILITARY CHILD OR VOLUNTARILY PLACED AND RESIDENT DISTRICT

Summary

Senate Bill 802 (2019) permits school residency to nonresident military children in cases of official military transfers prior to the family moving into the district. This applies to military families covered by the Interstate Compact on Educational Opportunity for Military Children. Parents are required to provide proof of residency within 10 days after the date of military transfer indicated on the official military order. Students are not required to comply with compulsory attendance requirements until 10 days after the date of the transfer.

Senate Bill (SB) 905 (2019) clarifies and aligns with the Every Student Succeeds Act to say that the care for a student whose parent or guardian has voluntarily placed the student outside the student's home with a public or private agency and for whom the student's parent or guardian retains legal guardianship, does not meet the definition of "foster care". It establishes general rule that the student, whose parent or guardian voluntarily places the student in substitute care while retaining legal guardianship, is a resident of the district where the substitute care program is located. It also provides, under special circumstances outlined in SB 905, exceptions to allow the student (voluntarily placed by the parent or guardian) to attend school in the district where the parents or guardian resides.

Both bills are effective now.

Legal Reference

[Senate Bill 802 \(2019\)](#)

[Senate Bill 905 \(2019\)](#)

Collective Bargaining Impact

None

Local District Responsibility

If the district has highly recommended policy JEA – Compulsory Attendance, optional policy JEC – Admission or highly recommended policy JECA – Admission of Resident Student in its policy manual, review the new language and readopt. Update required policy EEA - Student Transportation Services with the recommended changes and readopt.

Policy Implications

EEA - Student Transportation Services, Required

JEA – Compulsory Attendance, Highly Recommended

JEC – Admissions, Optional

JECA – Admission of Resident Student, Highly Recommended

EQUAL EMPLOYMENT OPPORTUNITY

Summary

House Bill 2341 (2019) makes it an unlawful employment practice for an employer to deny employment opportunities, fail to make reasonable accommodations, or take certain actions because of known limitations of an employee or applicant’s pregnancy, childbirth, or related medical condition. The bill provides exemptions for a reasonable accommodation that requires significant difficulty or expense that imposes an undue hardship on district operations. It exempts districts with fewer than six employees.

Additionally, Senate Bill 479 (2019) made ORS 659A.082 part of the definition of workplace harassment involving discrimination of an employee’s service in a uniformed service.

Legal Reference

Amends ORS 695A.885

Collective Bargaining Impact

None

Local District Responsibility

If the district has required policy GBA – Equal Employment Opportunity in its policy manual, review the new language and readopt.

Policy Implications

GBA – Equal Employment Opportunity, Required

WORKPLACE HARASSMENT

Summary

Senate Bill 479 (2019) institutes a requirement for all public employers to adopt policy prohibiting “workplace harassment” which means “conduct that constitutes discrimination prohibited by ORS 659A.030, including conduct that constitutes sexual assault or that constitutes conduct prohibited by ORS 659A.082 or 659A.112”. This legislation requires new board policy and an administrative regulation (AR) to support implementation of this law. A complaint may be filed through the new complaint process AR, with the Bureau of Labor and Industries (BOLI), or under any other available law.

Legal Reference

See new sample policy and administrative regulation.

Collective Bargaining Impact

The district should review the collective bargaining agreement (CBA) for any provisions that require the employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or Equal Employment Opportunity Commission (EEOC) complaint.

Local District Responsibility

New policy GBEA and its administrative regulation (AR) are required by SB 479; the AR does not require adoption but does need submitted to the Board for review.

Policy Implications

GBEA – Workplace Harassment *, *New Required*

GBEA-AR – Workplace Harassment Reporting and Procedure, *New Required*

DRUG AND ALCOHOL TESTING AND RECORD QUERY – TRANSPORTATION PERSONNEL

Summary

The federal Department of Transportation (DOT) adopted rules in 2016 called the “Commercial Driver’s License Drug and Alcohol Clearinghouse”. The rules required implementation of a clearinghouse to support collection and maintenance of records on drivers made subject to testing by the Omnibus Transportation Employee Testing Act (OTETA). The Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse has implemented its mandatory use effective January 6, 2020. The rules require districts that employ drivers subject to testing to also conduct pre-employment queries through the Federal Motor Carrier Safety Administration (FMCSA) query program. The new program also requires the district to report testing data on employees subject to other testing required by law, e.g., post-accident, random, reasonable suspicion, etc.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

This policy and administrative regulation are required if the district owns and operates its own student transportation services, or if any district employee is required to have a CDL. If the district has previously adopted the conditionally required policy GBEDA – Drug and Alcohol Testing – Transportation Personnel and its administrative regulation (AR), review the new language for both and readopt.

Policy Implications

GBEDA – Drug and Alcohol Testing and Record Query – Transportation Personnel, (Version 1 or 2) Conditionally Required
GBEDA-AR – Drug and Alcohol Testing and Record Query – Transportation Personnel, Conditionally Required (requires board adoption)

RESTRAINT OR SECLUSION**Summary**

The State Board of Education adopted revisions to the restraint and seclusion Oregon Administrative Rules to reflect Senate Bill 963 (2019) and clarify the complaint procedure.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

The district should review, and update required policy JGAB - Use of Restraint or Seclusion with the revised language and readopt.

Policy Implications

JGAB – Use of Restraint or Seclusion, Required

MEDICATIONS - NALOXONE

Summary

Senate Bill 665 (2019) gives a district the option to provide and administer naloxone or any similar medication that is designed to reverse an overdose of an opioid drug. If a district plans to provide (it is not required) and administer this medication the bracketed policy language is required; otherwise there is no need to adopt specific naloxone language).

Legal Reference

[Senate Bill 665 \(2019\)](#)

Collective Bargaining Impact

Review your collective bargaining agreement for language addressing staff and the administration of medication and align as needed.

Local District Responsibility

If the district is planning to provide and administer naloxone, review the recommended naloxone related bracketed language and adopt language in both policy and in the administration regulation.

If the district is not planning to provide or administer this medication do not adopt naloxone related language. However, review and adopt other recommended changes.

Policy Implications

JHCD/JHCDA – Medications, Required

JHCD/JHCDA-AR – Medications, Required (requires board adoption)

SUSPECTED SEXUAL CONDUCT AND SUSPECTED CHILD ABUSE

Summary

Senate Bill (SB) 155 (2019) amended statute on reporting suspected sexual conduct and suspected child abuse. The following is a brief summary of some changes to law; access the bill in its entirety and the new model sample policies and administrative regulations for additional information.

SB 155 assigned investigative responsibilities to ODE for non-licensed employees for reports of suspected sexual conduct and investigative responsibilities to TSPC for employees licensed through TSPC. The SB redefines sexual conduct, adds a definition for student in relation to sexual conduct, amends reporting requirements, makes volunteers subject to law, and maintains applicability to contractors and agents.

The SB adds applicability of the law on suspected child abuse to contractors, agents and volunteers to protect students.

The SB requires districts to designate a licensed administrator and alternate licensed administrator for each school building assigned to receive reports of suspected abuse or suspected sexual conduct, and their contact information and other required information found in the amended policies and administrative regulations. In cases of suspected abuse, the district must also post contact information for the local Department of Human Services office and other required information noted in the amended policies and administrative regulations.

There are new reporting requirements for the designated administrators to TSPC or ODE when they receive a report of suspected sexual conduct.

Nothing in the bill prevents a district from conducting their own investigation and acting on information gained from the investigation prior to completion of an investigation and determination from another agency. Refer to the model sample policies and administrative regulations for additional information.

The model sample policies and their administrative regulations have had extensive rewriting and therefore are presented in clean form in this *Policy Update*. The deleting/rescinding of previous versions and adoption of new versions is recommended.

The code for JHFF - Reporting Requirements of Suspected Sexual Conduct was modified to add a second code to implement a place in section G - Personnel of the board policy manual, e.g., JHFF/GBNAA. Additionally, a new administrative regulation has been created and is presented as JHFF/GBNAA-AR, and includes the additional reporting requirements and procedures the administrators will follow when a report of suspected sexual conduct is received. The alternate form of this policy and AR, e.g., GBNAA/JHFF and GBNAA/JHFF-AR are included just not listed.

Legal Reference

[Senate Bill 155 \(2019\)](#)

Collective Bargaining Impact

None

Local District Responsibility

Consider rescinding previous versions of the corresponding policies and administrative regulations in the board's policy manual and adopt the new versions presented herein. Administrative regulation JHFE-AR(1) is designated to be board adopted; the administrative regulation JHFF/GBNAA-AR is noted with needing board review.

If the board has a policy, GBNAA/JFCFA - Cyberbullying, in their manual, it is recommended for deletion; cyberbullying content is found in recent versions of JFCF and GBNA and therefore a policy with code GBNAA/JFCFA would not be needed (prior to deleting verify the board has a recent version of GBNA and JFCF that includes cyberbullying language).

Policy Implications

GCA – License Requirements, Optional

GCAB – Personal Electronic Devices and Social Media – Staff, Highly Recommended

IICC – Volunteers, Optional

JHFE – Reporting of Suspected Abuse of a Child, *New Required*

JHFE-AR(1) – Reporting of Suspected Abuse of a Child, *New Required*

JHFF/GBNAA – Reporting of Suspected Sexual Conduct with Students, *New Required*

JHFF/GBNAA-AR – Suspected Sexual Conduct Report Procedures and Form, *New Required*

LBE-AR – Public Charter Schools, Highly Recommended

COMPLAINT PROCEDURES

**2019-2020
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.

Samples and online ordering of these tools for purchase can be found on the OSBA website through this link: www.osba.org. (Can be purchased in the *Online Store* from *Downloads*)

Summary

Adoption of new and revised complaint and appeal Oregon Administrative Rules (OAR) by the State Board of Education in March 2019 affected several policies and administrative regulations – most changes were released in July. OSBA has been collaborating with the Oregon Department of Education (ODE) to establish how the new rules affect public charter schools. Through statute, school districts that sponsor a public charter school have jurisdiction over the public charter school for certain complaints. OSBA and ODE recommends a discussion with the public charter school and their sponsoring district to establish delegation of final decision making for complaints involving restraint or seclusion, discrimination, retaliation, or applicable Division 22 Standards, for which the school's sponsor has jurisdiction. Acknowledgement of whether a complainant may appeal to the board of the public charter school's sponsor is recommended through a resolution by the sponsoring board, adoption of policy language, or by a provision in the charter agreement. Policy language is included to help the sponsoring school board decide if they will uphold the decision of the charter board, or hear the appeal from the complainant.

The OARs 581-002-0003 - 581-002-0005 describe the complaints that may be appealed to ODE, and only complaints that have already reached a final decision by the school's sponsor for which the sponsor has jurisdiction pursuant to law.

Questions may be directed to OSBA and/or ODE.

Legal Reference

See model samples for suggested revisions

Collective Bargaining Impact

None

Local District Responsibility

Review the recommended revisions in the attached documents for consideration and adoption. Please note that AC-AR requires board adoption while the other administrative regulations may be presented as an information item for review by the board.

Policy Implications

AC-AR - Discrimination Complaint Procedure, Required (board adoption required)

KL – Public Complaints*/** (Versions 1 thru 4), Highly Recommended

KL-AR[(1)] – Public Complaint Procedure, Highly Recommended

ABOUT *POLICY UPDATE*

Policy Update is a quarterly subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts.

Sample 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 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.

TRY OUR ONLINE POLICY DEMO

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

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

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

OSBA Model Sample Policy

Code: BBF
Adopted:

Board Member Standards of Conduct (Version 2)

A Board member should:

1. Comply with ethics laws for public officials;
2. Understand that the Board sets the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis;
3. Understand that the Board makes decisions ~~as a team~~ by a quorum vote of the Board. Individual Board members may not commit the Board to any action;
4. Respect the right of other Board members to have opinions and ideas which differ;
5. Recognize that decisions ~~are~~ made by a majority quorum vote ~~and should be supported by all Board members~~ are the final decisions of the Board. Such decisions should be supported by all Board members;
6. Make decisions only after the facts are presented and discussed;
7. Understand the chain of command and refer problems or complaints to the proper administrative office;
8. Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at ~~official~~ properly noticed Board meetings;
9. Insist that all Board and district business is ethical and honest;
10. Be open, fair and honest — no hidden agendas;
11. Understand that Board members will receive information that is confidential and cannot be shared;
12. Recognize that the superintendent is the Board's ~~adviser~~ employee and designated as the chief executive officer of the district;
13. Take action only after hearing the superintendent's recommendations;
14. Refuse to bring personal or family problems into Board considerations;
15. Give ~~the~~ district staff the respect and consideration due to skilled, professional employees;
16. Present personal criticism of district operations to the superintendent, when appropriate, not to district staff;

17. Respect the right of the public to attend and observe Board meetings;
18. Respect the right of the public to be informed about district decisions and school operations as allowed by law;
19. Remember that content discussed in executive session is confidential;
20. Use social media, websites, or other electronic communication judiciously, respectfully, and in a manner that does not violate Oregon's Public Meetings Laws;
21. When using posting online or to social media websites, Board members will treat and refer to other Board members, staff, students and the public with respect, and will not post confidential information about students, staff or district business;

~~22. Never post confidential information about students, staff or district business on any websites.~~

~~23-22.~~ A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make an oral report by telephone or otherwise to the local Department of Human Services (DHS), to the designee of the department or to a local law enforcement within the county where the person making the report is located at the time of contact.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.610 - 192.710](#)

[ORS Chapter 244](#)
[ORS 332.055](#)
[ORS 419B.005](#)

[ORS 419B.010](#)
[ORS 419B.015](#)
[Senate Bill 415 \(2019\)](#)

OSBA Model Sample Policy

Code: BDDG
Adopted:

Minutes of Board Meetings

The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include, but not be limited to, the following information:

1. All members of the Board who were present;
2. All motions, proposals, resolutions, orders and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name;
4. The substance of any discussion on any matter;
5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of minutes from the superintendent's office. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The district will maintain a hard copy¹ of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including a student's confidential ~~medical records and that student's educational program~~; the discussion; and each Board member's vote on the issue.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.710](#)

[ORS 332.061](#)

[House Bill 2514 \(2019\)](#)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

¹ Oregon Administrative Rule 166-400-0010(9)

OSBA Model Sample Policy

Code: ECACB
Adopted:

Unmanned Aircraft System (UAS) a.k.a. Drone

Any employee, volunteer, or representative of the district operating an unmanned aircraft system (UAS) shall do so in accordance with this policy, ~~and~~ all applicable Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) regulations and local laws.

~~An “unmanned aircraft system” (UAS) means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.~~

A small unmanned aircraft, as defined by law, may be operated by the district. A small unmanned aircraft must weigh less than 55 pounds, including the weight of anything attached to or carried by the aircraft and must be registered through the FAA and ODA. The district will register as a user of such with ODA.

Publicly supported kindergarten through grade 12 school programs and publicly-supported entities that support K-12 schools or after school K-12 programs are exempt from the requirement to pay the ODA registration fee.

The district recognizes the academic value of student operation of a UAS as one component of curricula pertaining to principles of flight, aerodynamics, and airplane design and construction, ~~which~~ and can also serve as an academic tool in other areas such as television, film production, or the arts in general. ~~Therefore, in compliance with the Federal Aviation Administration Modernization and Reform Act of 2012, Section 336, students may operate a UAS as part of a course requirement, as long as that student does not receive compensation directly or incidentally from such operation. District staff teaching a class that allows use of a UAS may provide limited assistance to a student operating a UAS, provided the student maintains operational control of the model aircraft such that the staff member’s manipulation of the model aircraft’s controls is incidental and secondary to the student’s. The staff member’s de minimis participation must be limited to the student’s operation of the UAS as part of the course.~~

Prior to operating a UAS, the district will review all airspace, certification, registration, and other requirements. When operating in the National Airspace System (NAS), the supervisor (instructor/teacher) of the educational UAS shall hold a current pilot certification described in 14 C.F.R. Part 107 or have a Certificate of Authorization as described in 49 U.S.C. § 44801, so any student(s) can fly under their direct supervision, and to be in compliance with current FAA¹ regulations. District staff will not operate more than one UAS at the same time.

District employees shall work with administrators to ensure that proper insurance, registration ~~with both~~ required by FAA and ODA, reporting to ~~ODA~~ FAA, and authorization from district administration are in place prior to ~~adoption of curriculum that allows operation of a UAS~~ use as a part of the district’s curriculum.

¹ https://www.faa.gov/uas/educational_users/

A UAS shall be operated in accordance with the policies of the Oregon School Activities Association (OSAA)² at OSAA-sanctioned events.

A student in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion.

A staff member in violation of this policy may be subject to disciplinary action, up to and including dismissal.

All data gathered by the district as part of a UAS operation will belong to the district. The data gathering by the district will follow appropriate state and federal laws. Retention of such data will follow state and federal laws.

The superintendent shall develop procedures³ for the implementation of this policy. The district shall post a copy of this policy, associated procedures, and a copy of Oregon Revised Statute (ORS) 192.345 on the district's website.

The district will report accidents involving a UAS to FAA no later than 10 calendar days after the accident when it involves:

1. Serious injury to any person or any loss of consciousness; or
2. Damage to any property, other than the small UAS, unless the cost of repair (including materials and labor) does not exceed \$500, or the fair market value of the property does not exceed \$500 in the event of total loss.

Third Party Use

Third party use of a UAS on district property or at district-sponsored events or activities on district property for any purpose is prohibited, unless granted permission from the superintendent.

If permission is granted by the superintendent, the third party operating a UAS will comply with all FAA and ODA registration and use regulations and shall provide the following to the district:

1. Proof of insurance that meets the liability limits established by the district;
2. ~~Appropriate~~ Proof of UAS registration and authorization (including a certificate identified in 14 C.F.R. Part 107 or a Certificate of Authorization described in 49 U.S.C. § 44801) issued by ~~the~~ FAA, and proof of user registration with ODA when required⁴; and

² <http://www.osaa.org/governance/handbooks/osaa/#87> <http://www.osaa.org/governance/handbooks>

³ Procedures must include: the length of time data will be retained by the district; specifications for third party storage of data, including handling, security and access to the data by the third party; a policy on disclosure of data through intergovernmental agreements.]

⁴ A public body, as defined in ORS 174.109, operating an unmanned aircraft system must register as a user with ODA. (ORS 837.360)

3. A signed agreement holding the district harmless from any claims of harm to individuals or damage to property.

END OF POLICY

Legal Reference(s):

[ORS 164.885](#)

[ORS 174.109](#)

[ORS 192.345](#)

[ORS 837.300 - 837.390](#)

[ORS 837.995](#)

[OAR 738-080-0015 - 080-0045](#)

[Senate Bill 581 \(2019\)](#)

~~Federal Aviation Administration Modernization and Reform Act of 2012, P.L. 112-95 § 336 (2012).~~

~~Federal Aviation Administration, Educational Use of Unmanned Aircraft Systems (UAS) Memorandum, May 4, 2016.~~

~~Federal Aviation Administration Reauthorization Act of 2018, 49 U.S.C. §§ 44801-44810 (2012).~~

~~Small Unmanned Aircraft Systems, 14 C.F.R. Part 107 (2018).~~

~~Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2012).~~

~~OREGON SCHOOL ACTIVITIES ASSOCIATION HANDBOOK #87.~~

OSBA Model Sample Policy

Code: EEA

Adopted:

Student Transportation Services *

(Even if the district contracts for student transportation services, this is a required policy.)

School transportation services will be provided for students to and from school and for transporting students to and from curricular and extracurricular activities sponsored by the district transporting from one school or facility to another school-sponsored field trips that are extensions of classroom learning experiences. Transportation will be provided for homeless students to and from the student's school of origin¹ as required by the Every Student Succeeds Act ~~of 2015~~ (ESSA). ~~These s~~Services shall be provided throughout the regularly scheduled year and during the regular school day as determined by the Superintendent.

Elementary students in grades K-8 who live more than one mile from school will be transported. Secondary students in grades 9-12 who live more than one and one-half miles from school will be transported. Mileage exceptions for health, safety or disability will be made in accordance with the district's approved supplemental plan.

OR

Students living within specified attendance boundaries shall receive transportation services to their respective schools. In addition, students, including those receiving special education, may be eligible for transportation for health or safety reasons.

Miles from school will be determined by the Superintendent in accordance with Oregon Administrative Rule (OAR) 581-023-0040(1)(e).

The district may use Type 10 School Activity Vehicles to transport students from home to school, school to home and from district-sponsored activities.

The district may also provide transportation using federal funds² or through cooperative agreements with local victims assistance units for a student to attend a safe district school³ out of the student's attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous. If there are no other schools within the district a student may transfer to, the district may establish a cooperative

¹ "School of origin" means the school that a student attended when permanently housed or the school in which the student was last enrolled.

When the student has completed the final grade served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

² "Federal funds" means funds available through Title IV, Part A, and Title V, Part A.

³ If there is not another school in the district to which students can transfer, districts are encouraged, but not required, to explore other appropriate options, i.e., an agreement with a neighboring district.

agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

Students attending any private, parochial or public charter school under the compulsory school attendance laws will, where the private, parochial or public charter school is along or near the bus route, be provided equally the riding privileges given to public school students.

Transportation will be provided for students whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.

Preschool students with disabilities who have transportation as a related service and children from birth to age three who are enrolled in an eligible program shall be provided home to school transportation.

A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Oregon Department of Transportation under ~~Oregon Revised Statute (ORS)~~ 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until he/she is four feet nine inches tall or age eight and the adult belt properly fits.⁴ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles in excess of 10,000 pounds used for student transportation are exempt from statutory requirements unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

School buses carrying students will be considered extensions of the school experience. All students using school transportation will abide by the code of conduct posted in each school bus or school activity vehicle. Violations of such code, as well as other conduct which is improper or which jeopardizes the safety of self or others, will be reported by the school bus/activity driver to Transportation Office. The Transportation Office Manager will, as soon as possible, inform the appropriate principal of such occurrence. Violators may be denied use of transportation for a period of time as deemed proper by the principal and/or Superintendent.

The principal or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records.

Appropriate training related to specific protocols, including confidentiality requirements, will be provided to drivers.

Aides or assistants that ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The school bus/activity driver will be responsible for the school bus or vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

⁴ "Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.

The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 815.080	OAR 581-053-0040
ORS 327.033	ORS 820.100 - 820.190	OAR 581-053-0053
ORS 327.043		OAR 581-053-0060
ORS 332.405	OAR 581-021-0050 - 0075	OAR 581-053-0070
ORS 332.415	OAR 581-022-2345	OAR 581-053-0210
ORS 339.240 - 339.250	OAR 581-023-0040	OAR 581-053-0220
ORS 343.155 - 343.246	OAR 581-053-0002	OAR 581-053-0230
ORS 343.533	OAR 581-053-0003	OAR 581-053-0240
ORS 811.210	OAR 581-053-0004	OAR 735-102-0010
ORS 811.215	OAR 581-053-0010	
ORS 815.055	OAR 581-053-0031	Senate Bill 905 (2019)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6315, 7912 (2012~~8~~).
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431-11435 (2012).

OSBA Model Sample Policy

Code: GBA
Adopted:

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ 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, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. 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

Legal Reference(s):

ORS 174.100	ORS 652.210 - 652.220	ORS 659A.082
ORS 192.630	ORS 659.850	ORS 659A.109
ORS 243.672	ORS 659.870	ORS 659A.112
ORS 326.051	ORS 659A.003	ORS 659A.142
ORS 332.505	ORS 659A.006	ORS 659A.145
ORS 342.934	ORS 659A.009	ORS 659A.233
ORS 408.225	ORS 659A.029	ORS 659A.236
ORS 408.230	ORS 659A.030	ORS 659A.309
ORS 408.235	ORS 659A.040	ORS 659A.321

¹ "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.

² 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.

³ 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.

⁴ 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.409](#)
~~ORS 659A.805~~
[ORS 659A.820](#)

[OAR 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](#)
House Bill 2341 (2019)
Senate Bill 479 (2019)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, ~~as amended~~, 42 U.S.C. § 2000e, et. seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012~~8~~); 29 C.F.R Part 1626 (2016~~9~~).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012~~8~~).
Rehabilitation Act of 1973, 29 U.S.C. §§ ~~503~~, 791, ~~793~~-794 (2012); 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 (2012~~8~~); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2016~~9~~).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016~~9~~); 28 C.F.R. Part 35 (2016~~9~~).
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).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, ~~as amended~~, 38 U.S.C. § 4212 (2012~~8~~).
~~Title II of the~~ Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).

OSBA Model Sample Policy

Code: GBEDA
Adopted:

Drug and Alcohol Testing and Record Query - Transportation Personnel *

(This policy is required if the district operates their own transportation services, or if any district staff is required to have a commercial driver's license (CDL).)
(Version 1)

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the district shall establish a drug and alcohol misuse prevention program. The district's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education (ODE). ~~The district's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991.~~ The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

The superintendent will develop administrative regulations as needed to implement the district's program including such provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will include training, education and other assistance to employees to promote a drug- and alcohol-free environment.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)
[ORS 825.415](#)
[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (2017).

OSBA Model Sample Policy

Code: GBEDA-AR
Adopted:

Drug and Alcohol Testing and Record Query - Transportation Personnel *

(This administrative regulation is required if the district operates their own transportation services, or if any district staff are required to have a commercial driver's license (CDL).)

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

1. Program Coordinator

The assistant superintendent will be designated as the district's drug use and alcohol misuse prevention program coordinator. The assistant superintendent will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The assistant superintendent will:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;
 - (11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected,

including confrontation, referral to an employee assistance program as available and/or referral to the administration; and

(12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse¹:

- (a) A verified positive, adulterated, or substituted drug test result;
- (b) An alcohol confirmation test with a concentration of 0.04 or higher;
- (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
- (d) An employer's report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:

- (i) On duty alcohol use;
- (ii) Pre-duty alcohol use;
- (iii) Alcohol use following an accident;
- (iv) Controlled substance use.

- (e) A SAP's report of the successful completion of the return-to-duty process;
- (f) A negative return-to-duty test; and
- (g) An employer's report of completion of follow-up testing.

- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the ~~Department of Health and Human Services (DHHS)~~ Oregon Health Authority, Public Health Division ("OHA") to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
 - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
 - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;

¹ <https://clearinghouse.fmcsa.dot.gov/>

- (5) Documentation of training given to employees.
- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;
- m. Ensure compliance with stand-down prohibitions as set forth by the OTETA. “Stand-down” means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the ~~Federal Motor Carrier Safety Administration (FMCSA)~~ below:
 - (1) The district may seek a waiver of the prohibition against standing down an employee;
 - (2) Requests which include all required information will be submitted to FMCSA for approval.

2. Pre-employment and Annual Queries from, and Required Reporting to FMCSA

The district is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the district, as required by the OTETA, will be contingent upon the results of a pre-employment query.

- a. The district will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:
 - (1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
 - (2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
 - (4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident; or
 - (d) Controlled substance use.

The district will conduct annual queries² with the FMCSA on employees subject to such queries as required by law.

² Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

b. The district will report³ to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:

- (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
- (2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;
- (3) A SAP's report of the successful completion of the return-to-duty process;
- (4) A negative return-to-duty test; and
- (5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- (1) Reason for the test;
- (2) Driver's name, date of birth, and CDL number and State of issuance;
- (3) Employer name, address, and USDOT number;
- (4) Date of the test;
- (5) Date the result was reported; and
- (6) Test result. The test result must be one of the following:
 - (a) Negative (only required for return-to-duty tests administered in accordance with law);
 - (b) Positive; or
 - (c) Refusal to take a test.
- (7) An employer's report of a driver's refusal to submit⁴ to alcohol or drug testing must include the following information:
 - (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
 - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.
- (8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident;
 - (d) Controlled substance use.

This report will include the following information:

³ The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

⁴ 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

- (a) Driver's name, date of birth, CDL number and State of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;
- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the district's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug and alcohol test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug and alcohol testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years before the driver is used for the first time. The district will provide the ~~driver's~~ written permission ~~of the driver~~, for release of information, to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began.
- e. ⁵Requests received by the district for ~~R~~release of such information ~~may be by telephone, letters or any other method~~ to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a written, ~~confidential record of each past employer contacted~~ record and summary of information released, the date, and to whom the information was released;
- f. The district ~~will not use~~ must ask a driver ~~with a~~, and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer ~~in the past two years~~ unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample shall be tested for the presence of alcohol;

⁵ Pertains to requests received by the district from other employers.

- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- i. Pre-employment drug and alcohol testing will be paid for by the district;
- j. Tests must indicate negative drug test results and a breath alcohol content level below a 0.02. Individuals who fail to meet such drug and alcohol requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- k. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff;
- l. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
- m. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
- n. The individual may request a screening of the split specimen at ~~his/her~~their own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.

4. Post-accident Testing

The district shall conduct post-accident testing as follows:

- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district safety-sensitive functions in which there is a fatality or the employee receives a citation for a moving traffic violation in connection with an injury or tow-away accident:
 - (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - (2) If alcohol testing has not been administered within two hours, the district ~~will~~ shall prepare and maintain on file a record stating the reasons the ~~alcohol~~ test was not promptly administered;
 - (3) If alcohol testing is not administered within eight hours, the district ~~will~~ shall cease attempts to administer an alcohol test and ~~will prepare~~ shall state and maintain on file a record specifying why the test was not administered;
 - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
 - (5) The employee will contact the assistant superintendent or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-a-ways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;
- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall

- be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.
 - (1) The district will meet minimum testing rates.
- b. The testing rate may be adjusted by FMCSA based on industrywide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Computerized system:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers.

- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year";
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Each employee selected for testing shall be tested during the selection period;
- h. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her safety-sensitive functions, during or just after performing such functions;
- i. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

6. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or ~~his/her~~-designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by a SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the ~~National Association of Alcoholism and Drug Abuse Counselors~~-Association for Addiction Professionals (NAADAC). This does not include state-certified counselors.

8. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced⁶;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
 - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if ~~he/she~~the SAP determines the testing is no longer needed.

10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

a. Drugs

- (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
- (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
- (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the ~~DHHS~~ OHA certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
- (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
- (5) The MRO will verify ~~both~~ negative and positive testing results;
- (6) The MRO will report the verified negative testing results to the district;
- (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
- (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
- (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
- (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the employee;
- (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- (12) The MRO will report results of the second screening to the employee and the district;
- (13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive

⁶ A follow-up test shall not also serve as a random test, and vice versa.

testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;

- (14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by a qualified breath alcohol technician using evidential breath testing devices;
- (4) Testing may be conducted at an DHHS OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;
- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

11. Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

12. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

a. Records related to the collection process:

- (1) [Collection logbook, if used;]
- (2) Documents relating to the random selection process;
- (3) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (4) Documents generated in connection with decisions on post-accident testing;
- (5) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;

- (6) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes. ~~[If alcohol testing is provided directly by the district, include the following additional record keeping requirements.]~~
- ~~(7) [Collection logbooks, if used;~~
- ~~(8)(7) Calibration documentation for evidential breath testing devices;~~
- ~~(9)(8) Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.]~~

b. Records related to each query:

- (1) Documents related to consent of any query;
- (2) Documents related to information received for a pre-employment or annual query;
- (3) Documents related to meeting reporting requirements.

c. Records related to pre-employment verification with a driver's previous employer;

d. Records related to a driver's test results, including:

- (1) The district's copy of the alcohol testing form, including the test results;
- (2) The district's copy of the controlled substance test custody and control form;
- (3) Documents sent by the MRO to the district;
- (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
- (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.

e. Records related to evaluations as follows:

- (1) Records pertaining to a determination by a SAP concerning his/her an evaluation of a covered employees' ~~who tested positive for drugs, or failed an alcohol test or refused to test~~ need for assistance;
- (2) Records concerning a driver's compliance with recommendations of the SAP.

f. Records related to education and training as follows:

- (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
- (2) Driver's signed receipt of education materials;
- (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
- (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.

g. Records related to alcohol and drug testing as follows:

- (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
- (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);

- (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.

h. Records will be retained by the district as follows:

(1) Five Years:

- (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
- (b) Records of verified positive drug testing results;
- (c) Documentation of refusals to take required drug and/or alcohol tests;
- ~~(d) Drug testing custody and control forms;~~
- ~~(e)(d)~~ Employee evaluation and referrals;
- ~~(f)(e)~~ Testing program records including violations;
- ~~(g)(f)~~ A copy of each annual calendar year report summary ~~[.];~~;
- ~~(h)(g)~~ Equipment calibration documentation ~~as applicable~~ when required (See ~~11~~12. a. ~~(6), (7) and (8)~~).

(2) Three Years:

- (a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
- (b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.

(3) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(4) One Year:

Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.

(5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;

- (4) The district shall disclose such information⁷ to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413(a)(1));
- (5) The district will provide access to any drug and alcohol collection and/or testing facility records maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).

⁷ Information that must be disclosed to subsequent employers upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

OSBA Model Sample Policy

Code: JEA

Adopted:

Compulsory Attendance**

Except when exempt by Oregon law, all students between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term.

All students five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school.

Persons having legal control of a student between the ages 6 and 18, who has not completed the 12th grade, are required to have the student attend and maintain the child in regular attendance during the entire school term. Persons having legal control of a student, who is five years of age and has enrolled the child in a public school, are required to have the student attend and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. Failure to send a student and to maintain a student in regular attendance is a Class C violation.

The district will develop procedures for issuing a citation.

A parent who is not supervising ~~his/her~~ their student by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c). Failing to supervise a child is a Class A violation.

~~[In addition, under Board policy JHFDA—Suspension of Driving Privileges, the district may report students with 10 consecutive days of unexcused absences or 15 cumulative days unexcused absences in a single semester to the Oregon Department of Transportation.]~~

Exemptions from Compulsory School Attendance

In the following cases, students shall not be required to attend public, full-time schools:

1. Students being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Students proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Students who have received a high school diploma or a modified diploma.
4. Students being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.

5. Students being educated in the home by a parent or guardian:
 - a. [When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the [] Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, school districts of home-schooled students who reside in their district;
 - b. Each student being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10:
 - (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;
 - (2) If the student never attended public or private school, the first examination shall be administered prior to the end of grade 3;
 - (3) Procedures for home-schooled students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029.
 - c. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;
 - d. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education;
 - e. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;
 - f. All costs for the test instrument, administration and scoring are the responsibility of the parent;
 - g. In the event the ESD superintendent finds that the student is not showing satisfactory educational progress, the ESD superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.]
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
8. Students excluded from attendance as provided by law.

9. Students who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.
10. An exemption may be granted to the parent or guardian of any student 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.
11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 163.577](#)
[ORS 336.615 - 336.665](#)
[ORS 339.010 - 339.090](#)
[ORS 339.095](#)
[ORS 339.257](#)

[ORS 339.990](#)
[ORS 419B.550 - 419B.558](#)
[ORS 807.065](#)
[ORS 807.066](#)
[OAR 581-021-0026](#)
[OAR 581-021-0029](#)

[OAR 581-021-0071](#)
[OAR 581-021-0077](#)
[Senate Bill 802 \(2019\)](#)

¹ “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

OSBA Model Sample Policy

Code: JEC

Adopted:

Admissions**

The Board is committed to providing an educational program for all students living in the district. The Board believes all students living in the district who have not completed 12 years of education should regularly attend a public full-time school and be included in the available educational programs.

A child is considered to be six years of age if the sixth birthday of the child occurred on or before September 1 immediately preceding the beginning of the current school term.

All new students must register in the office. Students enrolled in the district shall comply with Oregon laws related to age, residence, health, attendance, and immunization.

Students located in the district shall not be excluded from admission solely because the student does not have a fixed, regular and adequate nighttime residence or solely because the student is not under the supervision of a parent.

Students located in the district shall not be excluded from admission where they are otherwise eligible, not receiving special education, and they have not yet attained the age of 19 prior to the beginning of the current school year.

The district may admit an otherwise eligible person who is not receiving special education and who has not yet attained 21 years of age prior to the beginning of the current school year if the person is shown to be in need of additional education to receive a high school diploma or a modified diploma.

Students who attend a district school on an interdistrict transfer or were admitted prior to 2019 through open enrollment are considered residents of the district.

Students living in the district who have attained the age of majority are considered residents of the district unless the student has transferred to another district via interdistrict transfer or open enrollment.

Minor students living with a parent or guardian who resides in the district are considered residents of the district unless the student has transferred to another district via interdistrict transfer or open enrollment.

Students who are in foster care¹ and who are placed in the district are residents of the district of origin, unless the court determines that attending in the district of residence is in the best interest of the student.

¹ “Foster care” does not mean care for children whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and for whom the child’s parent or guardian retains legal guardianship.

Students who are military children² are considered resident of the district, if the district is the district of military residence³ for the military child. Parents of military students must provide proof of residency within 10 days after the date of military transfer or pending transfer indicated on the official military orders.

Students whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)
[ORS 336.092](#)
[ORS 339.010](#)
[ORS 339.115](#)

[ORS 339.125](#)
[ORS 339.133](#)
[ORS 339.134](#)
[ORS 433.267](#)

[OAR 581-022-2220](#)

[Senate Bill 802 \(2019\)](#)
[Senate Bill 905 \(2019\)](#)

Illegal Immigration and Immigration Reform Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1324, 1363, 1367 (2012~~8~~).
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act (ESSA), 42 U.S.C. §§ 11431, 11434a (2012).

² “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

³ “School district of military residence” means the school district in which 1) the family of a military child intends to reside as the result of a military transfer; or 2) if the school district in which the family intends to reside is unknown, the school district in which the military installation identified in the official military order is located.

OSBA Model Sample Policy

Code: JGE

Adopted:

Expulsion**

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

A student may be expelled for any of the following circumstances:

1. When a student's conduct poses a threat to the health or safety of students or employees;
2. When other strategies to change the student's behavior have been ineffective, except that expulsion may not be used to address truancy; or
3. When required by law.

The use of expulsion for discipline of a student in fifth grade or lower is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observations or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the expulsion is required by law.

The age of the student and the past pattern of behavior will be considered prior to imposing the expulsion.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearing officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service¹ or by certified mail² at least five days prior to the scheduled hearing. Notice shall include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;
 - c. A recommendation for expulsion;

¹ The person serving the notice shall file a return of service. (OAR 581-021-0070)

² When "certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

- d. The student's right to a hearing;
 - e. When and where the hearing will take place; and
 - f. The right to representation.
2. The Board may expel, or may delegate the authority to decide on an expulsion to the superintendent or superintendent's designee, who may also act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and will not be associated with the initial actions of the building administrators;
 3. Expulsion hearings will be conducted in private and will not be open to the general public unless the student or the student's parents request an open session;
 4. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
 5. The student shall be permitted to have representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent. The district's attorney may be present;
 6. The student shall be afforded the right to present ~~his/her~~ **their** version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
 7. The student shall be permitted to be present and to hear the evidence presented by the district;
 8. The hearings officer or the student may record the hearing;
 9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
 10. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. The hearings officer will provide to the Board, findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer's recommended decision on disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the Board, the student if age 18 or over and the students' parents at the same time. Following the review by the Board of the hearings officer's recommendation, the Board will make the final decision regarding the expulsion;
 11. If the Board has delegated authority to the superintendent or designee to act as the hearings officer, the superintendent may designate ~~him or herself~~ **themselves**, or a third party, as the hearings officer. The hearings officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review. If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the student's parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision;

12. A Board review of the hearings officer’s decision will be conducted in executive session unless the student or the student’s parent requests a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved, including a student’s confidential ~~medical records~~ ~~and that student’s educational program~~;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The district must document to the parent of the student that proposals of alternative education programs have been made.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615 - 336.665](#)

[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

[OAR 581-021-0050 - 021-0075](#)
[House Bill 2514 \(2019\)](#)

OSBA Model Sample Policy

Code: LBE-AR

Revised/Reviewed:

Public Charter Schools

1. Definitions

- a. “Applicant” means any person or group that develops and submits a written proposal for a public charter school to the district.
- b. “Public charter school” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
- c. “Virtual public charter school” means a public charter school that provides online courses, but does not primarily serve students in a physical location.
 - (1) For the purpose of this definition, an “online course” is a course in which instruction and content are delivered on a computer using the internet, other electronic network or other technology such as CDs or DVDs; the student and teacher are in different physical locations for the majority of instructional time; the student is not required to be in a physical location of a school while participating in the course; and the online instruction is integral to the academic program of the charter school.
 - (2) For the purpose of this definition, “primarily serving students in a physical location” means that more than 50 percent of the core courses offered are not online courses; more than 50 percent of the total number of students attending the school are not receiving instructional services in an online course; and more than 50 percent of the school’s required instructional hours are not through an online course.
- d. “Remote and necessary school district” means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in Oregon Revised Statute (ORS) 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
- e. “Sponsor” means the district Board.

2. Proposal Process

- a. The public charter school applicant shall submit the proposal to the district no later than 180 days prior to the proposed starting date – January 31 for a September starting date.¹

¹ The date shall be at least 180 days prior to the date that the public charter school would begin operating and give a reasonable period of time for the school district board to complete the approval process and the public charter school to begin operating by the beginning of the school year.

- b. To be considered complete, the proposal for a public charter school shall include the following:
- (1) The identification of the applicant;
 - (2) The name of the proposed public charter school;
 - (3) A description of the philosophy and mission of the public charter school [and how it differs from the district's current program and philosophy];
 - (4) A description of any distinctive learning or teaching techniques to be used;
 - (5) A description of the curriculum of the public charter school;
 - (6) A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with district schools;
 - (7) The governance structure [public charter school board membership, selection, duties and responsibilities];
 - (8) The projected enrollment including the ages or grades to be served;
 - (9) The target population of students the public charter school is designed to serve;
 - (10) The legal address, facilities and physical location of the public charter school [and applicable occupancy permits and health and safety approvals];
 - (11) A description of admission policies and application procedures;
 - (12) The statutes and rules that shall apply to the public charter school;
 - (13) The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound;
 - (14) A financial management system that includes:
 - (a) A description of a financial management system for the public charter school. The financial management system must include a budget and accounting system that:
 - (i) Is compatible with the budget and accounting system of the sponsor of the school; and
 - (ii) Complies with the requirements of the uniform budget and accounting system adopted by the State Board of Education under Oregon Administrative Rule (OAR) 581-023-0035.
 - (b) A plan for having the financial management system in place at the time the school begins operating.
 - (15) The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
 - (16) The proposed school calendar, including the length of the school day and length of the school year;
 - (17) A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license issued by the Teacher Standards and Practices Commission (TSPC) and those who do not hold a license but are registered with the TSPC (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.);
 - (18) The date upon which the public charter school would begin operating;
 - (19) The arrangements for any necessary special education and related services for students with disabilities who qualify under the Individuals with Disabilities Education Act (IDEA) and special education or regular education and related services for students who

qualify under Section 504 of the Rehabilitation Act of 1973 who may attend the public charter school;

- (20) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
- (21) The term of the charter;
- (22) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;
- (23) A proposed plan for the placement of public charter school teachers, other employees and students upon termination or nonrenewal of a charter;
- (24) The manner in which the public charter school program review and fiscal audit will be conducted;
- (25) In the case of a district school's conversion to charter status, the following additional criteria must be addressed:
 - (a) The alternate arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school;
 - (b) The relationship that will exist between the public charter school and its employees including terms and conditions of employment.
- (26) The district will not complete the review required under ORS 338.055 of an application that does not contain the required components listed in ORS 338.045(2)(a)-(y). A good faith determination of incompleteness is not a denial for purposes of requesting state board review under ORS 338.075;
- (27) In addition to the minimum requirements enumerated in ORS 338.045(2)(a)-(y), the district, under ORS 338.045(3), may require the applicant to submit any of the following information as necessary to add detail or clarity to the minimum requirements or that the Board considers relevant to the formation or operation of the public charter school:
 - (a) Curriculum, Instruction and Assessment
 - (i) [Description of a curriculum for each grade of students, which demonstrates in detail alignment with Oregon's academic content standards;
 - (ii) Description of instructional goals in relationship to Oregon's academic content standards and benchmarks;
 - (iii) A planned course statement for courses taught in the program, including related content standards, course criteria, assessment practices and state required work samples that will be collected;
 - (iv) Documentation that reflects consideration of credits for public charter school course work a student may perform at any other public school;
 - (v) Explanation of grading practices for all classes and how student performance is documented;
 - (vi) Explanation of how the proposed academic program will be aligned with that of the district. (If an applicant is proposing an elementary level public charter school, please describe how the curriculum is aligned at each grade level with the district's curriculum, including an explanation of how a student in the public charter school will be adequately prepared to re-enter the district's public school system after completing the charter school's program.);

- (vii) Description of the student assessment system, including how student academic progress will be measured at each grade level and any specific assessment instruments that will be used;
- (viii) Description of the plan for reporting student progress to parents, students and the community;
- (ix) Description of policies and procedures regarding diplomas and graduation;
- (x) Description of policies and practices for meeting the needs of students who are not successful in the regular program;
- (xi) Identification of primary instructional materials by publisher, copyright date, version and edition for each academic content area in each grade;
- (xii) Identification of major supplementary material in core academic content areas and the criteria for use with students;
- (xiii) Description of how the public charter school will meet the unique learning needs of students working above and below grade level, including but not limited to, talented and gifted students;
- (xiv) Description of how the public charter school staff will identify and address students' rates and levels of learning;
- (xv) Description of strategies the public charter school staff will use to create a climate conducive to learning and positive student engagement;
- (xvi) Documentation that demonstrates improvements in student academic performance over time (both individual and program/grade level) from any private alternative school operated by the public charter school applicant, if applicable;
- (xvii) Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction;
- (xviii) Identification of how the public charter school will provide access to national assessments such as PSAT, SAT and ACT, if applicable;
- (xix) Description of parental involvement, content of planned meetings and how the school will adjust any meeting to meet the needs of working parents;
- (xx) Description of distance learning options available to students, including the grade levels and amount of instruction offered to students, if applicable.

(b) State and Federal Mandates/Special Education

- (i) Description of how the public charter school will meet any and all requirements of Every Student Succeeds Act (ESSA), which also specifically addresses adequate yearly progress (AYP) and the safe schools aspects of the law;
- (ii) Description of how the public charter school will collect AYP information on all subgroup populations in the school;
- (iii) Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students. (Include methodologies, data collection systems and service delivery models used.);
- (iv) Description of how the public charter school will serve the needs of talented and gifted students, including screening, identification and services;
- (v) Description of how the public charter school will deliver services and instruction to English Language Learners (ELL), including descriptions of curriculum, methodology and program accommodations;

- (vi) Description of how the public charter school will work with the district to comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring;
 - (vii) Explanation of how the public charter school will work with the district to implement Child Find requirements;
 - (viii) Explanation of how the public charter school will work with the district to manage IDEA 2004 mandates regarding eligibility, individualized education program (IEP) and placement meetings;
 - (ix) Explanation of how the public charter school will work with the district in which the public charter school is located to implement accommodations and modifications contained in the IEP or Section 504 plan;
 - (x) Explanation of how the public charter school will work with the district to include parents in implementing IEPs;
 - (xi) Explanation of how the public charter school intends to work with the district in which the public charter school is located to provide special education services for eligible students.
- (c) Teacher Certification
- (i) Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and the TSPC licensure;
 - (ii) Explanation of how the public charter school will comply with the TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff.
- (d) Professional Development
- (i) Provide the public charter school's plan for comprehensive professional development for all staff;
 - (ii) Identification of how the public charter school's licensed staff will obtain their required Continuing Professional Development units for licensure renewal.
- (e) Budget
- (i) Explanation of projected budget item for the Public Employees Retirement System (PERS) contributions that would be required of the public charter school;
 - (ii) Description of planned computer and technology support;
 - (iii) Description of planned transportation costs, if applicable;
 - (iv) Explanation of projected budget items for teaching salaries and other personnel contracts;
 - (v) Explanation on facilities costs, including utilities, repairs, and rent;
 - (vi) Copies of municipal audits for any other public charter school operated by the public charter school applicant, if applicable.

(f) Policy

Copies of any policy that the public charter school intends to adopt:

- (i) Which address expectations of academic standards for students and transcribing of credits;
- (ii) On student behavior, classroom management, suspensions and expulsions, which must contain an explanation of how the charter school will handle a student expelled from another district for reasons other than a weapons violation;
- (iii) Regarding corporal punishment including descriptions;
- (iv) Regarding dispensing of medication to students who are in need of regular medication during school hours;
- (v) Regarding reviewing and selecting instructional materials;
- (vi) Regarding solicitation/advertising/fundraising by nonschool groups;
- (vii) Regarding field trips;
- (viii) Regarding student promotion and retention;
- (ix) Regarding student publications;
- (x) Regarding staff/student vehicle parking and use;
- (xi) Regarding diplomas and graduation, and also participation in graduation exercises;
- (xii) Regarding student/parent/public complaints;
- (xiii) Regarding visitors;
- (xiv) Regarding staff discipline, suspension or dismissal.

(g) Other Information

- (i) Plans for use of any unique district facilities including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs and music facilities;
- (ii) Plans for child nutrition program(s);
- (iii) Plans for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations and rules;
- (iv) Plans for counseling services;
- (v) Explanation of contingency plans for the hiring of substitute professional and classified staff;
- (vi) Description of how the public charter school will address the rights and responsibilities of students;
- (vii) Description of how the public charter school will handle situations involving student, possession, use or distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others;
- (viii) Description of procedures on how the public charter school will handle disciplinary referrals and how they will impact student promotion and advancement;
- (ix) Copies of program reviews conducted by other school districts that may have referred students to another public charter school operated by the public charter school applicant, if applicable;

- (x) Description of the typical school day for a student, including a master schedule, related activities, breaks and extracurricular options;
- (xi) Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to ADM;
- (xii) Documentation and description of how long most students remain in the program, and documentation of student improvement in academic performance, disciplinary referrals, juvenile interventions or any other disciplinary action while in the program;
- (xiii) Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide any contracts or legal documents that will create the basis of the relationship between the entities. Please also provide all financial audits and auditor’s reports.);
- (xiv) If a public charter school applicant is operating any other public charter school, documentation that the public charter school applicant has established a separate Oregon nonprofit corporation, legally independent of any other public charter school in operation;
- (xv) If a public charter school applicant has not secured a facility at the time of submitting a public charter school proposal, a written and signed declaration of intent that states:

If given any type of approval (conditional or unconditional), the public charter school applicant promises to provide to the school district liaison, at least sixty (60) days before the intended date to begin operation of the public charter school, proof that it will be able to secure, at least thirty (30) days before the intended date to begin operation of the public charter school, a suitable facility, occupancy and safety permits and insurance policies with minimum coverages required by the school district in school board policy and administrative regulation LBE that sets forth the requirements and process for the school board in reviewing, evaluating and approving a public charter school.

If the public charter school applicant fails to provide proof of an ability to secure a facility and all necessary occupancy and safety permits and insurance that is required by the school district as a condition of approval by the due date, it will withdraw its application to begin operation of a public charter school for the upcoming school year.

By signing this document, I affirm that I am authorized to make the promises stated above on behalf of the public charter school applicant. I understand that failure to fulfill the conditions listed above will result in an approval becoming void, and will automatically revoke any type of approval that the school board previously granted to the public charter school applicant.

Name _____ Date _____
 On behalf of the [ADD APPLICANT’S NAME]]

The public charter school applicant will organize and label all information required in section 27 to correspond to the requested numbers.

- (28) Each member of the proposed public charter school’s governing body must provide an acknowledgment of understanding of the standards of conduct and the liabilities of a director of a nonprofit organization in ORS 65.

3. Proposal Review Process

- a. The superintendent may appoint an advisory committee to review public charter school proposals and submit a recommendation to the Board. The committee will consist of district representatives, community members and others as deemed appropriate.
- b. Within 30 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal and identify the specific elements of the proposal that are not complete. The district shall provide the applicant with a reasonable opportunity to complete the proposal.
- c. Within 60 days after the receipt of a completed proposal that meets the requirements of law and the district, the Board shall hold a public hearing on the provisions of the public charter school proposal.
- d. The Board must evaluate a proposal in good faith using the following criteria:
 - (1) The demonstrated sustainable support for the proposal by teachers, parents, students and other community members, including comments received at the public hearing;
 - (2) The demonstrated financial stability of the proposed public charter school including the demonstrated ability of the school to have a sound financial management system that:
 - (a) Is in place at the time the school begins operating;
 - (b) Is compatible with the budget and accounting system of the sponsor of the school; and
 - (c) Complies with the requirements of the uniform budget and accounting system adopted by the State Board of Education under OAR 581-023-0035.
 - (3) The capability of the applicant in terms of support and planning to provide comprehensive instructional programs;
 - (4) The capability of the applicant in terms of support and planning to provide comprehensive instructional programs to students identified by the applicant as academically low achieving;
 - (5) The adequacy of the information provided as required in the proposal criteria;
 - (6) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the district.

A “directly identifiable, significant and adverse impact” is defined as an adverse loss or reduction in staff, student, program or funds that may reduce the quality of existing district educational programs. This may include, but not be limited to, the following current data as compared to similar data from preceding years:

- (a) Student enrollment;
- (b) Student teacher ratio;

- (c) Staffing with appropriately licensed or endorsed personnel;
 - (d) Student learning and performance;
 - (e) Specialty programs or activities such as music, physical education, foreign language, talented and gifted and English as a second language;
 - (f) Revenue;
 - (g) Expenditure for maintenance and upkeep of district facilities.
- (7) Whether there are arrangements for any necessary special education and related services;
 - (8) Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or be employed by the public charter school if the public charter school is converting an existing district school;
 - (9) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.
- e. The Board must either approve or deny the proposal within 30 days of the public hearing.
 - f. Written notice of the Board's action shall be sent to the applicant. If denied, the notice must include the reasons for the denial with suggested remedial measures. The applicant may then resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

4. Terms of the Charter Agreement

- a. Upon Board approval of the proposal, the Board will become the sponsor of the public charter school. The district and the applicant must develop a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- b. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the district.
- c. The district and the public charter school may amend a charter agreement through joint agreement.
- d. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the district. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes and rules not fully covered by law or the proposal that shall apply to the public charter school including, but not limited to, the following:
 - (1) Sexual harassment (ORS 342.700, 342.704);
 - (2) Pregnant and parenting students (ORS 336.640);
 - (3) ~~Special English classes for certain children~~ English language learners (ORS 336.079);
 - (4) Student conduct (ORS 339.250);
 - (5) Alcohol and drug abuse ~~program~~ policy and plan (ORS 336.222);
 - (6) Student records (ORS 326.565);
 - (7) Oregon Report Card (ORS 329.115);
 - (8) Recovery of costs associated with property damage (ORS 339.270);
 - (9) Use of school facilities (ORS 332.172);
 - (10) Employment status of public charter school employees:
 - (a) Public charter school law requires the following:

- (i) Employee assignment to a public charter school shall be voluntary;
 - (ii) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school;
 - (iii) If the Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
 - (iv) A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit may be separate from other bargaining units of the district;
 - (v) The public charter school governing body shall control the selection of employees at the public charter school;
 - (vi) The Board shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy; however, the length of leave of absence may not be less than two years unless:
 - 1) The charter of the public school is terminated, or the public charter school is dissolved or closed during the leave of absence; or
 - 2) The employee and the Board have mutually agreed to a different length of time.
 - (vii) An employee of a public charter school operating within the district who is granted a leave of absence and returns to employment with the district shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence.
- (b) The terms and conditions of employment addressed in the agreement may include, but not limited to, the following provisions:
- (i) A proposed plan for the placement of teachers and other school employees upon termination or nonrenewal of the charter;
 - (ii) Arrangements for employees who choose not to be employed or participate in the public charter school, if a district school has been converted to a public charter school;
 - (iii) Salary for professional staff or wages for classified staff;
 - (iv) Health benefits;
 - (v) Leaves, including timing, commencement and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
 - (vi) Work year;
 - (vii) Working hours;
 - (viii) Discipline and dismissal procedures;
 - (ix) Arrangements to secure substitutes;
 - (x) Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed;
 - (xi) Hiring practices;
 - (xii) Evaluation procedures.

- (11) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:
- (a) Public charter school law requires the following:
- (i) Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. An equitable lottery may incorporate a weighted lottery for historically underserved students. [All resident applicants will have their names written on a uniform-sized card to be placed in a covered container. Names will be drawn individually until all available slots are filled. If slots remain after resident applicants are placed, the remaining slots may be filled by nonresident applicants using an identical process. The drawing shall be made in the presence of at least two employees of the public charter school and two employees of the district.] If the public charter school has been in operation one or more years, priority enrollment may be given to those students who:
- 1) Were enrolled in the public charter school the prior year;
 - 2) Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year;
 - 3) Only when the public charter school is party to a cooperative agreement for the purpose of forming a partnership to provide educational services, reside in:
 - a) The public charter school's sponsoring district; or
 - b) A district which is a party to the cooperative agreement.
- (ii) A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, income level, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level and may implement a weighted lottery for historically underserved students. Historically underserved students are at risk because of any combination of two or more factors including their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, disability and geographic location.

(12) Transportation of students:

(a) Public charter school law requires the following:

- (i) The public charter school shall be responsible for providing transportation for its students and may negotiate with the district for the provision of transportation services;
- (ii) The district shall provide transportation for public charter school students pursuant to ORS 327.043. Resident public charter school students will be transported under the same conditions as students attending private or parochial schools located along or near established district bus routes. The district shall not be required to add or extend existing bus routes;
- (iii) Public charter school students who reside outside the district may use existing bus routes and transportation services of the district in which the public charter school is located;
- (iv) Any transportation costs incurred by the district shall be considered approved transportation costs.

(13) The plan for performance bonding or insuring the public charter school sufficient to protect the district. Documentation shall be submitted prior to agreement approval.

(a) Insurance²:

- (i) Commercial General Liability Insurance in an amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability for damages because of personal injury, bodily injury, death or damage to property including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability and teachers' liability;
- (ii) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
- (iii) Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing board, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of any automobile. The policy will include underinsured and uninsured motorist vehicle coverage at the limits equal to bodily injury limits;
- (iv) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits

² Insurance requirements for individual public charter schools may vary and should be reviewed by legal counsel and an insurance representative.

of \$100,000 each accident, \$100,000 disease each employee and \$500,000 each policy limit;

- (v) Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing board, but no less than \$25,000. Coverage shall include faithful performance and loss of moneys and securities;
- (vi) Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an “all risk of direct physical loss basis,” including earthquake and flood perils.

(b) Additional requirements:

- (i) The district shall be an additional insured on commercial general and automobile liability insurance. The policies shall provide for a 90-day written notice of cancellation or material change. A certificate evidencing all of the above insurance shall be furnished to the district;
- (ii) The public charter school shall also hold harmless and defend the district from any and all liability, injury, damages, fees or claims arising out of the operations of the public charter school operations or activities;
- (iii) The district shall be loss payee on the property insurance if the public charter school leases any real or personal district property;
- (iv) The coverage provided and the insurance carriers must be acceptable to the district.

e. If the district and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.

f. In addition to any other terms required to be in the charter agreement, a virtual public charter school must have in the charter of the school, a requirement that the school:

- (1) Monitor and track student progress and attendance; and
- (2) Provide student assessments in a manner that ensures that an individual student is being assessed and that the assessment is valid.

5. Public Charter School Operation

a. The public charter school shall operate at all times in accordance with the public charter school law, the terms of the approved proposal and the charter agreement.

b. Statutes and rules that apply to the district shall not apply to the public charter school except the following, as required by law, shall apply:

- (1) Federal law, including applicable provisions of the ESSA;
- (2) ORS 30.260 to 30.300 (tort claims);
- (3) ORS 192.410~~311~~ to 192.505~~478~~ (Public Records Law);
- (4) ORS 192.610 to 192.690 (Public Meetings Law);
- (5) ORS Chapters 279A, 279B and 279C (Public Contracting Code);
- (6) ORS 326.565, 326.575 and 326.580 (student records);
- (7) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (8) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
- (9) ORS 336.840 (use of personal electronic devices);

- (10) ORS 337.150 (textbooks);
- (11) ORS 339.119 (considerations for educational services);
- (12) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (13) ORS 342.856 (core teaching standards);
- (14) ORS 659.850, 659.855 ~~to~~ and 659.860 (discrimination);
- (15) ORS Chapter 657 (Employment Department Law);
- (16) Health and safety statutes and rules;
- (17) Any statute or rule listed in the charter;
- (18) The statewide assessment system developed by the Oregon Department of Education (ODE) for mathematics, science and English under ORS 329.485 (2);
- (19) ORS 329.045 (academic content standards and instruction);
- (20) ORS 329.496 (physical education);
- (21) Any statute or rule that establishes requirements for instructional time;
- (22) ORS 339.250 (~~129~~) (prohibition of infliction of corporal punishment);
- (23) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- (24) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of suspected abuse of a child and ~~suspected~~ sexual conduct, and training on prevention and identification of abuse and sexual conduct);
- (25) ORS 329.451 (diploma, modified diploma, extended diploma and alternative certificate standards);
- (26) Statutes and rules that expressly apply to public charter schools;
- (27) Statutes and rules that apply to special government body as defined in ORS 174.117, or public body as defined in ORS 174.109; and
- (28) ORS Chapter 338.

- c. The public charter school may employ as a teacher or administrator a person who is not licensed by the TSPC; however, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by the commission, pursuant to ORS ~~342.135~~, 342.136 or 342.138.
- d. A board member of the school district in which the public charter school is located may not serve as a voting member of the public charter school's board, yet may serve in an advisory capacity.
- e. The public charter school shall participate in the PERS.
- f. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
- g. The public charter school shall maintain an active enrollment of at least 25 students, unless the public charter school is providing educational services under a cooperative agreement entered into for the purpose of forming a partnership to provide educational services.
- h. The public charter school may sue or be sued as a separate legal entity.
- i. The public charter school may enter into contracts and may lease facilities and services from the district, education service district, state institution of higher education, other governmental unit or any person or legal entity.
- j. The public charter school may not levy taxes or issue bonds under which the public incurs liability.
- k. The public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
- l. The district shall offer a high school diploma, modified diploma, extended diploma, alternative certificate to any public charter school student located in the district who meets the district's

and state's standards for a high school diploma, modified diploma, extended diploma, alternative certificate.

- m. A high school diploma, modified diploma, extended diploma, alternative certificate issued by a public charter school shall grant to the holder the same rights and privileges as a high school diploma, modified diploma, extended diploma, alternative certificate issued by a nonchartered public school.
- n. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

6. Virtual Public Charter School Operation

- a. In addition to the other requirements for a public charter school, a virtual public charter school must have:
 - (1) A plan for academic achievement that addresses how the school will improve student learning and meet academic content standards required by ORS 329.045;
 - (2) Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation;
 - (3) A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school;
 - (4) A budget, business plan and governance plan for the operation of the school;
 - (5) An agreement that the school will operate using an interactive, Internet-based technology platform that monitors and tracks student progress and attendance in conjunction with performing other student assessment functions;
 - (6) A plan that ensures:
 - (a) All superintendents, assistant superintendents and principals of the schools are licensed by the TSPC to administrate; and
 - (b) Teachers who are licensed to teach by the TSPC, teach at least 95 percent of the school's instructional hours.
 - (7) A plan for maintaining student records and school records, including financial records, at a designated central office of operations;
 - (8) A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:
 - (a) Has access to and use of a computer and printer equipment as needed;
 - (b) Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or
 - (c) Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.

- (9) A plan to provide access to a computer and printer equipment and the Internet service cost reimbursement as described in (98) above by students enrolled in the school who are from families that qualify as low-income under Title I of the ESSA;
 - (10) A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students in the school who want to participate;
 - (11) A plan to conduct biweekly meetings between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology;
 - (12) A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year;
 - (13) A plan to provide written notice to both the sponsoring district and the district in which the student resides upon enrollment or withdrawal for a reason other than graduation from high school:
 - (a) If notice is provided due to enrollment, then the notice must include the student's name, age, address and school at which the student was formerly enrolled;
 - (b) If notice is provided due to withdrawal for a reason other than graduation from high school, then notice must include the student's name, age, address, reason for withdrawal (if applicable) and the name of the school in which the student intends to enroll (if known).
 - (14) An agreement to provide a student's education records to the student's resident school district or to the sponsor upon request of the resident school district or sponsor.
- b. The sponsor of a virtual public charter school or a member of the public may request access to any of the documents described in a. above.
 - c. If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school.
 - d. The following limitations apply:
 - (1) School board members of the virtual public charter school's sponsoring district may not be:
 - (a) An employee of the virtual public charter school;
 - (b) A member of the governing body of the virtual public charter school;
 - (c) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.
 - (2) Members of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school intends to enter or has entered into a contract to provide educational services;
 - (3) If a third-party entity contracts with a virtual public charter school to provide educational services to the school, then:
 - (a) No third-party entity's employee or governing board member may attend an executive session of the sponsoring district's school board;
 - (b) No virtual public charter school employee may promote the sale or benefits of private supplemental services or classes offered by the third-party entity;

- (c) The educational services must be consistent with state standards and requirements;
- (d) The virtual public charter school must have on file the third-party entity's budget for the provision of educational services, including itemization of:
 - (i) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a virtual public charter school in this state; and
 - (ii) The annual operating expenses and profit margin of the third-party entity for providing educational services to a virtual public charter school in this state.

7. Charter Agreement Review

- a. The public charter school shall report at least annually on the performance of the school and its students to the State Board of Education and the district.
- b. The Board or designee shall visit the public charter school at least annually to assure compliance with the terms and provisions of the charter.
- c. The public charter school shall be audited annually in accordance with the Municipal Audit Law. After the audit, the public charter school shall forward a copy of the audit to ODE and the following to the sponsoring district:
 - (1) A copy of the annual audit;
 - (2) Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the charter school during the preceding annual audit period for the school; and
 - (3) Any balance sheet containing a summary of the assets and liabilities of the public charter school and related operating budget documents as of the closing date of the preceding annual audit period for the school.
- d. The sponsoring district may request at any time an acknowledgment from each member of the public charter school governing body that the member understands the standards of conduct and liabilities of a director of a nonprofit organization.
- e. The public charter school shall submit to the Board quarterly financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

8. Charter School Renewal

- a. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five years but may not exceed 10 years.
- b. The Board and the public charter school shall follow the timeline listed below, unless a different timeline has been agreed upon by the Board and the public charter school:
 - (1) The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter;
 - (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request;
 - (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal;

- (4) If the Board approves the charter renewal, the Board and the public charter school shall negotiate a new charter within 90 days unless the Board and the public charter school agree to an extension of the time period. Notwithstanding the time period specified in the charter, an expiring charter shall remain in effect until a new charter is negotiated;
- (5) If the Board does not renew the charter, the public charter school may address the reasons stated for denial of the renewal and any remedial measures suggested by the Board and submit a revised request for renewal to the Board;
- (6) If the Board does not renew the charter based on the revised request for renewal or the parties do not negotiate a charter contract within the timeline established in this policy, the public charter school may appeal the Board’s decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter renewal.
 - (a) If the State Board of Education finds that the Board used the appropriate process in denying the request for renewal, it shall affirm the decision of the Board. A public charter may seek judicial review of this order.
 - (b) If the State Board of Education finds that the Board did not use the appropriate process in denying the request for renewal, it shall order the Board to reconsider the request for renewal. If after reconsideration the Board does not renew the charter, the public charter school may seek judicial review of the Board’s decision.
- (7) The Board shall base the charter renewal decision on a good faith evaluation of whether the public charter school:
 - (a) Is in compliance with all applicable state and federal laws;
 - (b) Is in compliance with the charter of the public charter school;
 - (c) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the Board and the public charter school;
 - (d) Is fiscally stable and used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter agreement; and
 - (e) Is in compliance with any renewal criteria specified in the charter of the public charter school.
- (8) The Board shall base the renewal evaluation described above primarily on a review of the public charter school’s annual performance reports, annual audit of accounts and annual site visit and review and any other information mutually agreed upon by the public charter school and the Board;
- (9) For purposes of this section, the phrase “good faith evaluation” means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

9. Charter School Termination

- a. The public charter school may be terminated by the Board for any of the following reasons:
 - (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education;

- (2) Failure to meet the requirements for student performance as outlined in the charter agreement;
 - (3) Failure to correct a violation of federal or state law;
 - (4) Failure to maintain insurance;
 - (5) Failure to maintain financial stability;
 - (6) Failure to maintain, for two or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065;
 - (7) Failure to maintain the health and safety of the students.
- b. If a public charter school is terminated by the Board for any reason listed in sections a. (1) through a. (7) **above**, the following shall occur:
- (1) The district shall give the public charter school a 60-day written notification of its decision;
 - (2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow the process as per ORS 338.105;
 - (3) The district shall state the grounds for termination and deliver notification to the business office of the public charter school;
 - (4) The public charter school may request a hearing by the district. The request must be made in writing and delivered to the business address of the sponsor;
 - (5) Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the proposed termination;
 - (6) The public charter school may appeal the decision to terminate to the State Board of Education;
 - (7) If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
 - (8) If the State Board's final order upholds the decision to terminate and at least 60 days have passed since the notice of intent to terminate was received by the public charter school, the district's sponsorship of the public charter school will terminate;
 - (9) The final order of the State Board may be appealed under the provision of ORS 183.484;
 - (10) Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
 - (11) If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- c. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in section a. (7) **above**, the following shall occur:
- (1) If the district reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the district may act to immediately terminate the approved charter and close the public charter school without providing the notice required in section b. (1) **above**;
 - (2) A public charter school closed due to health or safety concerns may request a hearing by the sponsor. Such a request must be made in writing and delivered to the business address of the district;

- (3) Within 10 days of receiving the request for a hearing, the district must provide the public charter school with the opportunity for a hearing on the termination;
 - (4) If the district acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;
 - (5) The State Board will hold a hearing on the appeal within 10 days of receiving the request;
 - (6) The public charter school will remain closed during the appeal process unless the State Board orders the district not to terminate and to re-open the public charter school; and
 - (7) The final order of the State Board may be appealed under the provisions of ORS 183.484.
- d. If the public charter school is terminated, closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice to the district, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the business address of the sponsor.

Assets of a terminated, closed or dissolved public charter school that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

10. District Immunity

The district, members of the Board and employees of the district are immune from civil liability with respect to the public charter school's activities.

Agenda Item 10

*Consent Agenda
Policies – Second Reading*

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: Complaints may be oral or in writing and must be filed with the administrator. The administrator shall determine the action to be taken, if any, and reply, in writing, to the complainant within five school days of receipt of the complaint.
- Any staff member that receives a written or oral complaint shall report the complaint to the administrator.
- Step 2: If the complainant wishes to appeal the decision of the administrator he/she 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 may review the administrator's decision and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the administrator's decision and respond in writing to the complainant within ten school days.
- Step 3: If the complainant is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five school days of receipt of the superintendent's or designee's response to Step 2. The Board may decide to hear or deny the request for appeal. 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 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.

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

Timelines may be extended based upon mutual consent of both parties.

If the complainant is a person who resides in the district, is a parent or guardian of student who attends school in the district or is a student, and is not satisfied after exhausting local complaint procedures or after

90 days, whichever occurs first, he/she may appeal in writing to the Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-021-0049.

Charter Schools of which the District Board is a Sponsor

[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination). A complainant may appeal will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. 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.]

OR

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [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.]

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint Date School or Activity

Student/Parent Employee Nonemployee (Job applicant) Other _____

- Type of discrimination: Race Color Religion
 Sex National Origin Disability
 Marital Status Age Sexual Orientation
 Other _____

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of informal 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 administrator. Direct complaints related to educational programs and services may be made to the US 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.

Complaints

The Board takes the concerns of the public seriously. The Board is committed to providing a fair and effective complaint process in order to seek resolution whenever possible, continuously improve the district's performance, and provide open channels of communication. This policy and the accompanying regulation establish the process for addressing complaints.

Steps for complaint resolution

Whenever possible, the Board supports resolution of complaints with the person most directly involved in the concern. The Board also recognizes that sometimes complaints cannot be satisfactorily resolved at this level, and may require the involvement of supervisors, administrators, and, on occasion, the Board itself.

The steps for resolving complaints are as follows:

1. Complainant should seek to resolve the concern with the teacher or employee directly involved in the situation.
2. If the complaint is not resolved at Step 1, the complainant may appeal to the principal or supervisor of the staff person involved in the situation.
3. If the complaint is not resolved at Step 2, the complainant may appeal to the superintendent or the superintendent's designee. In general, the decision of the superintendent shall be final.
4. If the complainant is not satisfied with the decision of the superintendent or designee, the complainant may file an appeal to the Board. The Board will consider appeals pursuant to the process described in KL-AR.

A complaint against a principal shall start at Step 3 and be filed with the superintendent.

A complaint against the superintendent shall start at Step 4 and be filed with the Board chair.

A complaint against a Board member shall start at Step 4 and be filed with the Board chair on behalf of the Board. A complaint against the Board chair shall start shall be filed with the Board vice chair on behalf of the Board.

Specific timelines and requirements for each step are set out in KL-AR, Complaint Process.

Persons eligible to file complaints

Complaints may be filed by a person who resides in the district, any parent or guardian of a student who attends school in the district, or a student.

Timeline for filing complaints

A complainant must file a complaint within the later of either time limit set below, in accordance with state law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

Additional provisions

The superintendent will administer the complaint process set forth in KL-AR Complaint Procedure, unless the complaint is against a Board member, in which case the procedure described in KL-AR shall be administered by the Board. All complainants must follow the complaint procedure in KL and KL-AR.

If there are concerns about conflicts of interest in the investigation or decision-making process of addressing complaints, those concerns should be brought to the attention of the superintendent, the superintendent's designee, and/or the Board chair for evaluation and resolution. The superintendent or Board chair may determine that it is appropriate to engage a third party to assist regarding the conflict of interest.

If a complaint is made directly to the Board or to an individual Board member, the complainant will be referred to the process above. A Board member shall not attempt to consider such complaints in any official capacity acting as an individual Board member.

Retaliation against any person who files a complaint or participates in the complaint process is strictly forbidden. Concerns about retaliation should be brought promptly to the attention of the appropriate party as outlined in KL-AR Complaint Procedure.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, if [a student,] a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal¹ the district's final decision to the ~~Deputy Superintendent of Public Instruction~~ Oregon Department of Education under OARs 581-002-0001 - 581-002-0023 [(See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction)].

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

Charter Schools of which the District Board is a Sponsor

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this policy], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards). A complainant may appeal and will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by the district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]

OR

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this policy], 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 ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), 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.]

END OF POLICY

Legal Reference(s):

ORS 326.051
ORS 192.610-690
OAR 581-022-2370

Complaint Procedure

This regulation sets out the complaint procedure.

Process and timelines

The involved staff: Step One

A person who wishes to express a concern should discuss the matter with the employee involved. The employee shall respond within five working days. This step is considered informal complaint resolution.

The Administrator: Step Two

If the complainant is unable to resolve a problem or concern with the employee involved, the complainant may file a written, signed complaint with the administrator or supervisor of the involved employee. A written complaint commences the formal complaint process. The administrator or supervisor shall evaluate the complaint and provide a written response within ten working days after receiving the complaint.

The Superintendent: Step Three

If the complainant is not satisfied with the Step 2 result and wishes to pursue the concern, the complainant shall file a signed, written complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy within 10 working days after receipt of the written response of the administrator or supervisor. A Step 3 complaint must be filed on the form attached to this policy. Copies of the form are also available at the district offices.

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, and prepare a written report. The report shall address each of the allegations in the complaint and include the superintendent or designee's decisions and reasons for the decisions. The report shall be provided to the complainant within 20 working days after receiving the written complaint.

The Board: Step Four

The role of the Board is to address policy-level issues. Complaints that address the operations of the school district generally should be resolved by the superintendent and his/her staff. However, if a complainant is not satisfied with the Step 3 decision and wishes to pursue the concern, the complainant may appeal the decision to the Board within five working days of receiving the superintendent's decision.

All Board members will be notified of the appeal to the Board. The Board chair will determine whether the Board will hear the appeal, and will notify the Board members and complainant of his/her decision. However, if a member of the Board disagrees with the Chair's decision, the Board member can refer the decision to a vote of the full Board. In that case, the full Board will vote on whether to consider the complaint.

If the Board chooses not to hear the complaint, the superintendent's decision is final.

If the Board decides to hear an appeal, the Board shall review the complaint during a properly-noticed Board meeting. The Board at its discretion may assign the investigation to a third party. The determination to assign the investigation to a third party shall be made by the Board Chair. However, if a member of the Board disagrees with the Chair's decision, the Board member can refer the decision to a vote of the full Board. The Board may also, in its discretion, offer the complainant and other involved parties an opportunity to appear before the Board, or may resolve the complaint based on the written record. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law.

The complainant shall be informed in writing of the Board's decision within 10 working days. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision. The Board's decision will be final.

The timelines described in this section may be extended upon written agreement by the complainant and the district.

The complaint procedure set out above will not be longer than 90 working days from the filing date of the Step 2 complaint with the administrator or supervisor to the final decision, unless extended by mutual written agreement.

The district's final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant, who is a [student,] parent or guardian of a student attending school in the district or a person that resides in the district, and this complaint is not resolved through the complaint process, the complainant may appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon OARs 581-002-0001 – 581-002-0023.

Complaints against the Superintendent

Complaints against the superintendent shall be filed with the Board chair. The Board chair shall present the complaint to the Board. The Board at its discretion may assign the investigation to a third party. The determination to assign the investigation to a third party shall be made by the Board Chair. However, if a member of the Board disagrees with the Chair's decision, the Board member can refer the decision to a vote of the full Board. At the next regularly noticed meeting following receipt of the investigation report,

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

the Board will consider the complaint and determine what, if any, action is warranted. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law.

Complaints against a Board member

When a complaint is against a Board member, the Board at its discretion may assign the investigation to a third party. The determination to assign the investigation to a third party shall be made by the Board Chair, unless the complaint is against the Board Chair, in which case the determination shall be made by the Board Vice-Chair. However, if a member of the Board disagrees with the Chair's or Vice Chair's decision, the Board member can refer the decision to a vote of the full Board. The Board will consider the complaint during a properly-noticed meeting and determine what, if any, action is warranted. The Board member against who the complaint is filed shall not participate in any vote related to the complaint.

Notice of opportunity to appeal to Deputy Superintendent of Instruction

As indicated above, the final decision of the district must address each allegation in the complaint and contain reasons for the district's decision. In addition, complainants should be notified that they may have the right to appeal to the Deputy Superintendent of Public Instruction pursuant Oregon Administrative Rule (OAR) 581-002-0040 or OAR 581-021-0049 for complaints that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), ORS 659.852 (Retaliation) or ORS 659.850 (Discrimination).

Additional provisions

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution. The timelines outlined in this procedure will be tolled during the mediation or alternative dispute resolution.

Complaints involving district staff will be processed in accordance with Human Resources procedures. Additionally, complaints regarding licensed or classified staff will be processed in accordance with applicable collective bargaining agreements. Complainants should be aware that the collective bargaining agreements and other considerations place limits on the processing of anonymous complaints. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session. Complainants should be aware that employees are entitled to certain confidentiality rights under state and federal law, as well as applicable collective bargaining agreements. Taking into account these confidentiality protections, complainants will be notified of the outcome of complaints against employees to the extent permitted by law and applicable collective bargaining agreements.

Retaliation against any person who files a complaint or participates in the complaint process is strictly forbidden. Concerns about retaliation should be brought promptly to the attention of a principal or the superintendent.

To ensure access to the complaint process, complainants shall be provided with interpretation or translation services upon request.

This complaint procedure will be available at the district's administrative office and on the home page of the district's website.

[[²Charter Schools of which the District Board is a Sponsor

The appeal of a complaint from a public charter school to be reviewed by the district Board will be presented by the Board chair and reviewed by the Board at a Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board will review the appeal and make a decision about appropriate action, which may include, but is not limited to, holding a hearing, requesting information, and recognizing the decision reached by the public charter school board. A decision will be reached, within [20] days, in open session, unless allowed in executive session. A final written decision regarding the appeal shall be issued by the district Board within [10] days. The written decision of the district Board will address each allegation in the complaint and include reasons for the district Board's decision.]

[² If the district Board elects to hear appeals on public charter school complaints for which the district Board has jurisdiction, as decided by statements in the charter agreement, Board policy, or a board resolution, this language is recommended for this administrative regulation to delineate the process.]

Lebanon Community School District

COMPLAINT FORM

TO: District Office _____ (Name of School)

Person Making Complaint _____

Telephone Number _____ Date _____

Nature of Complaint _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

Signature of Complainant: _____ Date: _____

Office Use: Disposition of Complaint: _____ _____ Signature: _____ Date: _____
--

c: District Office

OSBA Model Sample Policy

Code: KL-AR(2)

Revised/Reviewed:

Appeal to the Deputy Superintendent of Public Instruction

~~For complaints that allege violation of Oregon Division 22 Standards, restraint and seclusion or retaliation as defined in Oregon Revised State (ORS) 659.852,~~ An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023¹ for complaints that allege violation of OAR Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 – 339.303 or OAR 581-021-0550 – 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation).

~~The complainant may have appeal rights for a~~ the district's final decision for a complaint ~~with~~ to the Deputy Superintendent of Public Instruction; ~~if:~~

- ~~if~~ The complainant has exhausted the ~~local~~ district's complaint procedures ~~and one of the following occurred:~~ except as otherwise allowed by statute;
- The district failed to render a written decision within 30 days of the submission of the complaint at ~~each~~ any step ~~identified in the district's complaint process~~ unless the district and complainant have agreed in writing to a longer time period for that step; or
- The district failed to resolve the complaint within 90 days of the initial filing of the ~~written~~ complaint ~~with the district~~, regardless of the number of steps in the district complaint process, unless the district and the complainant have agreed in writing to a longer time period.

The appeal may include a complaint alleging a violation of ORS 659.852 if the complainant alleges that retaliation occurred in response to a complaint for which the complainant received the district's final decision for a complaint.

The appeal must be received by ~~the Oregon Department of Education (ODE)~~ no later than:

- ~~One~~ One year after the date of the final decision ~~of~~ by the district; or
- ~~if~~ if the district fails to ~~issue a final decision~~ resolve the complaint, no later than two years after the date ~~on which~~ the complainant first filed the ~~underlying~~ complaint with the district.

~~The~~ The complaint upon which the appeal is based, must have ~~been initially~~ filed with the district by the later of the ~~either stated below~~ following two dates:

- ~~a. Filed the complaint within~~ The date occurring two years after ~~the date on which~~ the alleged violation or unlawful incident occurred or ~~after~~ on which the complainant discovered the alleged

¹ The following is not a representation of the complete rules. See complete rules available on the Oregon Administrative Rules.

violation or unlawful incident². ~~If the alleged violation or unlawful incident is of a continuing nature, the right to file an appeal exists so long as the complaint was filed within two years of the most recent incident;~~ or

- ~~b.~~ The date occurring ~~One~~ year after the date on which the affected student ~~has~~ graduated from, moved away from or otherwise left the district.

~~2.~~ The appeal shall:

- ~~b.~~ Be in writing;
- Be submitted in person, by mail, ~~in person~~ or electronically, ~~and~~.

The appeal must contain:

- ~~a.~~ The name ~~and address~~ of the person ~~bringing~~ filing the appeal;
- The phone number, address, or email address, if available, of the person filing the appeal;
- The name of the student if the person filing the appeal is filing on behalf of the student;

~~b. The name and address of the district which is alleged to have violated the statute or administrative rule; and~~

- ~~e.~~ A statement of the facts on which the appeal is based; ~~and~~
- Other information requested by ODE.

~~3.~~ Upon receipt of ~~the an~~ appeal, ~~the Deputy Superintendent~~ ODE will determine whether the appeal ~~alleges a violation of a statute or administrative rule for which the Deputy Superintendent has jurisdiction and whether the requirements contained in section 2. of OAR 581-002-0040 have been satisfied~~ the requirements of OAR 581-002-0003 and OAR 581-002-0005.

After these determinations, ~~the Deputy Superintendent~~ ODE will ~~either, not accept the appeal and will notify the complainant and the district, or will accept the appeal and notify the complainant and the district that the appeal has been accepted~~ give written notice to the complainant and the district whether the appeal has been accepted.

~~4.~~ If ~~the Deputy Superintendent~~ ODE has accepted an appeal and ~~made notification~~ gave notice to the complainant and the district involved ~~as described in OAR 581-002-0040~~, the district shall submit a written ~~report~~ response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice, ~~which~~

The district's written response shall include:

- ~~a.~~ A statement of facts;

² If the alleged violation or unlawful incident is of a continuing nature, the date on which the alleged violation or unlawful incident occurred is the most recent date on which the alleged violation or unlawful incident occurred.

2. ~~b.~~ A ~~statement~~ description of district action, ~~if any,~~ taken in response to the complaint; ~~or~~ if none was taken, an explanation of the reason(s) why no action was taken;
3. ~~e.~~ Any stipulation, ~~if one was~~ reached, ~~of the~~ concerning settlement of the complaint; and
4. ~~d.~~ A list of any complaints filed with another agency by the ~~party~~ complainant concerning the subject of the appeal to the extent that the district is aware of such complaints.

~~5.~~ The ~~Deputy Superintendent~~ Director of ODE may for good cause extend the time ~~for the filing of a report by the district~~ by which a district must make a submission described above.

~~6.~~ Upon receipt of the district's ~~report~~ written response, the ~~Deputy Superintendent~~ ODE will conduct an investigation ~~that will include a review of the written materials submitted by the complainant and district and may also include, but not be limited to:~~ to determine whether the district violated a rule or law described in OAR 581-002-0003.

- a. — Onsite investigations;
- b. — Interviews;
- c. — Surveys; and
- d. — Reviewing documents.

~~7.~~ The ~~Deputy Superintendent~~ ODE will ~~shall~~ issue a ~~written~~ final order ~~that addresses each allegation in the complaint that was accepted for appeal and contains the reasons for the Deputy Superintendent's decision on whether or not the district is deficient. The final order will be issued within 90 days of the date the Deputy Superintendent receives the district's report,³ or the Deputy Superintendent may extend the time period for issuing a final order pursuant to OAR 581-002-0040(7)(b),(c)~~ pursuant to OAR 581-002-0017.

~~8.~~ If a violation is found, the ~~Deputy Superintendent's~~ final order will include any necessary corrective action to be taken by the district as well as any documentation to be supplied by the district to ensure that the corrective action has occurred.

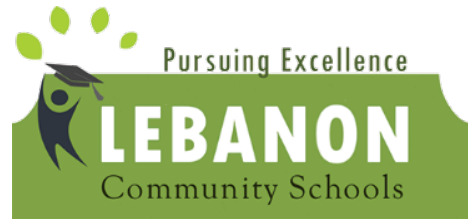
~~9.~~ Corrective action ordered by the ~~Deputy Superintendent~~ must be completed within the timelines established in the final order.

³ If the 90 day period for issuing the final order would conclude during the time when the schools of the district are closed for the summer, the final order will be issued within 90 days of the date the Deputy Superintendent received the district's report exclusive of the time the schools are closed for the summer. The Deputy Superintendent of Public Instruction may extend the time period with agreement from the complainant. The Deputy Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and the district within two weeks of receiving the district's report.

Agenda Item 13

Financial Reports

BOARD MEMORANDUM



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

From: William H. Lewis III, Business Director

Date: February 06, 2020

Meeting Date: February 13, 2020

Re: Financial Report

Financial Report

The 2019-2020 Financial Board Report included in this packet reflects all revenues and expenditures for 2015-2018, and the budgeted YTD expenditures, plus encumbered amounts for 2019-2020 as of 02/05/20.

The 2018-19 Audit information will be presented at the March board meeting. The districts lead auditor had a previously arranged meeting with another school district during our meeting time in February.

On January 17, 2020 the district received written notification from Accuity, LLC of its intent to cancel the audit services contract with the Lebanon Community School District. Please see the Board Resolution for the district's recommendation of approval for our 2019-20 auditors.

We will have a presentation regarding School Construction Excise Tax options. We would like the school board's consensus to move forward with the CET.

Attachment

2019-2020 General Fund Summary Report

	15/16 Actual	16/17 Actual	17/18 Actual	18/19 Budget	19/20 Budget	2-05-20 YTD & Enc	2-05-20 Balance
General Fund - Revenue							
SSF Formula	36,036,233	37,131,855	40,190,370	39,633,000	42,592,940	30,808,606	11,784,334
SSF Adjustment	(254,069)	390,697	280,233	-	-	-	-
Interest	91,245	156,492	267,981	100,000	300,000	146,076	153,924
Third Party Billing	45,178	102,447	72,379	80,000	-	-	-
TMR	149,514	208,252	210,894	175,000	150,000	106,187	43,813
JROTC	66,034	73,726	69,777	65,000	65,000	41,966	23,034
Other	297,128	299,398	360,539	420,000	490,000	81,824	408,176
Interfund Transfer	60,000	60,000	82,657	70,000	850,000	-	850,000
BFB	3,932,387	3,024,733	3,310,041	5,075,000	2,280,000	2,126,603	153,397
Total	40,423,650	41,447,600	44,844,870	45,618,000	46,727,940	33,311,262	13,416,678
	=====	=====	=====	=====	=====	=====	=====
General Fund - Expenses							
Salaries	17,884,343	18,826,313	19,506,444	21,146,522	21,896,193	20,937,092	959,101
Benefits	10,645,144	10,952,659	12,144,929	13,883,105	14,481,355	13,876,884	604,471
P. Services	5,027,111	4,332,849	4,321,151	4,804,971	5,356,244	3,104,853	2,251,391
Supplies	1,380,753	1,337,164	1,742,328	1,670,267	1,566,513	735,753	830,760
Capital Outlay	20,047	65,034	195,888	54,500	54,500	45,355	9,145
Other Objects	286,294	442,882	335,817	437,635	438,135	332,958	105,177
Transfers	2,155,225	2,180,656	1,335,000	2,621,000	1,185,000	-	1,185,000
Contingency	-	-	-	1,000,000	1,750,000	-	1,750,000
Total	37,398,917	38,137,559	39,581,557	45,618,000	46,727,940	39,032,895	7,695,045
	=====	=====	=====	=====	=====	=====	=====

2019-2020 General Fund Expenditure Report

Obj	Description	15/16 Actual	16/17 Actual	17/18 Actual	18/19 Project	19/20 Budget	2-05-20 YTD	2-05-20 Encumb	2-05-20 Balance
111	Certified salaries	9,311,147	10,161,648	10,831,007	12,299,845	12,665,056	5,189,392	7,052,042	423,622
112	Classified salaries	4,164,521	4,545,055	4,757,666	5,617,686	6,227,931	2,731,133	3,014,775	482,023
113	Administrative salaries	1,464,907	1,648,330	1,614,127	1,782,092	1,873,807	1,098,225	783,871	(8,289)
114	Managerial - classified	94,714	178,755	187,797	249,120	154,577	144,545	117,106	(107,074)
116	Retirement stipends	76,123	51,134	35,621	19,904	91,904	34,462	45,187	12,255
119	Confidential salaries	125,785	84,504	131,698	159,789	162,808	155,437	118,410	(111,039)
121	Certified subs	373,350	432,293	446,157	43,660	2,000	-	-	2,000
122	Classified subs	148,818	155,004	150,074	42,523	1,500	39,162	-	(37,662)
123	Temp certified	62,030	73,949	133,971	162,287	82,264	250	-	82,014
124	Temp classified	982	-	-	23,111	8,000	51,460	-	(43,460)
127	Student helpers salaries	11,768	7,895	6,544	4,413	21,000	7,654	-	13,346
132	Compensation time	23,861	25,767	37,764	77,738	52,300	37,157	-	15,143
133	Extra duty	254,381	324,897	286,017	350,933	279,579	167,615	8,697	103,267
134	Classified extra hrs	142,975	185,048	192,566	200,393	208,000	-	-	208,000
135	Vacation Payoff	4,377	6,938	12,246	14,017	29,817	81	-	29,736
136	Mentor teacher pay	990	609	-	-	-	-	-	-
137	Personal Leave Payout	75	-	-	-	-	(150)	300	(150)
138	Department Head Extra Duty	2,159	1,613	1,556	788	6,000	3,500	2,500	-
142	Taxable Meal Reimbursement	436	903	1,503	2,073	-	823	-	(823)
143	Cell Phone Stipend					-	630	450	(1,080)
145	Travel Stipend					-	6,650	4,750	(11,400)
150	Club Advisor				34,950	29,650	59,830	61,123	(91,303)
	Total Salaries	16,263,399	17,884,343	18,826,313	21,136,091	21,896,193	9,727,881	11,209,211	959,101
210	PERS	3,976,407	4,187,401	4,442,519	5,780,868	7,398,130	3,139,266	3,605,784	653,080
220	Social Security	1,207,537	1,328,140	1,385,595	1,550,125	1,655,388	709,524	808,872	136,992
231	Worker's Comp	136,822	173,370	196,943	238,867	293,025	90,519	87,586	114,920
241	Employee Ins - Admin	177,948	212,862	208,912	239,427	215,642	148,115	107,066	(39,539)
242	Employee Ins - Certified	2,307,416	2,328,554	2,370,817	2,831,052	2,449,421	1,117,019	1,516,570	(184,168)
243	Employee Ins - Classified	1,874,827	2,137,321	2,102,847	2,408,513	2,327,520	1,076,135	1,270,730	(19,345)
244	Employee Ins - Other	20,700	7,731	27,124	36,487	33,429	34,462	27,020	(28,053)
245	Employee Ins - Retired	276,090	228,774	195,821	122,925	83,600	39,940	0	43,660
247	TSA	42,912	40,991	22,082	24,336	25,200	26,600	19,000	(20,400)
	Total Benefits	10,020,660	10,645,144	10,952,659	13,232,600	14,481,355	6,434,256	7,442,628	604,471
311	Instructional Services	152,856	157,581	110,051	121,558	103,800	31,339	118	72,343
312	Instr Prog Improve Service	43,468	36,748	39,424	33,042	53,000	22,196	-	30,804
319	Other Instr-Prof-Tech SVCS	21,870	9,745	23,110	11,205	20,000	0	0	20,000
322	Repairs & Maintenance	163,270	168,482	173,295	254,579	190,300	129,257.00	17,760.00	43,283

2019-2020 General Fund Expenditure Report

323	Radio Service	-	7,767	38,310	12,455	11,100	2,442	252	8,406
324	Rentals	135,308	104,777	102,560	121,067	129,400	27,421	12,366	89,613
325	Electricity	467,896	473,758	466,093	453,206	502,620	232,296	202,976	67,348
326	Fuel	177,759	187,899	223,740	181,534	223,135	52,483	67,742	102,910
327	Water & Sewer	139,255	121,239	150,725	138,029	153,520	80,011	-	73,509
328	Garbage	86,324	96,811	95,095	112,864	102,400	34,852	-	67,548
329	Other Property Services	13,001	19,246	34,726	10,550	20,000	105	-	19,895
330	Reimb. Student Transportation	6,950	-	1,589	(64,563)	10,200	15,320	-	(5,120)
340	Travel	114,592	140,225	178,985	149,454	164,930	21,828	2,903	140,199
343	Travel - Student - Out of Dist.	-	-	2,916	1,140	5,300	68	-	5,232
346	Meals/Transportation	104	48	99	153	200			200
348	Staff Tuition	49,577	44,768	71,830	92,746	47,000	18,987.00	1,479.00	26,534
351	Telephone	82,642	70,529	39,486	44,987	73,165	25,827.00	15,740.00	31,598
353	Postage	23,607	21,909	14,712	24,224	26,074	8,764.00	0	17,310
354	Advertising	4,416	3,551	1,087	2,761	4,300	425	0	3,875
355	Printing & Binding	68,861	48,223	51,996	13,712	29,400	5,548.00	300.00	23,552
360	Charter School Payments	2,064,403	1,961,788	1,866,943	2,159,564	2,195,000	-	-	2,195,000
371	Tuitions Payments to Other Dist.	40,570	29,701	29,536	-	-	0	0	-
373	Tuition Pay Private School	-	-	-	-	5,000			5,000
374	Other Tuition	605,954	625,503	162,192	240,090	92,500			92,500
381	Audit Services	27,650	25,150	27,700	29,150	30,000	22,230	-	7,770
382	Legal Services	2,028	5,288	11,261	33,971	35,000	10,067.00	94	24,839
384	Negotiation Services	5,934	13,784	8,590	-	10,000	-	-	10,000
386	Data Processing SVCS	59,787	76,794	75,380	65,278	89,600	21,335.00	0	68,265
388	Election Services	4,565	-	1,573	4,623	5,000	0	0	5,000
389	Other Non_instr Pro/Tech	515,889	539,114	292,488	451,897	363,700	149,034.00	7,591.00	207,075
391	Physical Exams - Drivers	2,380	3,168	4,193	4,072	4,400	2,140.00	2,310.00	(50)
392	Drug Tests Drivers	1,110	635	1,255	1,670	3,000	745	1,255.00	1,000
393	Child Care Services	22,000	22,000	22,000	-	15,000	-	-	15,000
394	Sub calling service	5,559	7,489	6,464	14,113	15,000	8,730	-	6,270
396	Criminal History checks	2,546	2,928	3,179	4,066	3,200	2,396	-	804
398	Fingerprinting	639	462	266	38	1,000	1,475.00	0.00	(475)
	Total P. Services	5,112,768	5,027,111	4,332,849	5,448,375	5,356,244	2,771,967	332,886	2,251,391
406	Gas Oil & Lubricants	152,805	103,868	115,426	190,500	190,500	76,733	93,634	20,133
410	Supplies & Materials	457,671	419,096	486,014	452,860	648,024	216,543	14,686	416,795
413	Vehicle repair parts	50,201	48,980	44,746	27,649	52,800	25,676.00	21,303.00	5,821
414	Transportation operations	5,674	6,060	8,776	30,655	15,000	18,551.00	3,642.00	(7,193)
420	Textbooks	240,685	131,379	83,687	68,642	24,700	3,203.00	1,061.00	20,436
430	Library Books	9,934	8,588	5,880	5,914	15,694	994	-	14,700
440	Periodicals	6,012	1,937	5,354	6,511	6,000	9,294	-	(3,294)
460	Equipment under 5K	125,632	212,514	184,119	162,389	178,842	68,320	13	110,509
470	Computer software	173,513	195,888	181,289	184,472	264,360	138,572.00	0	125,788

2019-2020 General Fund Expenditure Report

480	Computer hardware	255,516	252,444	221,873	146,797	170,593	42,488.00	1,040.00	127,065
	Total Supplies & Materials	1,477,643	1,380,753	1,337,164	1,276,389	1,566,513	600,374	135,379	830,760
520	Buildings Acquisition					-	5,496.00	0	(5,496)
540	Equipment	6,779	20,047	65,034	39,805	54,500	29,859	-	24,641
564	Bus Replacement		-		258	-	-	-	-
	Total Capital Outlay	6,779	20,047	65,034	47,641	54,500	45,355	0	9,145
621	Regular Interest	-	-	-	-	500	0	0	500
640	Dues & Fees	92,488	67,655	178,632	101,706	171,847	66,979.37	1,243.80	103,624
650	Insurance & Judgments	216,456	218,639	230,250	245,279	265,588	262,015.23	0	3,573
659	Settlements	-	-	34,000		-	-	-	-
670	Taxes & Licenses	49	-	-	-	200	220.00	0	(20)
	Total Other Objects	308,993	286,294	442,882	346,985	438,135	331,715	1,244	105,177
707	Transfer - Vocational House Fund		-	-	40,000	-	-	-	-
710	Transfer - Technology	175,000	200,000	225,000	100,000	-	-	-	-
711	Transfer - Classroom Furniture	50,000	50,000	25,000	50,000	-	-	-	-
712	Transfer - Textbook Adoption	350,000	350,000	300,000	400,000	400,000	-	-	400,000
713	Transfer - Capital Improvement	225,000	250,000	250,000	400,000	-	-	-	-
714	Transfer - Track and Turf Fund	110,000	110,000	10,000	85,000	10,000	-	-	10,000
715	Transfer - Athletic Fund	365,000	365,000	405,000	446,000	450,000	-	-	450,000
716	Transfer - Bus Replacement	250,000	250,000	250,000	300,000	150,000	-	-	150,000
717	Transfer - Unemploy Ins	25,000	15,000	25,000	25,000	25,000	-	-	25,000
718	PERS Reserve	150,000	500,000	500,000	525,000	-	-	-	-
719	Transfer - Food Service	50,000	65,225	90,656	100,000	100,000	-	-	100,000
730	Transfer - Debt Service	-	-	100,000	150,000	50,000	-	-	50,000
731	Transfer - Academic Achievemen	10,000	-	-	-	-	-	-	-
	Total Transfers	1,760,000	2,155,225	2,180,656	2,621,000	1,185,000	-	-	1,185,000
810	Reserve/Contingency	-	-	-	-	1,750,000	-	-	1,750,000
	Grand Total	34,950,241	37,398,917	38,137,559	44,109,082	46,727,940	19,911,548	19,121,347	7,695,045

2019-2020 General Fund Revenue Report

		15/16	16/17	17/18	18/19	19/20	2-05-20	2-05-20
		Actual	Actual	Actual	Project	Budget	YTD	Balance
SSF Formula								
1111,	Taxes	8,533,160	9,048,901	10,057,517	10,136,079	10,633,240	9,747,298	885,942
4801,4899	Federal Forest Fees	205,708	23,160	142,770	179,478	130,000	11,028	118,972
3103	Common School	492,013	502,314	410,848	437,082	405,245	-	405,245
3104	State Timber	181,382	137,286	167,068	167,048	160,000	-	160,000
3101/3199	School Support Fund	26,623,971	27,420,195	29,412,167	29,101,930	31,264,455	20,841,030	10,423,425
Adjustments to SSF Payments								
	Adj for Prior Year payments	(330,463)	261,223	250,598	(755,646)			-
	Adj for HC Disability Grant	76,394	129,474	29,635	439,748	-	-	-
	Total SSF Formula	35,782,164	37,522,552	40,470,603	39,705,718	42,592,940	30,808,606	11,784,334
								-
1510	Interest on Investments	91,245	156,492	267,981	322,591	300,000	146,076	153,924
								-
4200	Third Party billing	45,178	102,447	72,379	72,372	-	-	-
								-
2210	TMR	149,514	208,252	210,894	180,556	150,000	106,187	43,813
								-
4300	JROTC reimbursement	66,034	73,726	69,777	35,236	65,000	41,966	23,034
								-
	Other							-
1910	Rental Fees	10,474	9,114	7,731	3,626	10,000	1,482	8,518
1980	Fees Charged to Grants	800	-	-	-	100,000	-	100,000
1312,								
1960,								
1990,								
5300	Miscellaneous	202,944	213,437	284,801	358,144	300,000	78,107	221,893
1994	E-Rate reimbursement	82,910	76,847	68,007	-	80,000	-	80,000
								-
5200	Interfund Transfer - Athletics	60,000	60,000	82,657	8,029	850,000	-	850,000
								-
5400	Beginning Fund Balance	3,932,387	3,024,733	3,310,041	5,263,314	2,280,000	2,126,603	153,397
								-
	Total	40,423,650	41,447,600	44,844,870	45,949,586	46,727,940	33,311,262	13,416,678
		=====	=====	=====	=====	=====	=====	=====