



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. LHS UPDATE

Action: Informational

3. RALSTON ACADEMY UPDATE

Action: Informational

4. AUDIENCE COMMENTS

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

5. OREGON ENGLISH LANGUAGE LEARNER REPORT, Pg. 4

Action: Informational

6. NAMING OF LHS BASKETBALL COURT, Pg. 65

Action: Approval Requested

7. PROCESS AND TIMELINE TO FILL ZONE 5 VACANCY, Pg. 68

Action: Approval Requested

8. CONSENT AGENDA

Action: Approval Requested

- A. November 14, 2019 Meeting Minutes, Pg. 72
- B. Hiring:

TEMPORARY 2019-20				
Name	Position	FTE	Start Date	End Date
Emily Dicksa	Temporary Elementary Teacher	1.0 FTE	11/18/2019	6/12/2020

- C. Policies – First Reading, Pg. 79

CODE	TITLE
EFAA-AR	Reimbursable Meals and Milk Programs
IGAI	Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education
IKF	Graduation Requirements
JGAB-AR	Use of Restraint or Seclusion
JGAB	Use of Restraint or Seclusion
JHFE	Reporting of Suspected Abuse of a Child (NEW)

JHFE-AR (1)	Reporting of Suspected Abuse of a Child (NEW)
JHFE	Reporting of Suspected Abuse of a Child (DELETE OLD)
JHFF/GBNAA	Reporting Requirements for Suspected Sexual Conduct with Students (NEW)
JHFF/GBNAA-AR	Suspected Sexual Conduct Report Procedures and Form (NEW)
GBEA-AR	Workplace Harassment Reporting and Procedure
GBEA	Workplace Harassment
GBNAA/JHFF	Reporting Requirements for Suspected Sexual Conduct with Students (NEW)
GBNAA/JHFF-AR	Suspected Sexual Conduct Report Procedures and Form (NEW)

D. Policies – Second Reading, Pg. 146

CODE	TITLE
AC-AR	Discrimination Complaint Procedure
AC	Nondiscrimination
GBDA	Expression of Milk in the Workplace
GCDA/GDDA	Criminal Records Checks and Fingerprinting
GCDA/GDDA-AR	Criminal Records Checks and Fingerprinting
IGBBC	Talented and Gifted – Programs and Services
IGBBA	Talented and Gifted - Identification
JED	Student Absences and Excuses
JFCJ	Weapons in the Schools
JFCF	Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence - Student

9. DEPARTMENT REPORTS

Action: Informational

- A. Operations
- B. Human Resource
- C. Finance, Pg. 170

10. COMMUNICATION

Action: Informational

- A. Board
- B. Superintendent

11. 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.

12. ADJOURNMENT

Upcoming Board Meeting Dates:

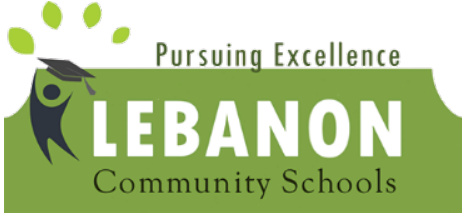
January 9, 2020, 6:00 PM at Santiam Travel Station

February 13, 2020, 6:00 PM at Santiam Travel Station

Agenda Item 5

2017-18 Oregon English Language Learner Report

BOARD MEMORANDUM



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

From: Jennifer Meckley, Assistant Superintendent

Date: December 5, 2019 **Meeting Date:** December 12, 2019

Re: Oregon ELL Report

The Oregon English Language Learner Report is an annual publication required by law (ORS 327.016). The report provides financial information for English language learner (ELL) programs, the objectives and needs of students eligible for and enrolled in an English language learner program, and information on the demographics of students in English language learner programs in each school district.

The enrollment of our current English language learner program is as follows:

<i>Count of Eligible Status</i>	<i>Grade</i>														
<i>School Name</i>	1	2	3	4	5	6	7	8	9	10	11	12	KG	Grand Total	
CASCADES ELEMENTARY SCHOOL		1											1	2	
GREEN ACRES ELEMENTARY SCHOOL	7	9	4	8	5	5							6	44	
HAMILTON CREEK	1			1				1						3	
LACOMB			1			1								2	
LEBANON HIGH SCHOOL									10	3	3	4		20	
PIONEER SCHOOL	1												4	5	
RIVERVIEW SCHOOL				1									1	2	
SAND RIDGE CHARTER	3				1								5	9	
SEVEN OAK MIDDLE SCHOOL						2	7	3						12	
Grand Total	12	10	5	10	6	8	7	4	10	3	3	4	17	99	

Current staffing:

Green Acres: 1 full time ELL teacher and two Bi-lingual instructional assistants

Seven Oak, Cascades, Hamilton Creek, Lacombe, Pioneer, and Riverview share 1 full time ELL teacher.

Seven Oak: One full time bilingual instructional assistant

Lebanon High School: One period for ELL instruction by a certified teacher and one full time bi-lingual instructional assistant.

The 2017-18 Oregon English Language Learner Report

June 2019



The 2017-18 Oregon English Language Learner Report was produced by the Oregon Department of Education for distribution to Oregon state and federal legislators, public schools, school districts, education service districts and members of the public.

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Oregon Department of Education

Colt Gill

Director of the Oregon Department of Education

Carmen Xiomara Urbina

Deputy Director of the Oregon Department of Education

Acknowledgements

Office of Research Analysis and Accountability

Brian Reeder, Assistant Superintendent,

C. Blake Whitson, Research Analyst,

Beth Blumenstein, Data Collection Team Lead

Josh Rew, Psychometrician, Measurement/Psychometric Team Lead

Office of Teaching, Learning, and Assessment

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Office of Equity, Diversity, and Inclusion

Taffy Carlisle, Education Program Specialist

Office of the Director

Laura Lien, Innovation and Partnership Steward

Mary Martinez-Wenzl, Senior Advisor, Emergent Bilingual Visioning and Policy

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Executive Summary

The 2017-18 Oregon English Language Learner Report is an annual publication required by law ([ORS 327.016](#)). This report is intended to provide the Oregon State Legislature and interested stakeholders information on the current state of English language learners (ELLs) enrolled in Oregon public schools.

The report identifies two groups of ELL students, one being current ELLs identified as qualified for an EL program during the 2017-18 school year and former ELLs who were qualified for an ELL program in a prior school year but not in 2017-18. Overall, for 2017-18 the Department identified 51,962 students as current ELLs (9% of overall enrollment) and 53,329 former ELLs (9.3% of overall enrollment). ELLs in Oregon speak 66 different home languages with Spanish and Russian the most frequent languages of origin. To provide context for the key indicators, additional data is provided, including year-to-year comparisons, breakouts of districts identified as target and transformation districts as part of work around House Bill 3499, and comparisons to students identified as never English language learners.

The report consists of 25 indicators divided into four parts:

- Part A of this report identifies the total amount of funding allocated to the districts from the State School Fund for students who are eligible for and enrolled in an English Language Learner Program as provided by in ORS 327.013.
- Part B of this report is an overview of the demographics and basic information about current and former ELLs in the State of Oregon such as dual identifications, the average number of years students have been enrolled in English Language Learner programs and the average number of years the students have attended their current schools.
- Part C summarizes measures of student success for current and former English language learners. This includes assessment data for the English Language Proficiency Assessment for the 21st Century (ELPA21), Smarter Balance Assessment Data, the 5-year graduation rate and post-secondary enrollment.
- Part D of this report provides additional data related to current and former ELLs in the state of Oregon. These data, not categorized elsewhere in the report, look at the breakdown of ELLs by grade, percent of ELLs who exit ELL Programs by grade, regular attenders, 9th grade on track, discipline incidents and the Oregon State Seal of Biliteracy.

Key Findings

- In the aggregate, school districts spent the same amount on ELL programs as they received for those programs through Oregon's school funding formula: \$190.7 million in revenue and \$190.2 million in spending. However, 86 districts spent less than they received through the funding formula and 55 districts spent more. Those spending less spent only 76 percent of their ELL formula revenue on programs for ELL students, while those spending more spent 116 percent. Most of the funding was used directly for ELL programs (78 percent) with the remainder spent on related services for ELL students such as transportation and student support services.

- Current ELLs are identified as more likely to be economically disadvantaged (89 percent) than former ELLs (80 percent) while both are significantly more likely to be economically disadvantaged than students identified as never ELLs (47 percent).
- Current ELLs were identified as being more likely to be homeless (5 percent) than both former and never ELLs (both less than 5 percent).
- Statewide in 2017-18 students dually identified as a current or former ELL and as having a disability and receiving special education services fell significantly from prior years with 15.4 percent of current and less than 5 percent of former ELLs being dually-identified.
- For both the math and English language arts assessment, former ELLs perform dramatically higher than current ELLs. For the math assessment, the largest gap is in elementary schools while for the English language arts assessment the largest gap is in high schools.
- For growth in math assessment scores, current ELLs in grades 6 through 8 are in the 46th percentile, slightly below the median for all students, while former ELLs are in the 53rd percentile, slightly above the median.
- Statewide, 65 percent of current ELLs graduate within 5 years. In contrast, a much higher percentage of former ELLs—83 percent—graduate within five years, 3 percentage points above the 80 percent rate for never ELLs.
- After high school, 38 percent of current ELLs and 49 percent of former ELLs enrolled in a post-secondary institution within 16 months of graduation. The rate for all students was 64 percent.
- Nearly 70 percent of all ELLs are in kindergarten through 5th grade. Nearly half exit ELL status by the end of 4th grade, while 80 percent exit by the time they reach high school.
- Current ELLs are also equivalent to the statewide average for never ELLs (both 80 percent) for regular attendance (attending more than 90% of school days) while 77 percent of former ELLs are regular attenders.
- 70 percent of current ELLs were on-track to graduate high school within four years by the end of their 9th grade year while 84 percent of former ELLs were on-track, just one percentage point below the on-track rate for never ELLs.
- Former ELLs drop out of high school at a lower rate than both current ELLs and never ELLs.
- Of the 1,621 students who received the Oregon Biliteracy Seal, 885 were current or former ELLs whose primary language was not English and 708 were native English speakers who learned another language (data was missing for 28 students).

About this Report

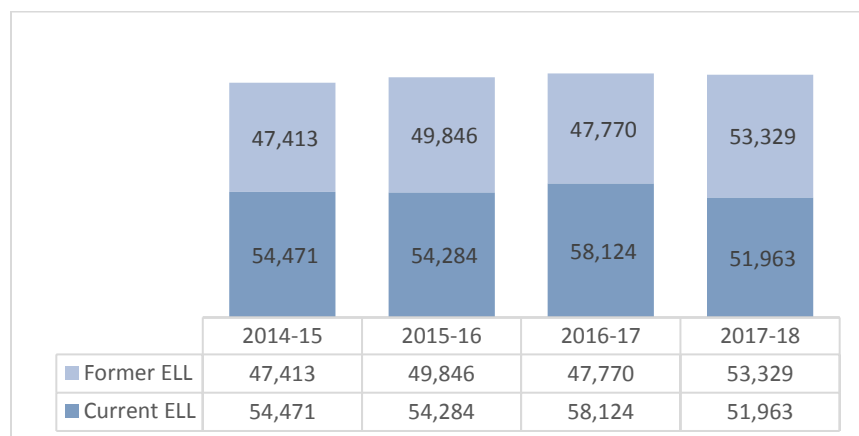
The Oregon English Language Learner Report is an annual publication required by law ([ORS 327.016](#)). This report provides financial information for English language learner (ELL) programs, the objectives and needs of students eligible for and enrolled in an English language learner program, and information on the demographics of students in English language learner programs in each school district.

In addition, this report aims to make data on English language learners accessible to researchers, media, students and parents. Collecting and analyzing this data allows us to better serve historically underserved students and communities and help every student graduate high school with a plan for their future.

English Language Learner Definition

[ORS 336.079](#) defines “English language learner” as a student who (a) has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student’s level of English language proficiency; and (b) meets any other criteria established by the State Board of Education by rule.

In most sections of this report, data are presented for current and former English language learners (ELL). This provides information on the full academic trajectory of students who participate in an ELL program at any time in their academic careers. For this report, current ELLs are defined as students who qualified for English language learner services during the 2017-2018 school year. Former ELLs are defined as students who did not qualify for English language services during the 2017-2018 school year but did in a prior year. Never ELLs are defined as students who have never been enrolled in English language services. These determinations were made using data from the ESEA Title III Data Collection, which contains data from the 2006-2007 school year forward. The chart below shows that for the 2017-2018 School Year 51,963 students were considered current ELLs while 53,329 were considered former ELLs based on the above definitions. For Current ELLs this is a decrease compared to the 2016-17 count of 58,124 ELLs, which corresponds to the increase in former ELLs from 2016-17 to 2017-18.



Data Suppression

In order to maintain student privacy, any cell size less than six (6) has been suppressed. Districts with values that have been suppressed are not included in the comparisons. These districts are included in the expanded data tables with suppressed values represented by an asterisk (*). Districts with values of less than 5 percent appear in the comparison graphs as 4 percent. Districts with values of greater than 95 percent appear in the comparison graphs as 96 percent.

Data Summarization

The data included in the reports is accompanied by graphs that illustrate and summarize the measure highlighted as well as brief narrative summaries of the provided data. Some graphs summarize the data using statewide averages, while other graphs compare district averages. Districts with values that have been suppressed are not included in these comparisons. Districts with values of less than 5 percent appear in graphs as 4 percent. Districts with values of greater than 95 percent appear in graphs as 96 percent.

Additional Indicator Data

The 2017-2018 report contains new indicators that have been expanded to include additional data. Eight indicators within the report have been expanded to include a multi-year comparison of the statewide average spanning the 2014-15 school year to the 2017-18 school year. Likewise, eight indicators include graphs showing the averages for districts identified as either being Target or Transformation districts by the department as part of House Bill 3499 ([HB3499](#)). Four of the indicators have been expanded for both categories. Under HB 3499 the Department first identified Transformation Districts as those districts most in need of higher support funds. Transformation Districts each received \$180,000 to transform their program for emerging bilinguals. Target districts were then identified as having similar, but not as intensive of needs, and each received \$90,000 for similar purposes.

Expanded Data Tables

As with the previous years, the 2017-2018 report includes only summary data graphs in this document. Expanded data tables that include the data for each district are available upon request and are subject to all applicable suppressions rules consistent with department practice and the format of this report. Requests should be sent to blake.whitson@oregon.gov.

Data Sources

Most tables in this report use information from the Elementary and Secondary Education Act (ESEA) Title III Data Collection to identify current and former ELLs. See the English Language Learner Definition section above to learn more about how students are classified as current or former ELLs. Other data sources used are noted at the end of each section, following the table summarizing district data.

Part A: Financial Data

Part A of this report identifies the total amounts of funding allocated to the districts from the State School Fund for students who are eligible for and enrolled in an English Language Learner Program as provided by in ORS 327.013. This section also provides the ratio of funds expended as compared to funds allocated for each district. Finally, the expenditures are broken down by category of expenditure as identified and defined by the State Board of Education by rule.

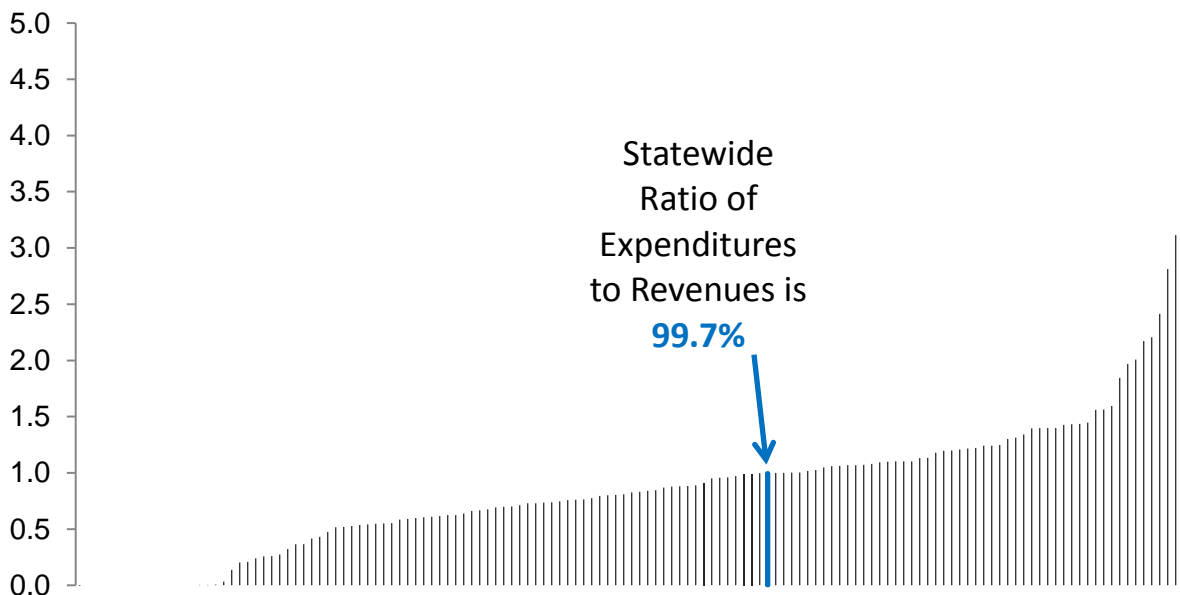
Part A Section Summary:

- Section 1 identifies that a total of \$190,662,947 has been allocated via the State School Fund with essentially all (\$190,188,457) ELL revenue expended by districts on programs for ELL students. However, of the 141 districts that received ELL formula funding in 2017-18, 86 reported spending less than the revenue received, while 55 districts reported spending more.
- Section 2 breaks down the expenditures identified in section 1 by function and area of responsibility. Overall most of the spending on ELL students is directly for ELL Programs (78%), while the remainder is spent on related services for ELL students such as transportation and student support services.

Section 1: State School Fund Formula Revenues and General Fund Expenditures for English Language Learners

The first indicator shows the relationship between ELL revenues allocated to districts via the State School Fund Formula and total ELL expenditures from the General Fund in districts' accounting financial reports as submitted to ODE. For the 2017-18 school year \$190,662,947 was allocated via the state school fund. Graph 1 shows the ratio of these expenditures to revenues by district. Statewide, the ratio of expenditures to revenues is 0.997, meaning that 99.7 percent of the funds allocated to districts via the State School Fund Formula are accounted for as being spent on ELLs. This equates to \$190,188,457 of the allocated amount listed above was spent by districts. The expenditure ratios by district range from 0 to 3.79.

Graph 1: Ratio of ELL Expenditures to Revenues by District

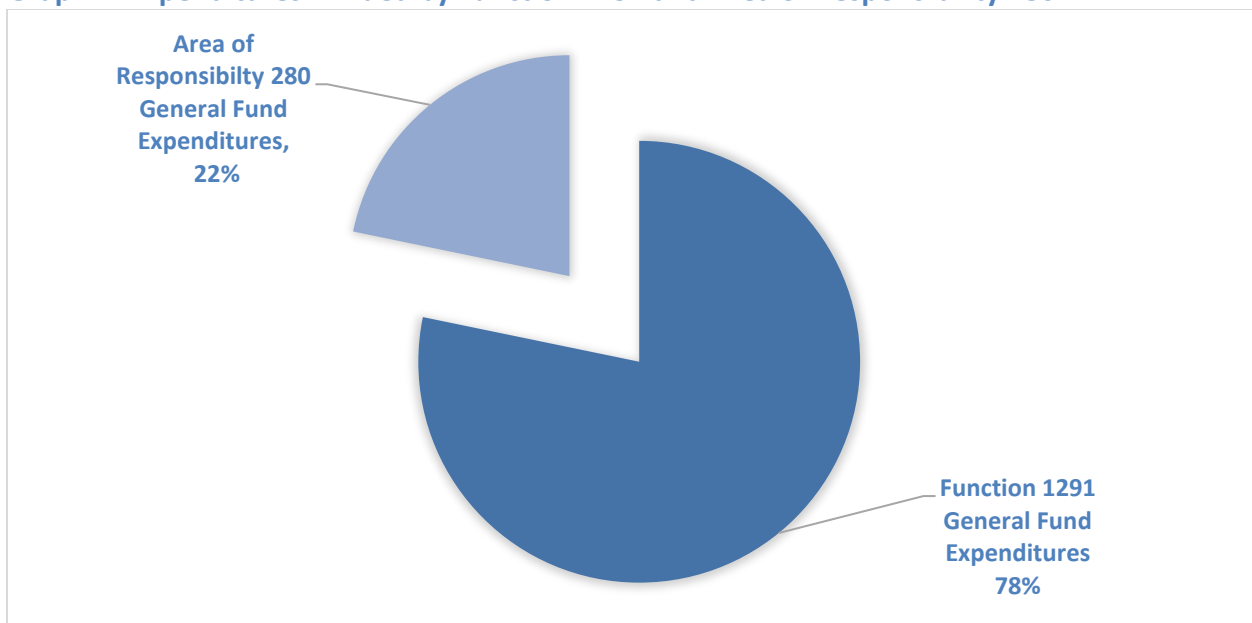


Source: School District Audited Financial Reports.

Section 2: General Fund Expenditures on English Language Learners

Expenditures from the General Fund on ELL students are accounted for using Function 1291 and Area of Responsibility 280.¹ Function 1291 includes expenditures for instruction in English as a Second Language Programs. Area of Responsibility 280 includes expenditures for Functions **other than** Function 1291 that are for the benefit of ELLs. For example, transportation expenditures to take ELL students on an educational field trip would be recorded as Area of Responsibility 280 under Function 2550 (Student Transportation). Graph 2 shows that about 78 percent of the expenditures for ELLs, representing \$148.8 Million of total ELL General Fund Expenditures, are accounted for using Function 1291, while the remaining 22 percent, representing \$41.4 million of total ELL General Fund Expenditures, are accounted for in Area of Responsibility 280.

Graph 2: Expenditures Divided by Function 1291 and Area of Responsibility 280



Source: School District Audited Financial Reports.

¹ For a more detailed description of the accounting system categories, see Oregon’s Program Budgeting and Accounting Manual at <http://www.oregon.gov/ode/schools-and-districts/grants/Pages/Financial-Budgeting-and-Accounting.aspx>.

Part B: Demographics of Students Eligible for and Enrolled in English Language Learner Programs

Part B of this report is an overview of the demographics and basic information about current and former ELLs in the State of Oregon such as dual identifications, the average number of years students have been enrolled in English Language Learner programs and the average number of years the students have attended their current schools. Key takeaways in this section are that 89 percent of current and 80 percent of former ELLs are considered economically disadvantaged while only 47 percent of never ELLs are identified as such.

Part B Section Summary:

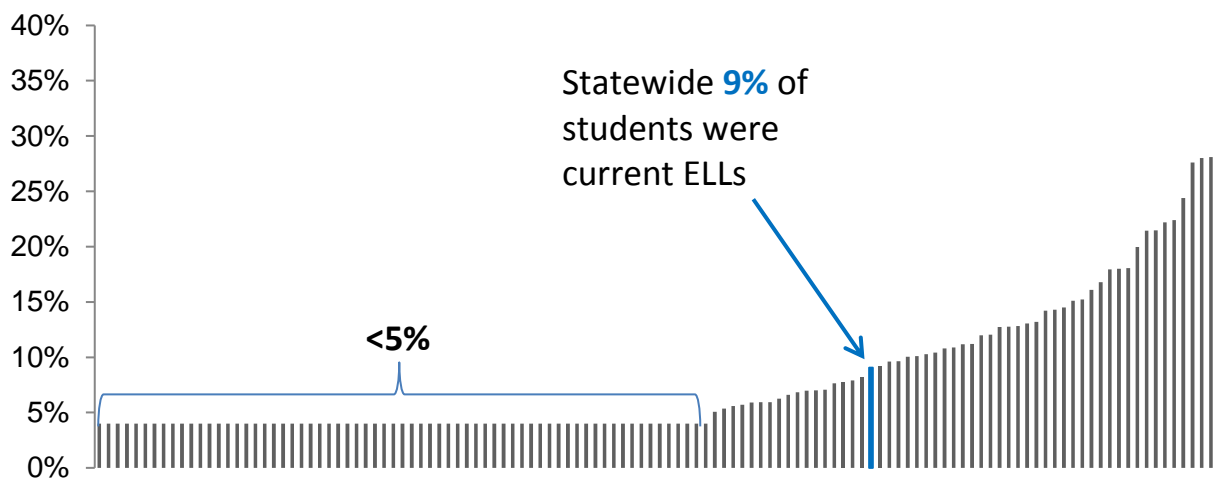
- Section 3 looks at the number of current and former ELLs and provides that as a percentage of total students enrolled. For 2017-18 51,962 students were identified as current ELLs (9 percent of enrolled students) while 53,329 students were identified as former ELLs (9.3 percent of enrolled students).
- Section 4 shows the percent of current and former ELLs identified as economically disadvantaged. As mentioned above, 89 percent of current and 80 percent of former ELLs are identified as economically disadvantaged compared to 47 percent of never ELLs.
- Section 5 identifies that 12 percent of current and 8 percent of former ELLs are consider mobile which is defined as students attending multiple schools or having significant gaps in enrollment in a school year.
- Section 6 provides data on current and former ELLs who are homeless. In Oregon, current ELLs are considered homeless (5 percent) at a higher rate than both former and never ELLs (both less than 5 percent).
- Section 7 identifies 15 percent of current and 10 percent of former ELL students as migrant students. Migrant students are defined as having moved with their families in the previous 36 months to seek temporary or seasonal employment.
- Section 8 identifies that 9.1 percent of current ELLs are recent arrivers (born outside the United States and Puerto Rico) who have been educated in the United States for fewer than three consecutive years.
- Section 9 provides the Small Area Income and Poverty Estimates (SAIPE) for children aged 5 to 17. In Oregon, 14.5 percent of children between 5 and 17 are estimated to be living in poverty.
- Section 10 identified the top 15 languages of origin spoken by ELLs in Oregon out of over 60 different languages spoken by Oregon ELLs.
- Section 11 provides the average number of years ELL students have been enrolled in an ELL Program, which is 3.5 years for Oregon ELLs with students in Grade 6 through 9 averaging over 5 years in an ELL program.
- Section 12 indicates the average number of years current and former ELLs where enrolled in the same school.
- Section 13 shows ELLs who have been dually-identified as having a disability and receiving special education services. Statewide, 15.4 percent of current and less than 5 percent of former ELLs are dually-identified representing a significant drop from 9.3 percent for former ELLs in 2016-17.

Section 3: Number and Percent of English Language Learners

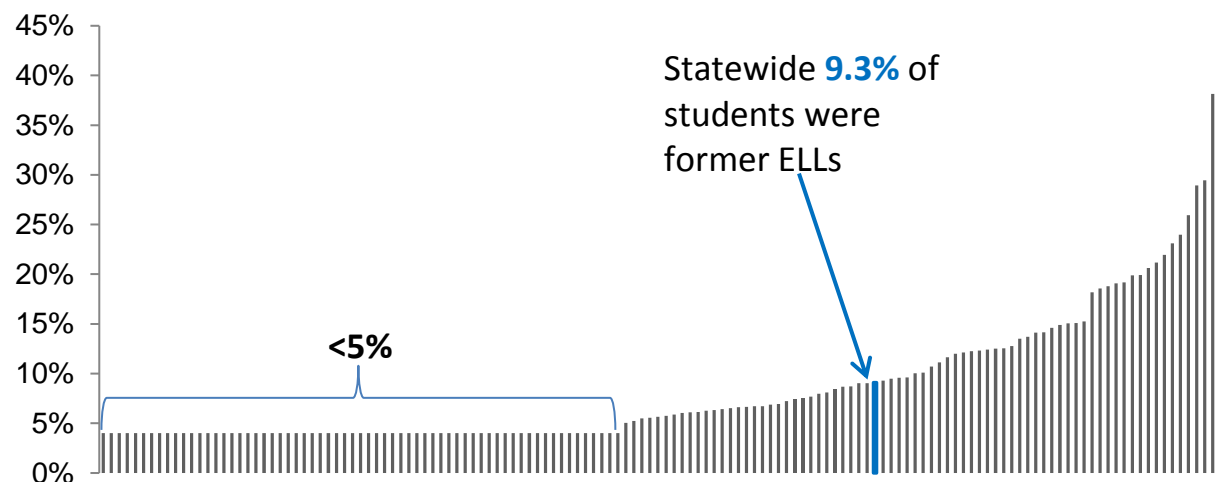
In 2017-2018 there were 51,963 students enrolled (9 percent) who were classified as current ELLs with an additional 53,329 (9.3 percent) classified as former ELLs.

Students who qualified for English language services during the 2017-2018 school year and who appeared in the Spring Membership data set are considered current ELLs. Former ELLs are students who qualified for English language services prior to the 2017-2018 school year and appeared in the Spring Membership collection. District percentages of current ELLs ranged from less than 5 percent to 32 percent with the statewide average at 9 percent (Graph 3a). District percentages for former ELLs ranged from less than 5 percent to 38 percent with a statewide average of 9.3 percent (graph 3b).

Graph 3a: Percentage of Current ELLs by District, 2017-18



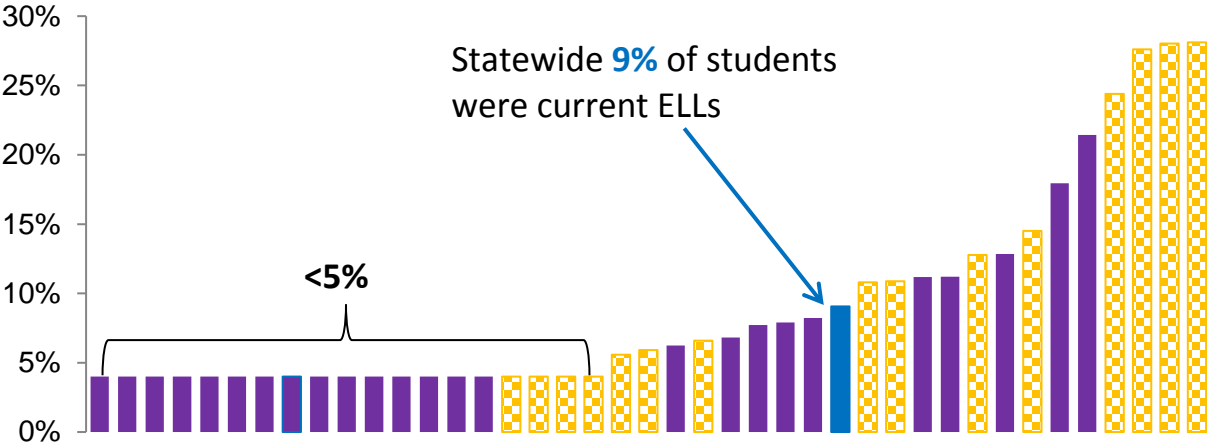
Graph 3b: Percentage of Former ELLs by District, 2017-18



Source: Spring Membership and Limited English Proficient Collection.

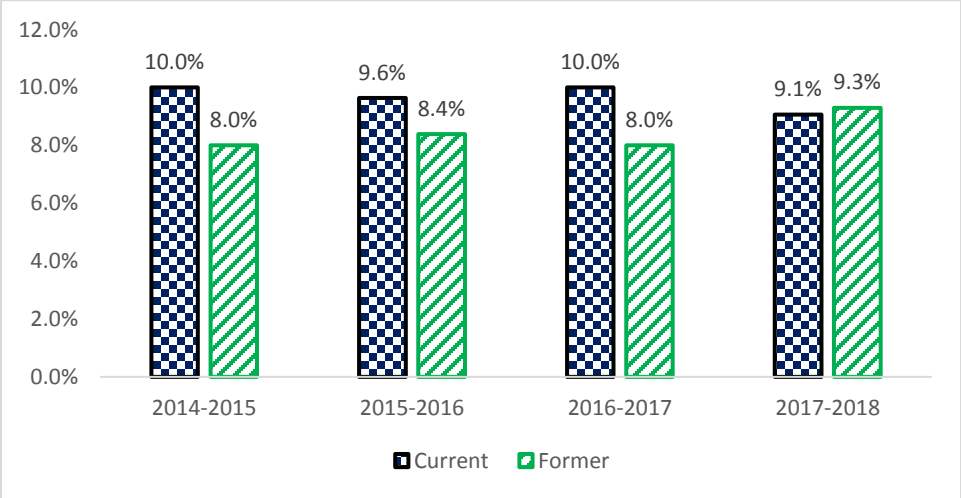
Graph 3c shows the percentage of students identified as current ELLs in districts identified as either target (n = 25) or transformation (n = 15) districts by the department under HB 3499. The percentage of students identified as current ELLs ranged from less than 5 percent to 28 percent. In the graph below and subsequent graphs, districts identified as target districts are represented by a solid purple bar and those identified as transformation districts are represented by a gold checkerboard pattern bar. For reference, the state average is a solid blue bar with an arrow pointing to it.

Graph 3c: Percentage of Current ELLs for HB 3499 Target and Transformation Districts, 2017-18



Graph 3d shows the statewide percentage of current and former ELLs enrolled in districts for the 2014-15 school year to the 2017-18 school year. The chart shows current ELLs as a navy checkerboard bar and the former ELLs as a green striped bar. The data show that the number of current ELLs dropped slightly from 10 percent in 2014-15 to 9.1 in 2017-18 while former ELLs has risen slightly from 8 percent to 9.3 percent over the same period.

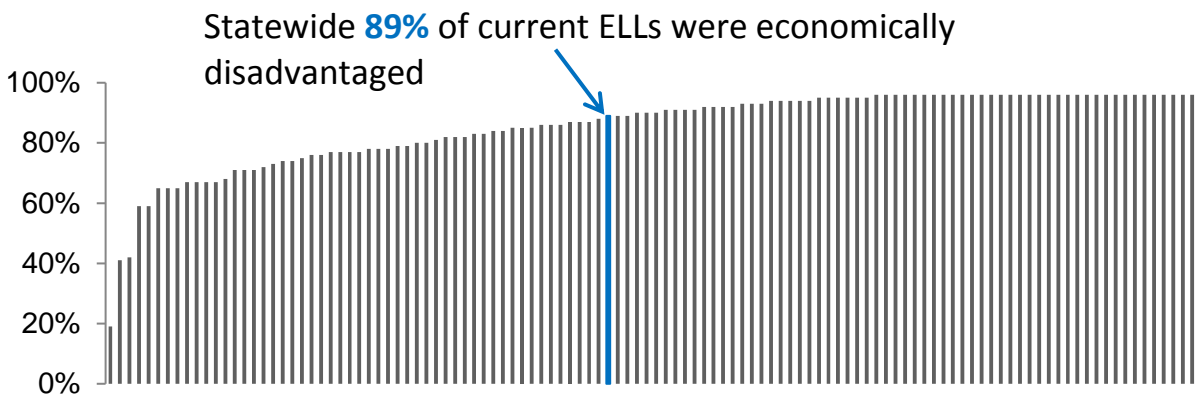
Graph 3d: Percentage of Current and Former ELLs Year-to-Year Comparison



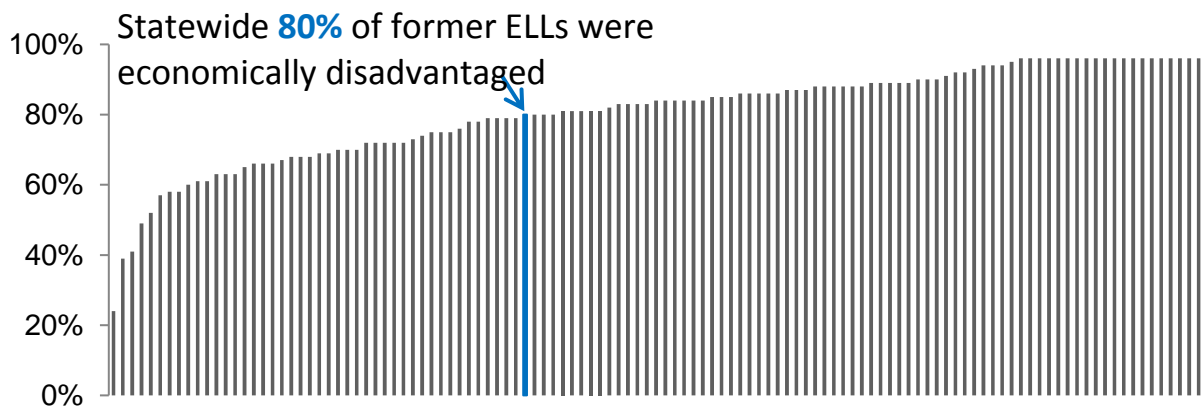
Section 4: Economically Disadvantaged English Language Learners

Graph 4a shows that statewide about 89 percent (n = 46,246) of current ELLs were economically disadvantaged, with district averages ranging from 19 percent to more than 95 percent. Graph 4b shows that statewide about 80 percent (n= 42,663) of former ELLs were economically disadvantaged, with district values ranging from 17 percent to more than 95 percent. For never ELLs, the statewide average is 47 percent of students identified as economically disadvantaged with districts ranging from less than 5 percent to greater than 95 percent. Economically disadvantaged status is measured by the number of students who are eligible for free and reduced price lunch².

Graph 4a: Percentage of Current ELLs by District who were Economically Disadvantaged, 2017-18



Graph 4b: Percentage of Former ELLs by District who were Economically Disadvantaged, 2017-18

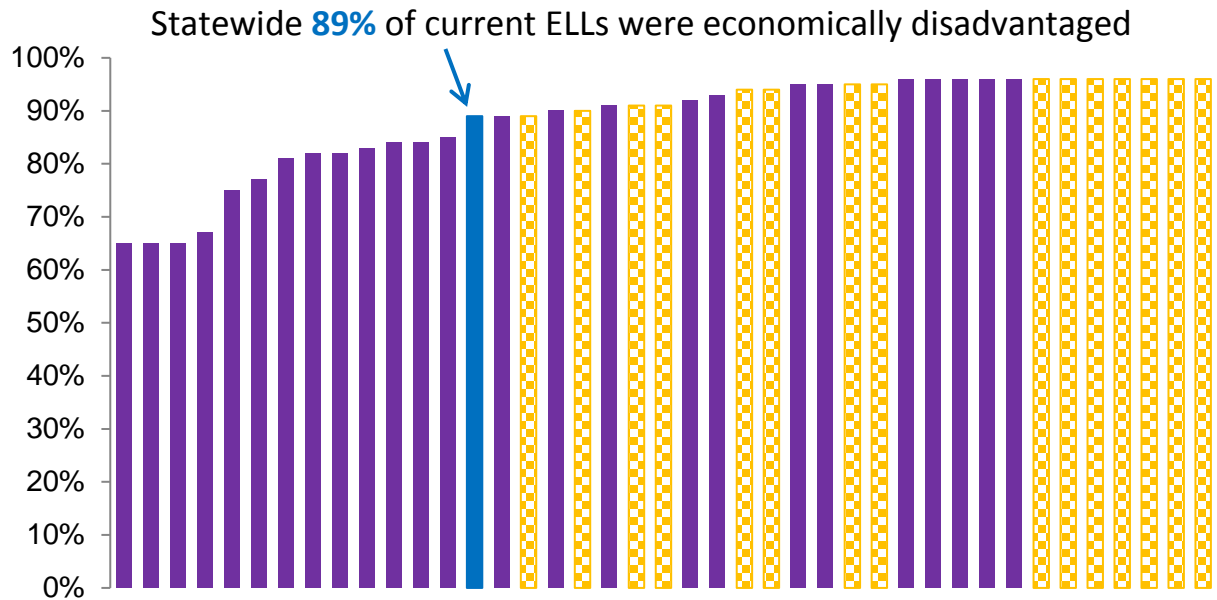


Source: Spring Membership

² The Community Eligibility Provision that allows high poverty schools and districts the ability offer free breakfast and lunch to all students regardless of family eligibility has reduced the accuracy of this measure as an effective proxy for determining economic disadvantage.

For districts identified as part of HB3499, ELL demographics are comparable to statewide averages, with the highest-needs districts serving greater proportions of economically disadvantaged ELLs (Graph 4c). In the graph, target districts are shown as solid purple shaded bars while the transformation districts are the yellow checker board pattern bars. Target districts range from 65 percent of current ELLs considered economically disadvantaged to over 95 percent considered economically disadvantaged. Transformation districts ranged from 89 percent of current ELLs considered economically disadvantaged to more than 95 percent.

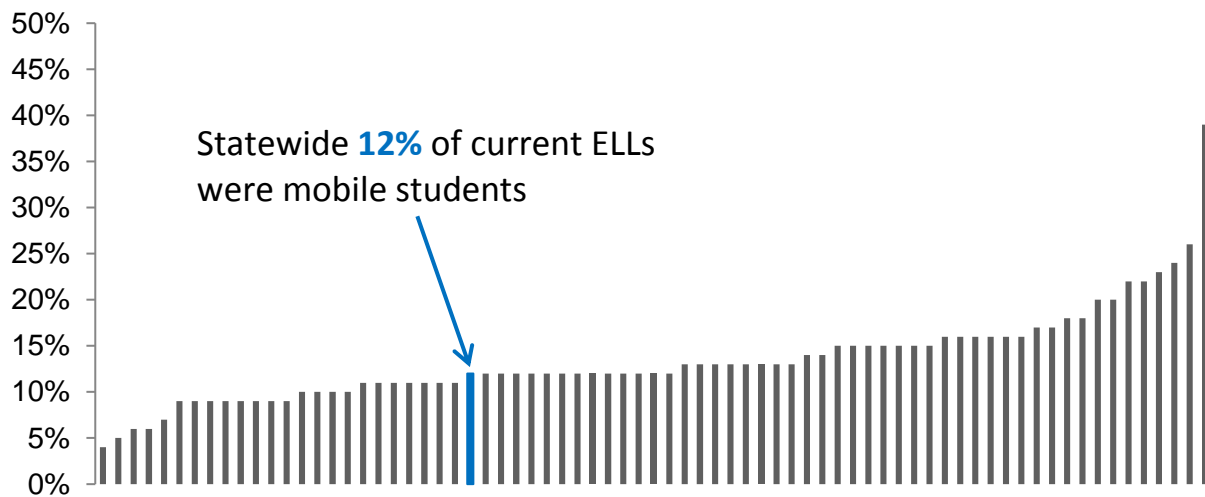
Graph 4c: Percentage of Current ELLs for HB 3499 Districts Who Were Economically Disadvantaged, 2017-18



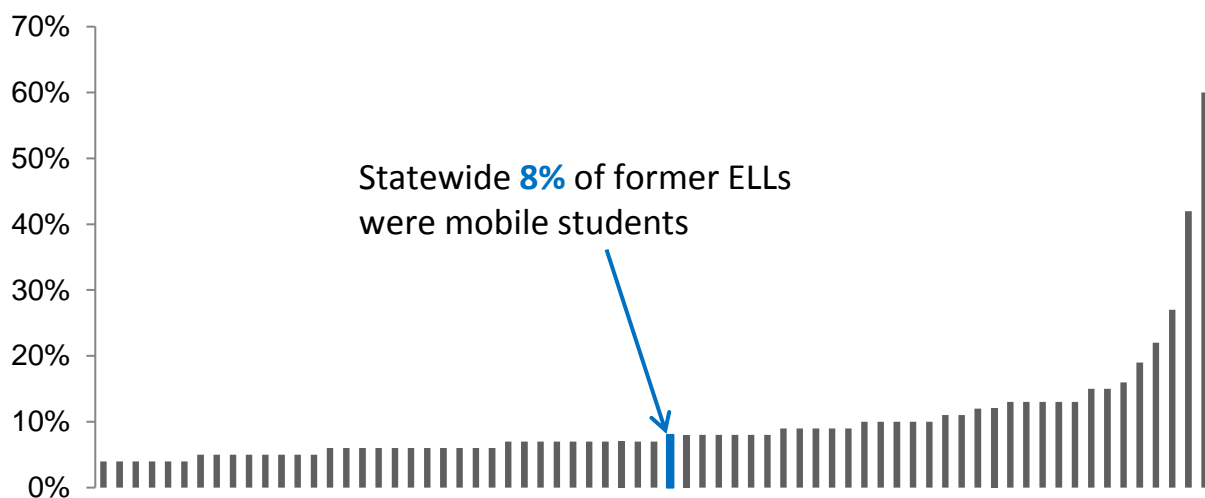
Section 5: Mobile English Language Learners

For this report, a mobile student is defined as a student who attended more than one school between July 1 and May 1, entered the Oregon public education system after October 1, exited the Oregon education system before May 2 without earning a diploma or certificate or had significant gaps in enrollment of 10 consecutive school days or more. Graph 5a illustrates that statewide, 12 percent of current ELLs (n= 6,235) were mobile, with district averages ranging from less than 5 percent to 39 percent. Graph 5b shows that statewide 8 percent of former ELLs (n = 4,266) were mobile, with district averages ranging from less than 5 percent to 60 percent.

Graph 5a: Percentage of Mobile Students who were Current ELLs by District, 2017-18



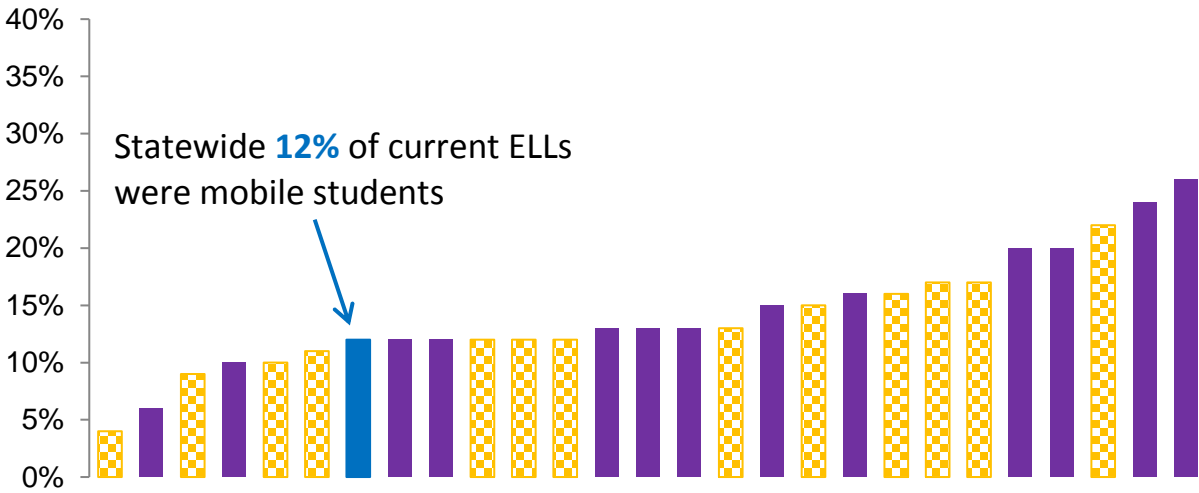
Graph 5b: Percentage of Mobile Students who were Former ELLs by District, 2017-18



Source: Average Daily Membership Collection

Graph 5c shows the percentage of students identified as mobile in districts identified as part of HB 3499 as either target or transformation districts. It should be noted that 14 of the 40 districts are not included in the graph due to suppression rules. For the districts displayed, the percentage of mobile students ranged from less than 5 percent to 26 percent in target and transformation districts. 20 of the HB 3499 districts are above the state average of 12 percent of ELLs being classified as mobile.

Graph 5c: Percentage of Mobile Students who were Current ELLs In HB 3499 Districts, 2017-18

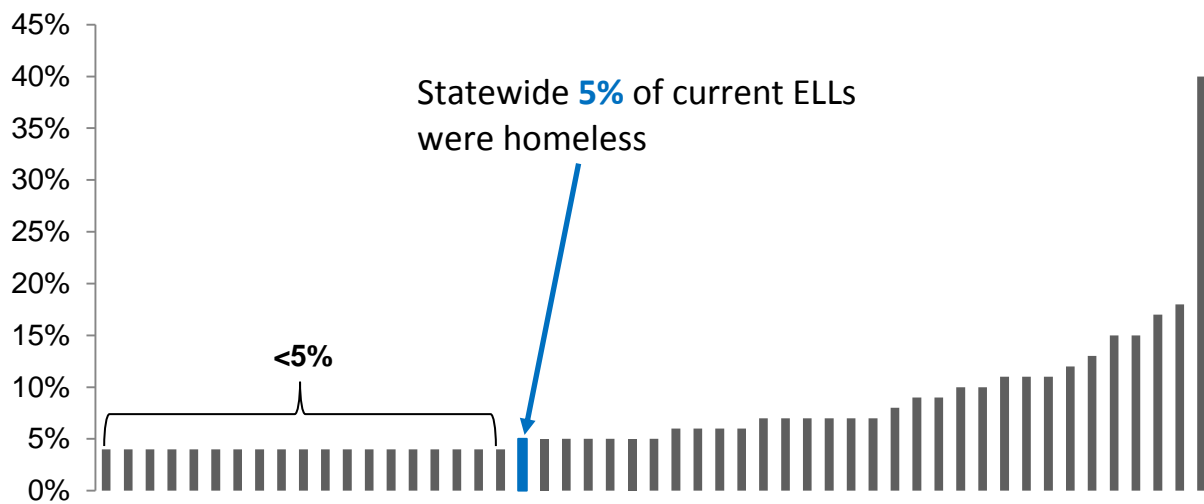


Section 6: Homeless English Language Learners

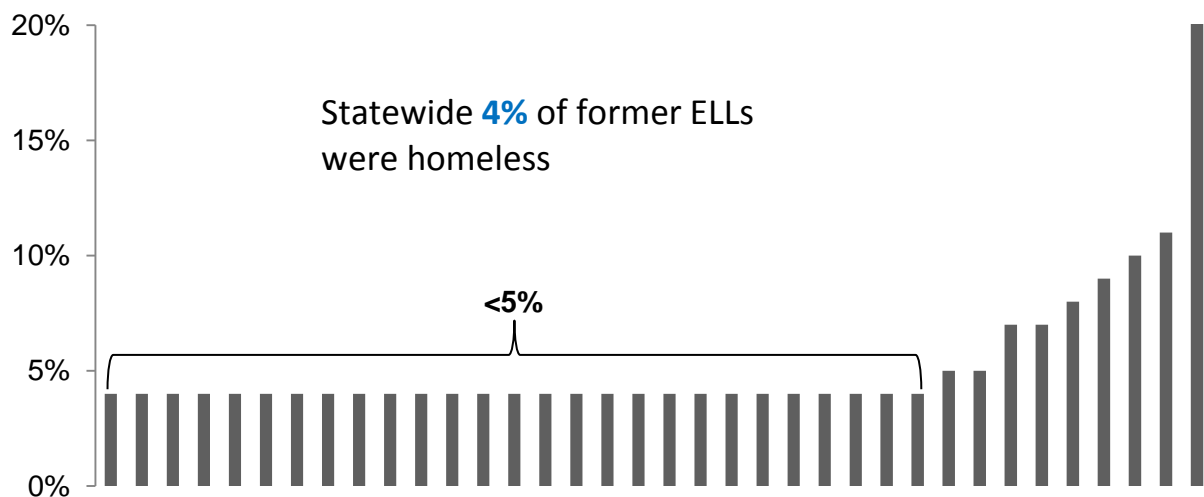
Data is provided on current and former ELL students who were classified as homeless as defined by the federal McKinney-Vento Act at any point during the 2017-2018 school year.

Graph 6a shows that statewide, 5 percent of current ELLs (n = 2,598) were classified as experiencing homelessness and 6b shows that statewide, 4 percent of former ELLs experienced homelessness. It should be noted that in both Graph 6a and 6b, the majority of districts in Oregon do not appear due to either not having homeless ELL students or an N-Size requiring the data has been suppressed to comply with student privacy standard. Statewide for never ELLs, less than 5 percent of students were identified as homeless with districts ranging from less than 5 percent to 21 percent of never ELL students identified as homeless.

Graph 6a: Percentage of Current ELLs who were Homeless by District, 2017-18



Graph 6b: Percentage of Former ELLs who were Homeless by District, 2017-18

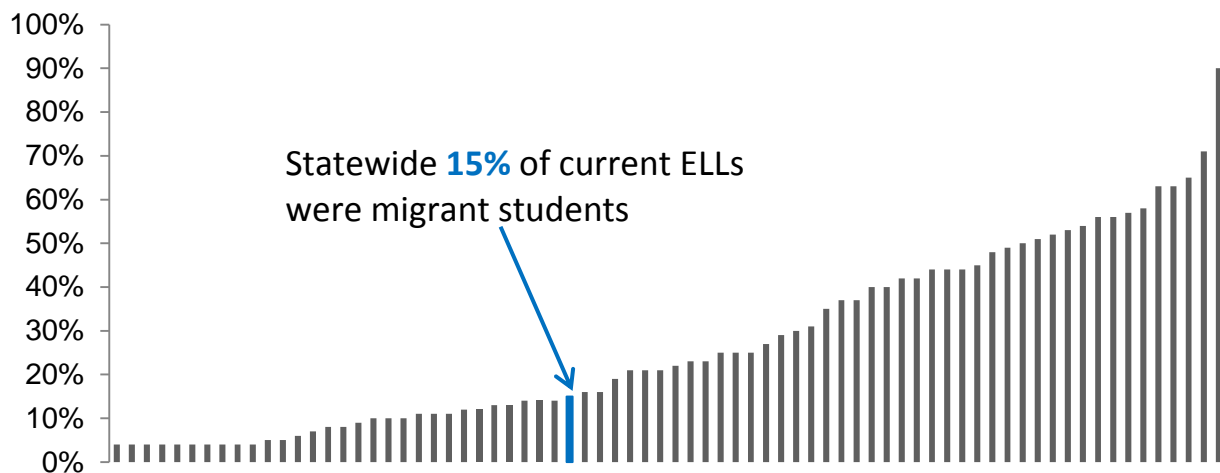


Source: ESEA Title X Homeless and Spring Membership

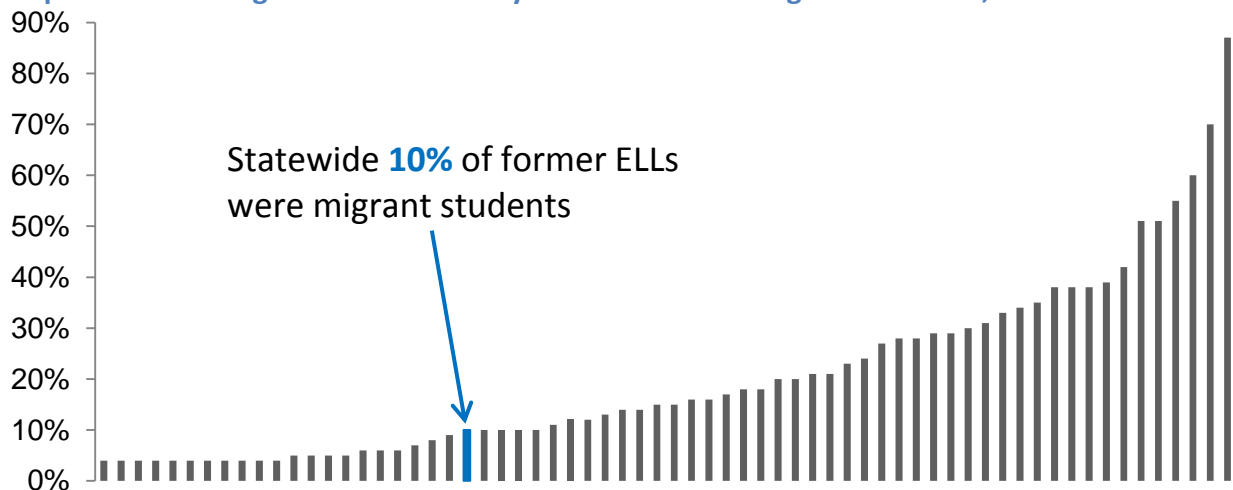
Section 7: Migrant English Language Learners

Migrant students are defined as students who have moved with their families in the previous 36 months to seek temporary or seasonal employment in the agriculture or fishing industries. It is important to note that migrant student status is not limited to students born outside of the United States. Section 8 below provides information on those students who recently immigrated to the United States, which can also include migrant students. Graph 7a shows that statewide 15 percent of current ELLs are migrant students, with district averages ranging from less than 5 percent to 90 percent. Graph 7b shows statewide that 10 percent of former ELLs are migrant students with district averages ranging from less than 5 percent to 87 percent.

Graph 7a: Percentage of Current ELLs by District who are Migrant Students, 2017-18



Graph 7b: Percentage of Former ELLs by District who are Migrant Students, 2017-18

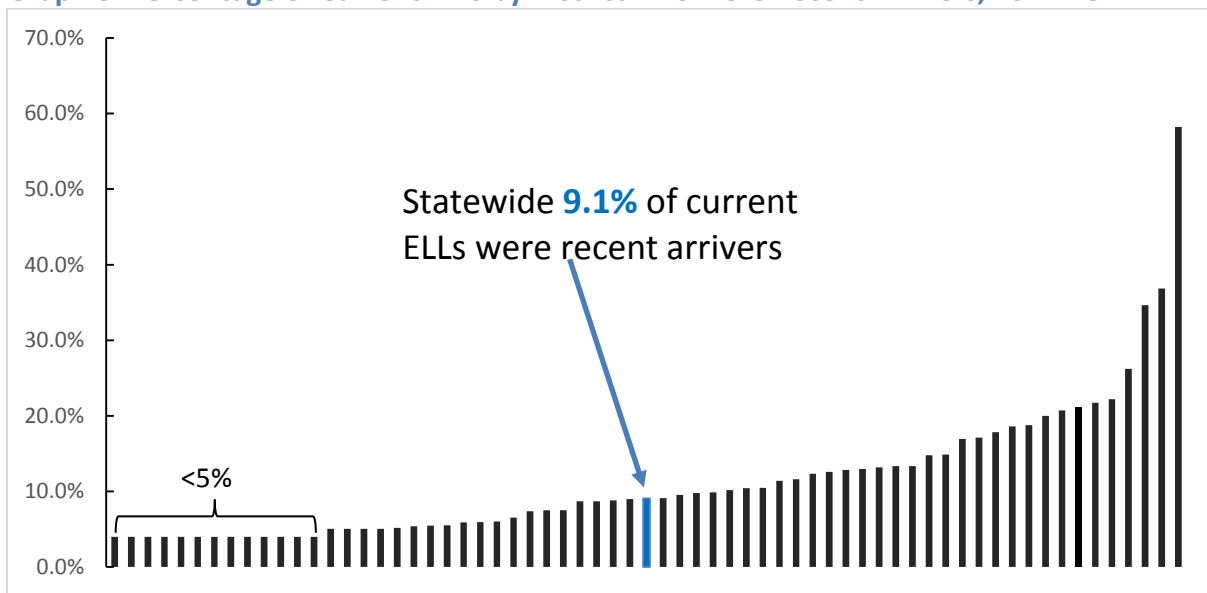


Source: Title I-C Migrant Data Collection and Spring Membership

Section 8: Recent Arriver English Language Learners

Recent arrivers are students who were born outside of the U.S. and Puerto Rico and who have been educated in the U.S. for fewer than three cumulative years. As discussed in Section 7 above, recent arrivers are those students who have recently immigrated to the U.S. and may also be considered migrant in addition to a recent arriver. The two designations are distinct and are not interchangeable. Graph 8 shows that statewide 9.1 percent of current ELLs were recent arrivers, with districts ranging from less than 5 percent to 58.2 percent. A graph for former ELLs who were recent arrivers is not included due to the small number of districts that have non-suppressed data available. Districts range from having less than 5 percent to 12 percent of former ELLs who are recent arrivers.

Graph 8: Percentage of Current ELLs by District who were Recent Arrivers, 2017-18

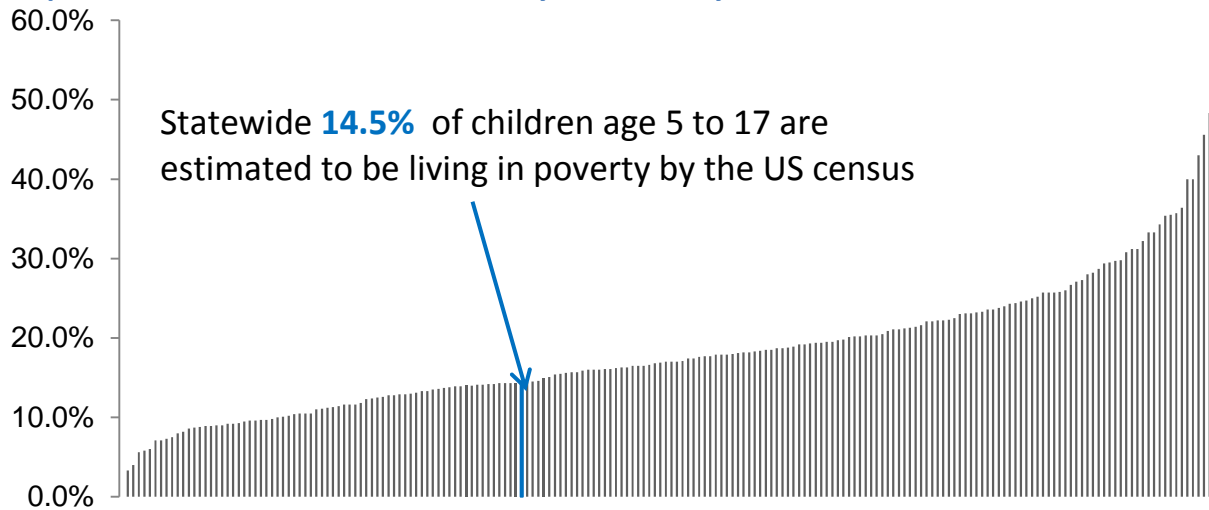


Source: ESEA Title III Collection and Spring Membership

Section 9: Small Area Income and Poverty Estimates

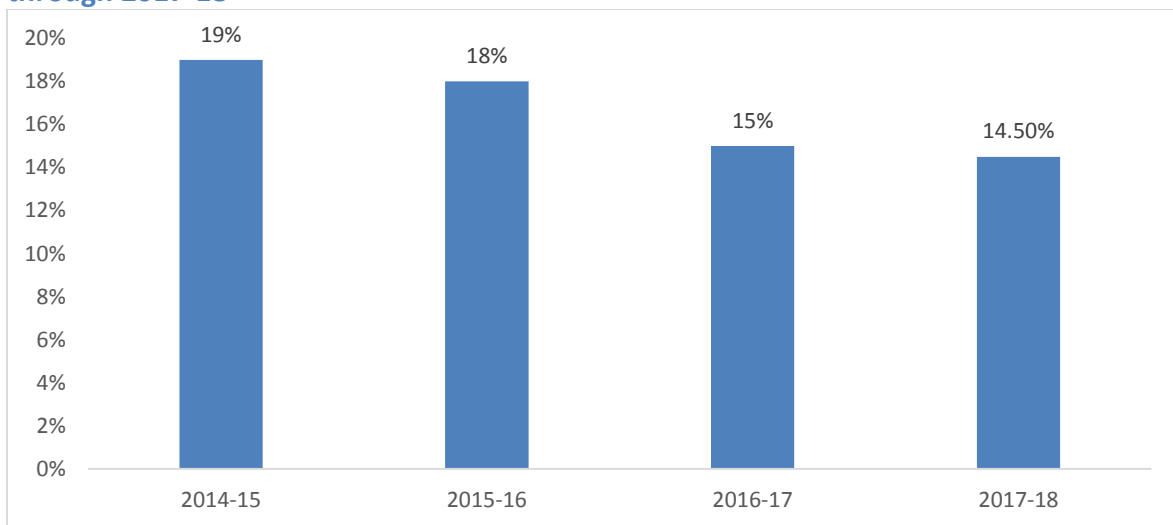
The U.S. Census Bureau's Small Area Income and Poverty Estimates (SAIPE) measure provides an estimate of the poverty rate for children from ages 5-17 years in each school district. Graph 9a shows that statewide, 14.5 percent of children ages 5 to 17 years are living in poverty. Districts ranged from having less than 5 percent to 48.3 percent of students ages 5-17 living in poverty. Graph 9b shows the statewide Small Area Income Poverty Estimates for school years 2014-2015 through 2017-2018. It shows that the percent of children age 5 to 17 living in poverty has decreased from 19 percent in 2014-15 to the current level of 14.5 percent in 2017-18.

Graph 9a: Small Area Income and Poverty Estimates by District, 2017-18



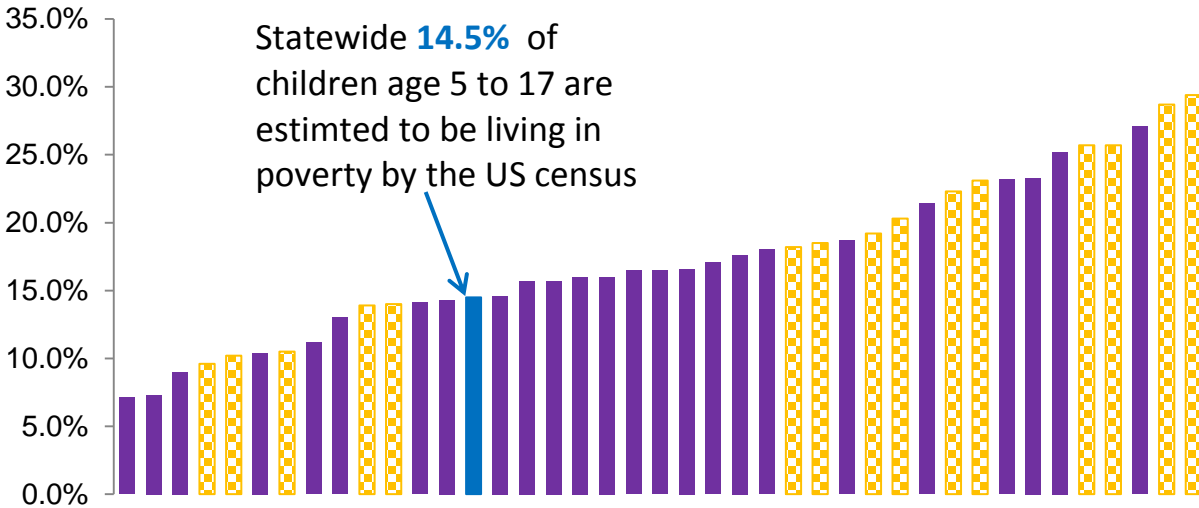
Source: US Census Bureau, data available at <https://www.census.gov/did/www/saipe/>.

Graph 9b: Statewide Small Area Income and Poverty Estimates for School Years 2014-15 through 2017-18



Graph 9c shows the Small Area Income and Poverty Estimates for districts designated as target and transformation districts. The percent of children age 5 to 17 ranged from 7.1 percent to 29.4 percent. Of the identified districts, 27 have an estimate above that of the statewide average of 14.5 percent.

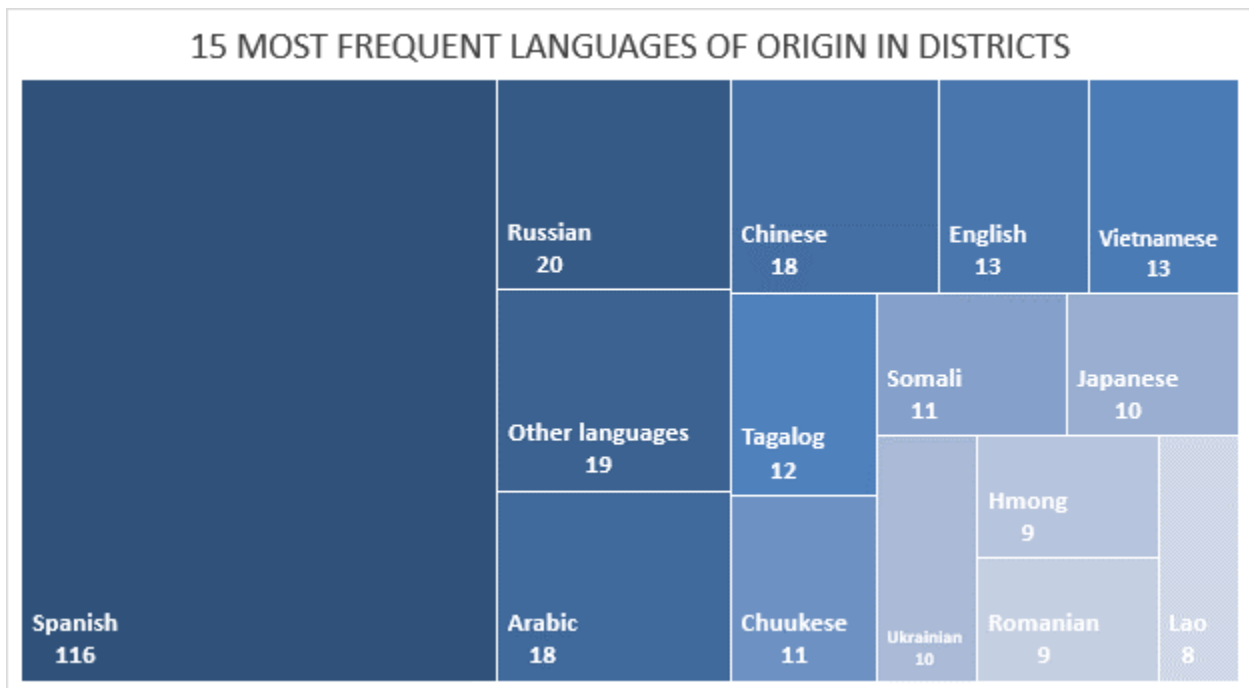
Graph 9c: Small Area Income and Poverty Estimates by HB 3499 District, 2017-18



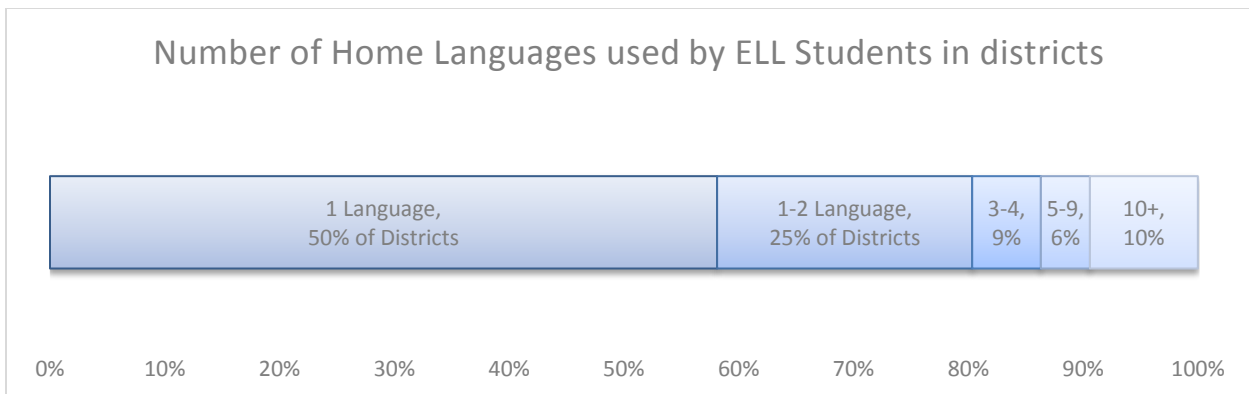
Section 10: Most Common Home Languages Spoken by English Language Learners

Statewide, ELLs speak 66 different languages. Graph 10 shows the 15 most frequently reported home languages spoken by six or more students and the number of districts reporting that language. For example, Spanish was reported as a home language for six or more students in 116 districts. It should also be noted that 13 districts reported 6 or more students whose home language was reported as English. This is due to American Indian/Alaskan Native students who are able to qualify as English Learners.

Graph 10a: 15 Most Frequent Home Languages for English Language Learners as reported by Number of Districts, 2017-18



Graph 10b: The Number of Languages Spoken by Six or More Students in a District



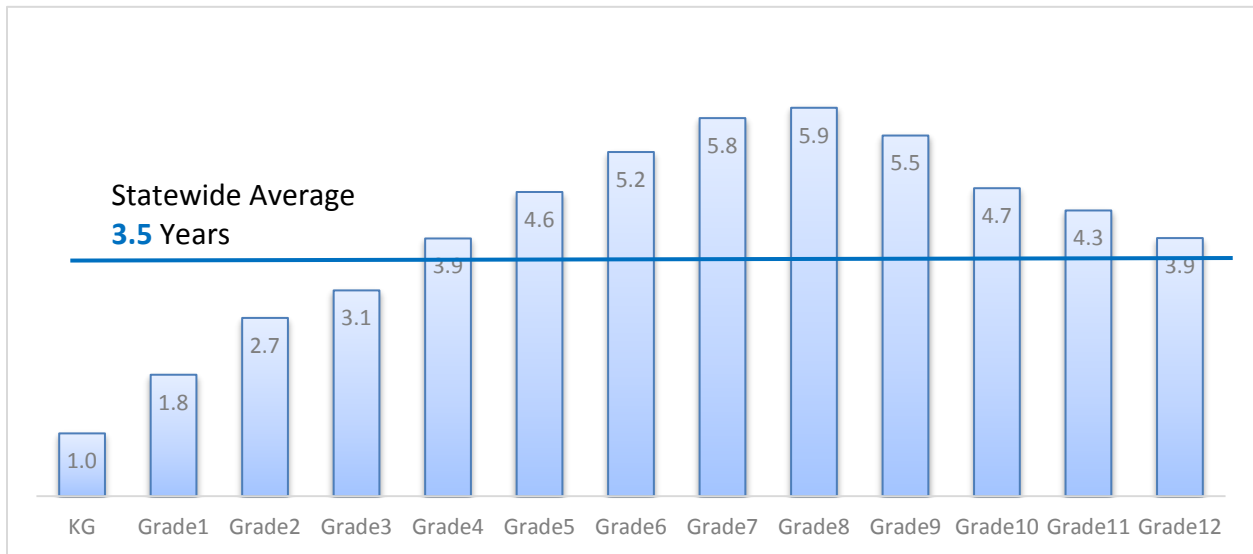
Source: ESEA Title III Collection and Spring Membership

Section 11: Average Number of Years Students Have Been Enrolled as an ELL

Graph 11 shows that, statewide, 6th through 8th grade ELLs average between 5.2 and 5.9 years of ELL enrollment, with the highest average in the state being 8th grade with 5.9 years.

Statewide across all grades, the average numbers years enrolled as an ELL is 3.5. This average was calculated using the total years of English Language Learner instruction from the Oregon Department of Education (ODE)'s Average Daily Membership Data Collection

Graph 11: Average Number of Years Students have been Enrolled as an ELL, Statewide Averages, 2017-18



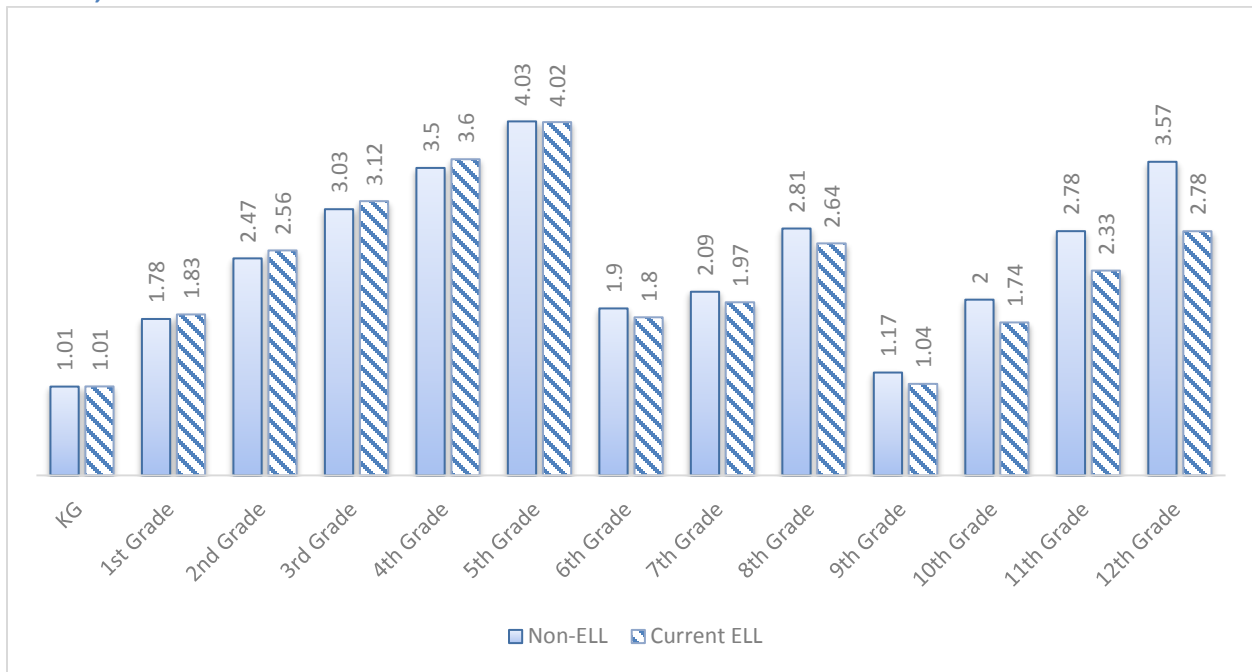
Source: Average Daily Membership Collection

Section 12: Average Number of Years ELLs are Enrolled in a School

This section shows the statewide average number of years current ELL students are enrolled in their current school by grade. District level data is available in the expanded data tables.

Graph 12 shows that non-ELLs and current ELLs have a similar average number of years in their current school in the early grades. In 1st-5th grade, current ELLs average a longer tenure in a single school than non-ELLs. This trend changes in 6th grade and the gap increases as students reach high school age.

Graph 12: Statewide Average Number of Years Non-ELLs and Current ELLs are Enrolled in a School, 2017-18

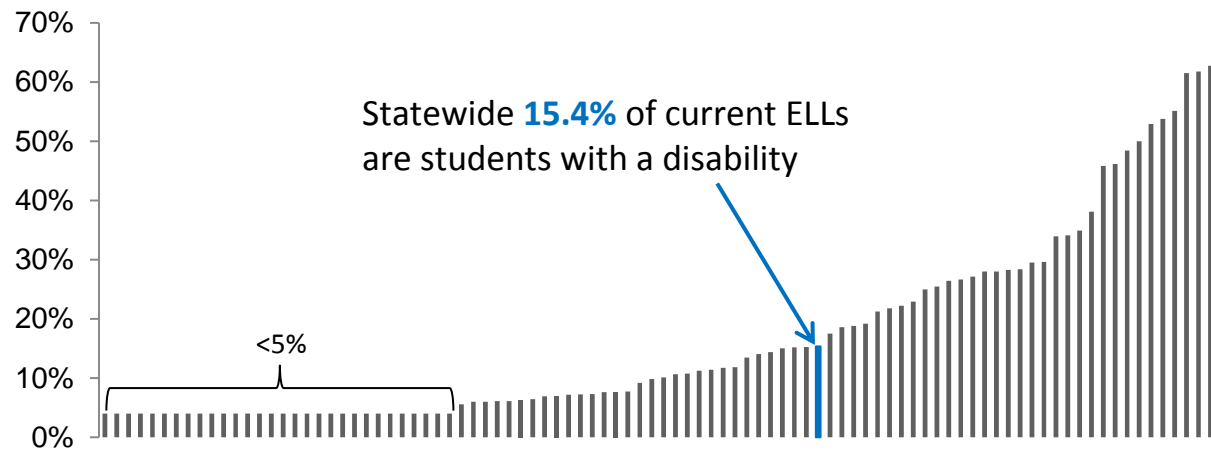


Source: Average Daily Membership Collection

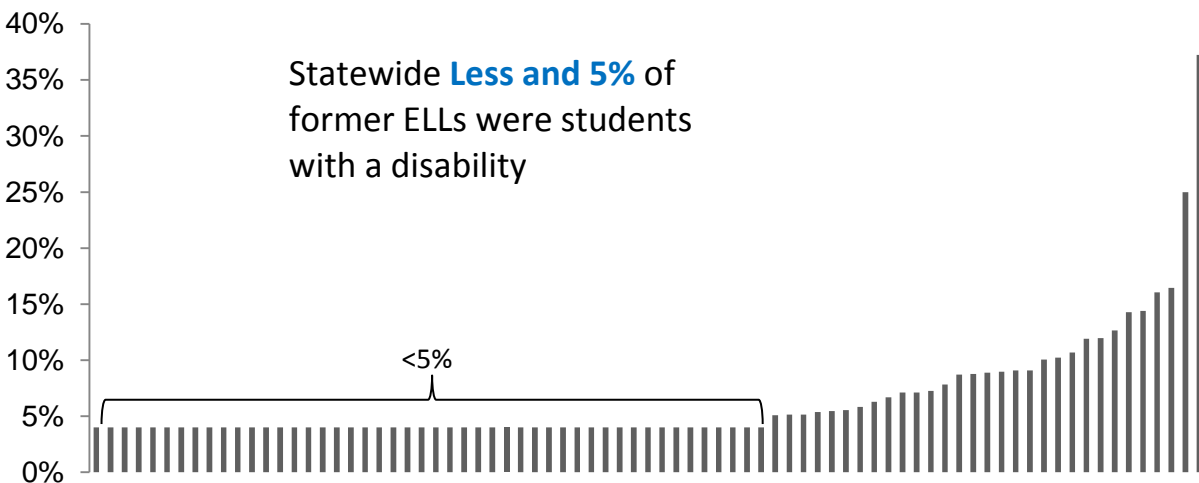
Section 13: English Language Learners Dually-Identified as Students with a Disability and Receiving Special Education Services

Graph 13a shows that 15.4 percent of current ELLs (n = 7,975) statewide are also identified as having a disability and receiving special education and related services, with district percentages ranging from less than 5 percent to 62 percent. Graph 13b shows that less than 5 percent of former ELLs (n= 2536) are identified as students with a disability who are also receiving special education and related services, with district percentages ranging from less than 5 percent to 37 percent.

Graph 13a: Percent of Current ELLs Dually-Identified as Having a Disability who also Receive Special Education and Related Services by District, 2017-18



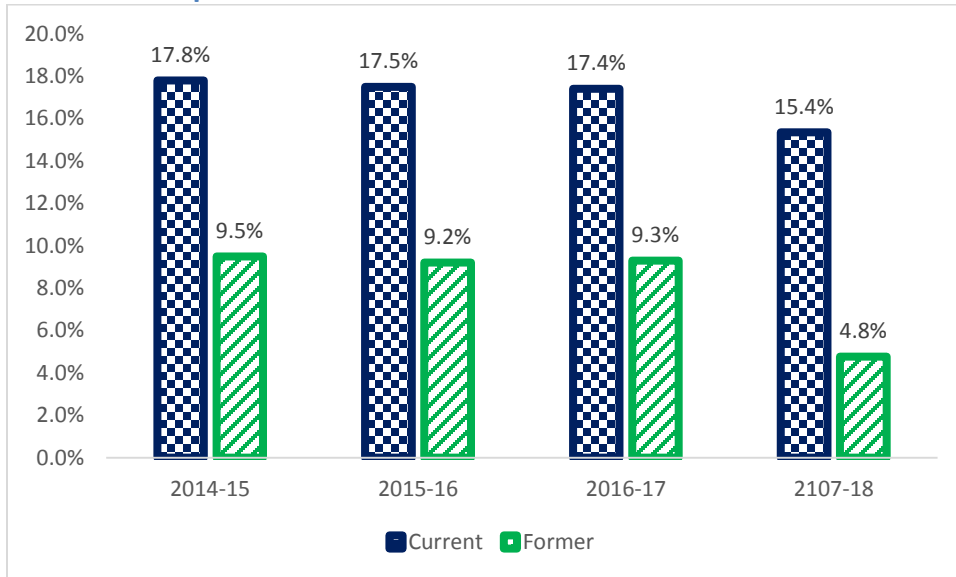
Graph 13b: Percent of Former ELLs Dually-Identified as Having a Disability who also Receive Special Education and Related Services by District, 2017-18



Source: SECC December 1st Child Count and Spring Membership.

Graph 13c shows the year-to-year comparison of the statewide average of current and former ELLs identified as having a disability and receiving special education services. For current ELLs, 17.8 percent statewide were identified as having a disability and receiving special education services in 2014-15 compared to 15.4 percent in 2017-18. For former ELLs, the statewide average remained around 9.5 percent until 2017-18 where the percent of former ELLs identified as having a disability and receiving special education services fell to 4.8 percent.

Graph 13c: Percent of Current and Former ELLs Dually-Identified as Having a Disability who also Receive Special Education and Related Services Year-to-Year



Part C: Student Achievement

Section C summarizes measures of student success for current and former English Language Learners. This includes assessment data for the English Language Proficiency Assessment for the 21st Century (ELPA21), Smarter Balanced Assessment, the 5-year graduation rate and post-secondary enrollment. One of the key takeaways from this section is that former ELLs graduate within 5 years at 83 percent, which is higher than the never ELL rate of 80 percent.

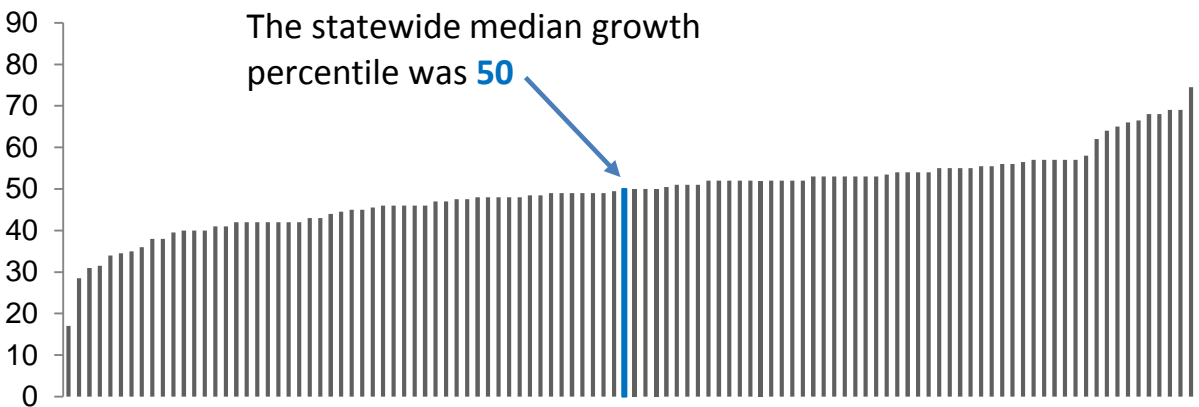
Part C Section Summary:

- Section 14 summarizes the performance of current ELLs on the ELPA21, which is used to test the language proficiency of ELLs in the domains of reading, writing, listening and speaking. Statewide the median growth score across all domains was 50 meaning the median student showed growth greater than or equal to 50 percent of all students taking the assessment.
- Section 15 has the median growth percentile for current and former ELLs in grade 6 – 8 on the Smarter Balanced mathematics assessment. Current ELLs are in the 46th percentile of growth in math, and former ELLs are in the 53rd percentile. This indicates that current ELLs are showing growth slightly below the median for all students and former ELLs are showing growth slightly above the median for all students.
- Section 16 looks at the percent of current and former ELLs meeting achievement standards on the mathematics and the English language arts assessments. For both the math and English language arts assessments, former ELLs perform dramatically better than current ELLs. The gap is biggest in elementary school for math and in high school for English language arts. Additionally, there is a lot of variation across districts.
- Section 17 provides the 5-year cohort graduation rate for current and former ELLs. Statewide for current ELLs, 65 percent graduated with a regular or modified diploma within five years. Former ELLs graduated within five years at a significantly higher rate of 83 percent, which is higher than the statewide rate for never ELLs (80 percent).
- Section 18 shows the post-secondary enrollment rate for current and former ELLs. This is defined as students who graduated within 4 years and enrolled in a post-secondary institution with 16 months of graduation. Statewide current ELLs, 38 percent of those who graduated enrolled in a post-secondary institution compared to 49 percent for former ELLs.

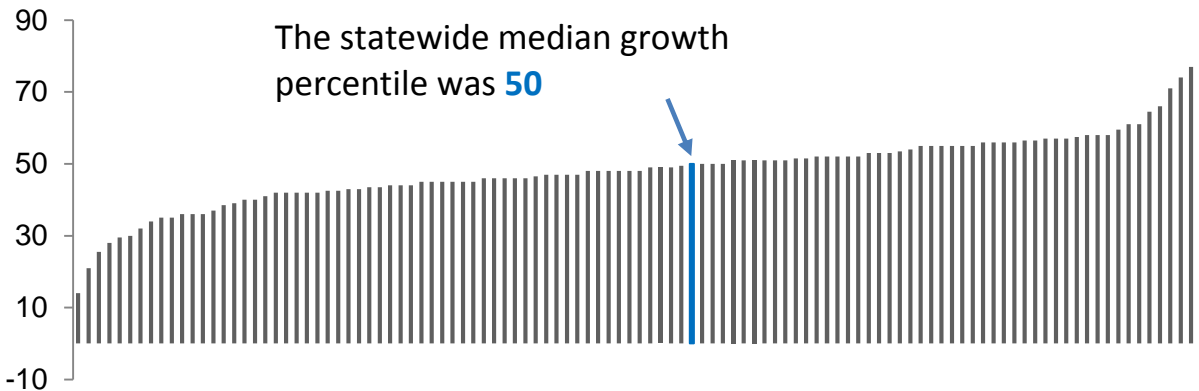
Section 14: Growth on the English Language Proficiency Assessment for the 21st Century (ELPA21)

The State of Oregon uses ELPA21 to test the language proficiency of ELLs. ELPA21 is taken only by current ELLs and students who are identified as possibly needing ELL services. The graphs in this section show the median growth percentile of current ELLs who took ELPA21 in the 2017-2018 school year in each of the four tested domains (i.e., reading, writing, listening and speaking). The statewide median growth percentile was 50 across all domains. This means that the median student showed growth greater than or equal to 50 percent of all students taking ELPA21 with similar past test scores.

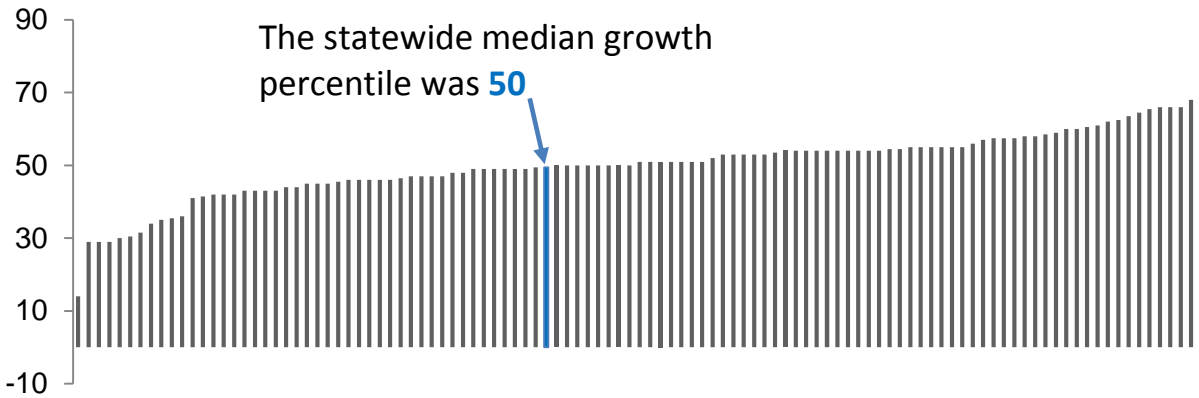
Graph 14a: Median Growth Percentile on ELPA21 by District for Reading, 2017-18



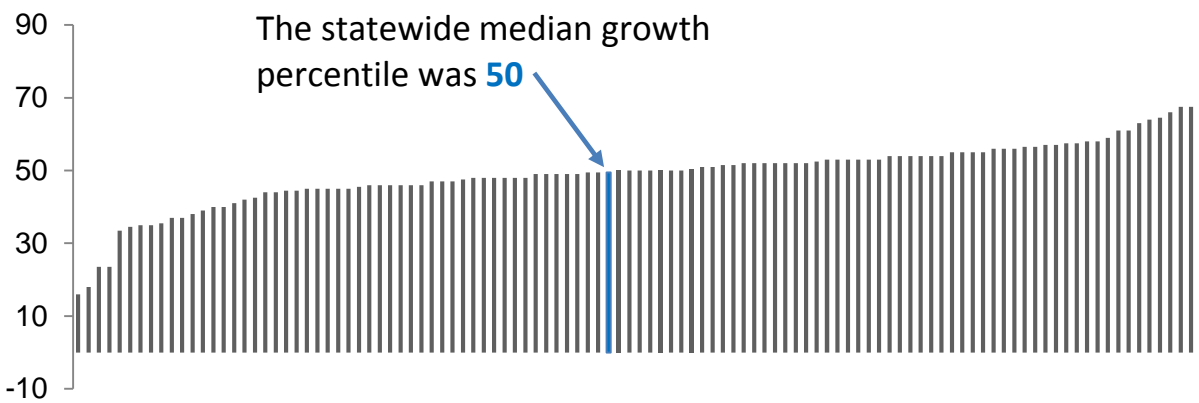
Graph 14b: Median Growth Percentile on ELPA21 by District for Writing, 2017-18



Graph 14c: Median Growth Percentile on ELPA21 by District for Listening, 2017-18

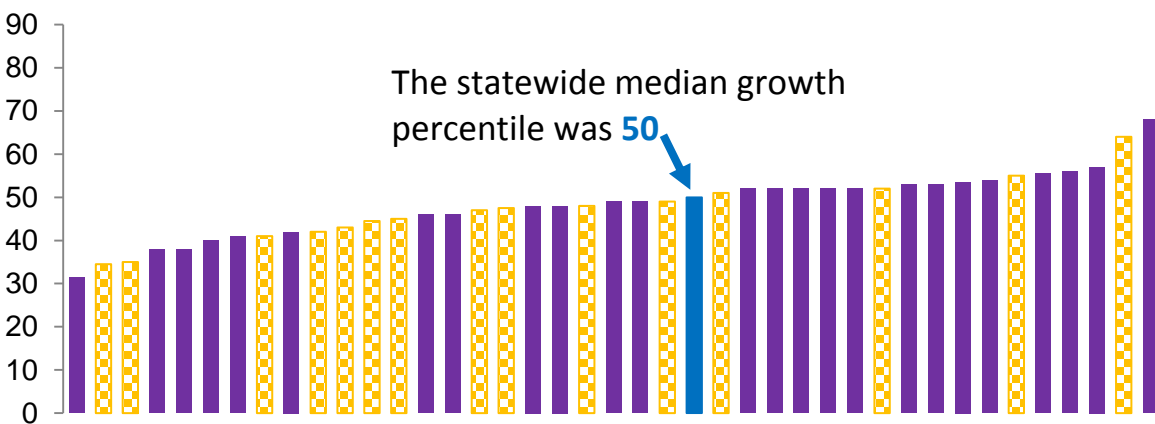


Graph 14d: Median Growth Percentile on ELPA21 by District for Speaking, 2017-18

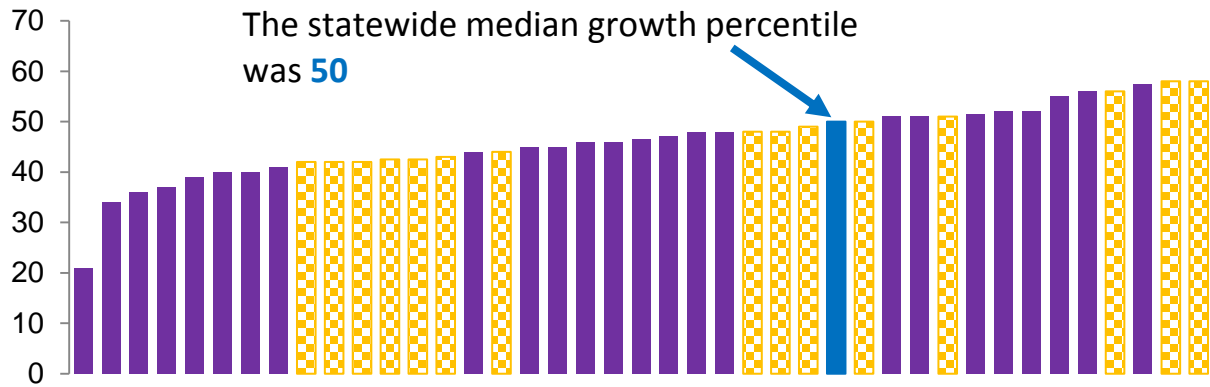


Source: Oregon Student ELPA21 Scores

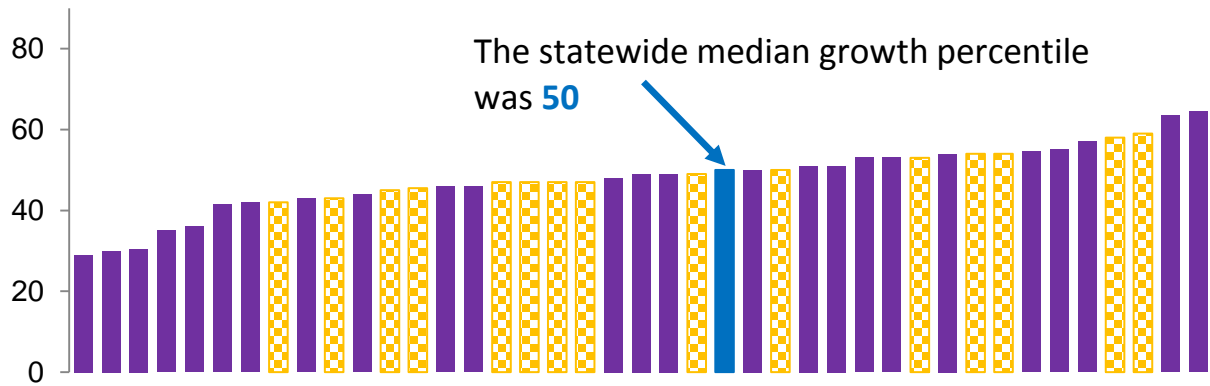
Graph 14e: Median Growth Percentile on ELPA21 by HB 3499 Districts for Reading, 2017-18



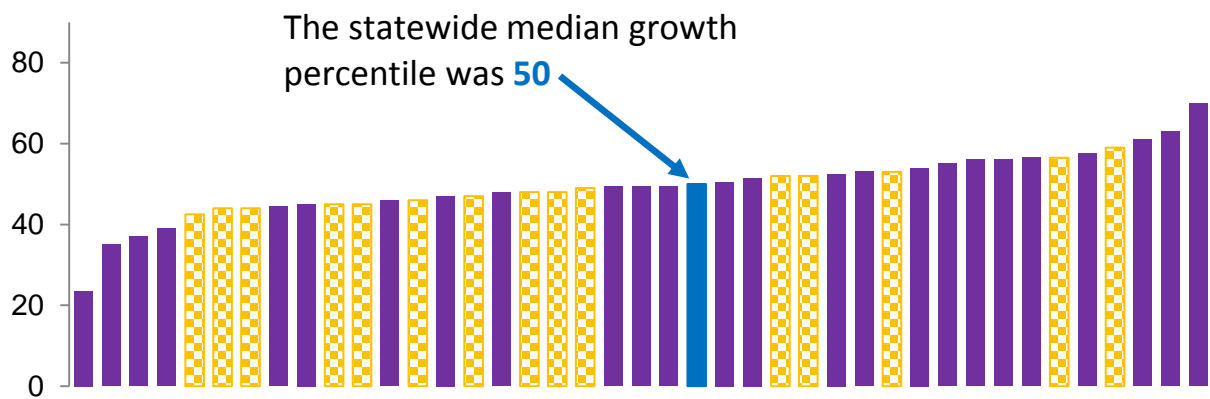
Graph 14f: Median Growth Percentile on ELPA21 by HB 3499 Districts for Writing, 2017-18



Graph 14g: Median Growth Percentile on ELPA21 by HB 3499 Districts for Listening, 2017-18



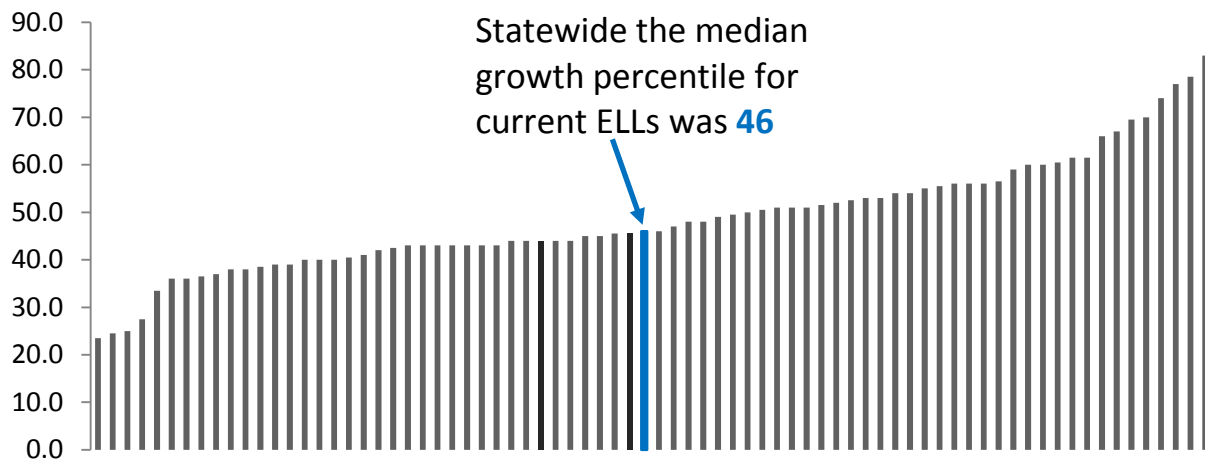
Graph 14h: Median Growth Percentile on ELPA21 by HB 3499 Districts for Speaking, 2017-18



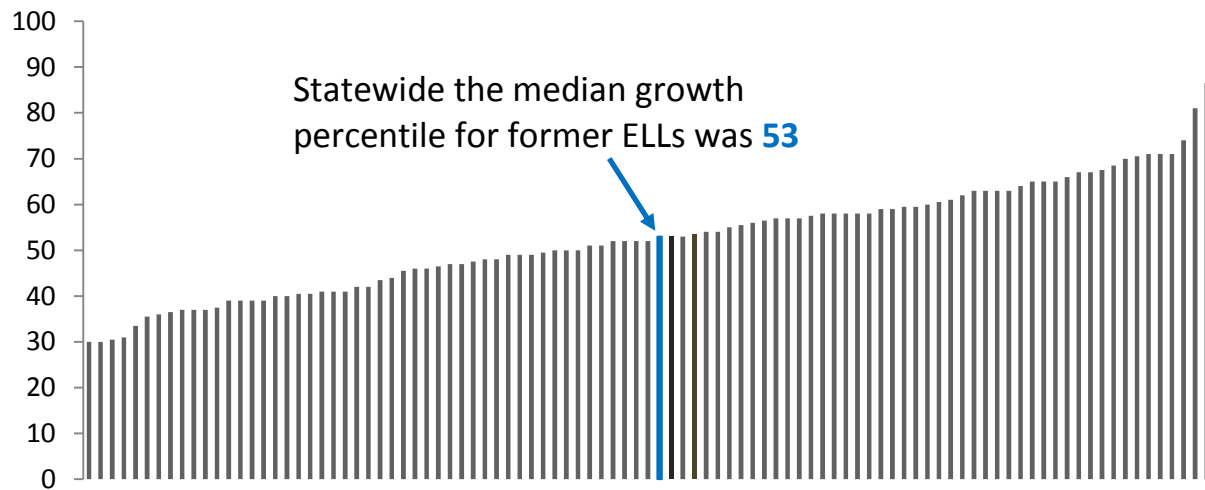
Section 15: Median Mathematics Growth Percentile, 6th-8th Grade

The Oregon Department of Education uses growth model to express a student’s achievement growth as a percentile, which reflects a student’s growth relative to his or her academic peers. For example, the median student from a district with a mathematics growth percentile of 42 showed growth equal to or greater than 42 percent of students with similar past scores. Graph 15a shows the statewide median mathematics growth percentile for 6th-8th graders who are current ELLs was 46, with district medians ranging from 23.5 to 83. Graph 15b shows the statewide median mathematics growth percentile for 6th-8th graders who were former ELLs was 53, with district medians ranging from 30 to 86.5.

Graph 15a: Median Mathematics Growth Percentile, 6th-8th Grade by District for Current ELLs, 2017-18



Graph 15b: Median Mathematics Growth Percentile, 6th-8th Grade by District for Former ELLs, 2017-18

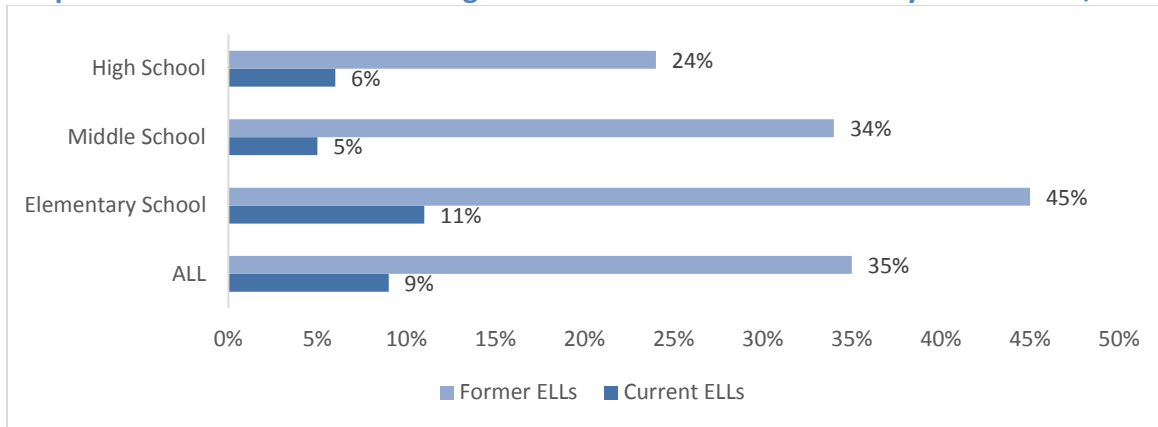


Source: Oregon Students Mathematics Test Scores

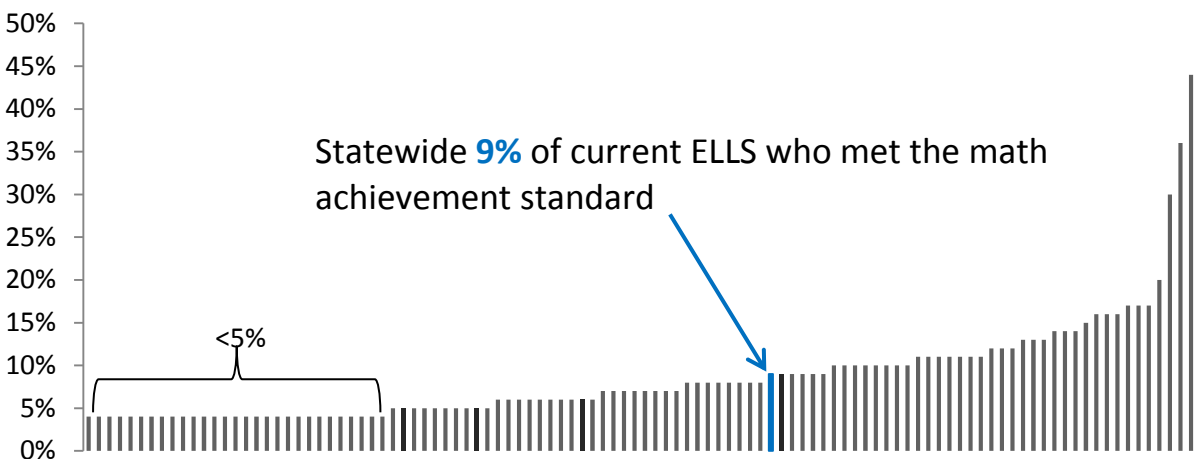
Section 16: Percent of English Language Learners Meeting Achievement Standards

Graph 16a shows the percentage of students meeting math achievement standards by grade band for current and former ELL students. For current ELLs, it's in middle school grades where math achievement is lowest while for former ELLs, high school has the lowest achievement percentage. Elementary school has the highest percentage of current and former ELLs meeting achievement standards. Graph 16b shows across districts, between less than 5 percent and 46 percent of current ELLs met the mathematics achievement standards with a statewide average of 9 percent (n = 4,676) for current ELLs. This compares to a statewide average of 46 percent of never ELLs meeting the achievement standards. Graph 13c shows that across districts between 9 percent and 81 percent of former ELLs met mathematics achievement standards with a state average of 35 percent (n = 18,665). For never ELLs districts ranged from 5 percent to 88 percent of never ELL students meeting the math achievement standards

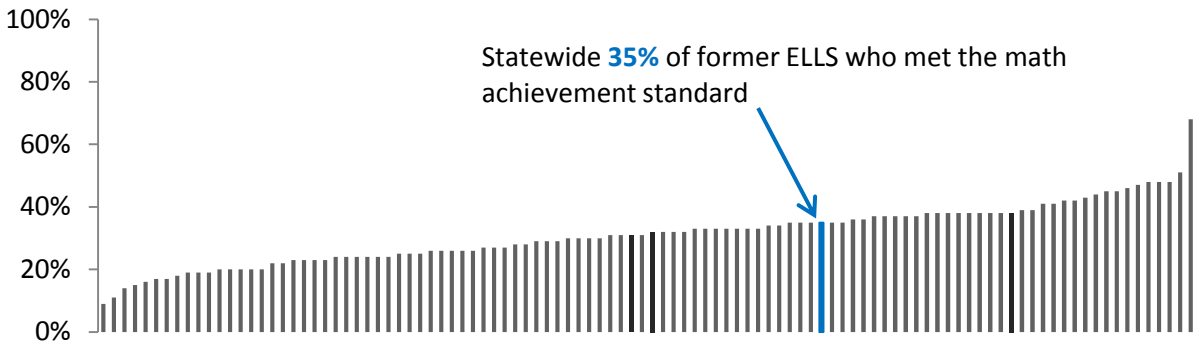
Graph 16a: Percent of ELLs Meeting Math Achievement Standards by Grade Level, 2017-18



Graph 16b: Percent of Current ELLs Meeting Math Achievement Standards for all Grade Levels by district, 2017-18

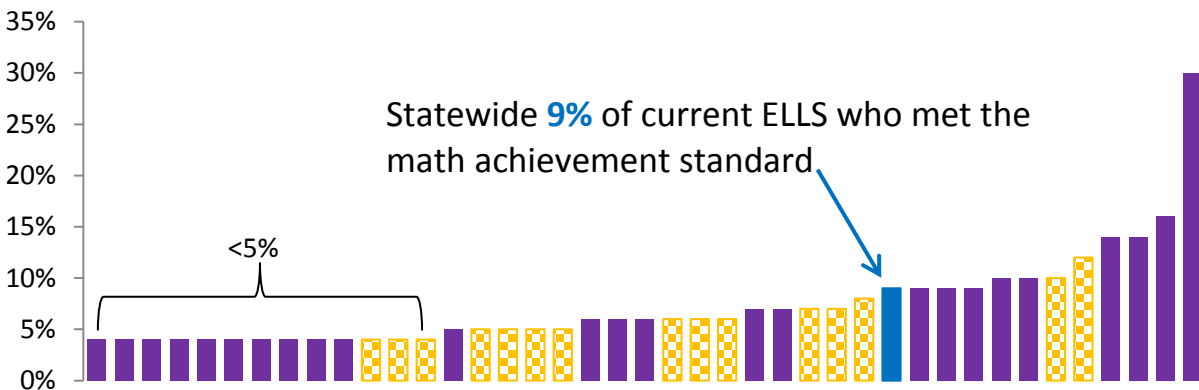


Graph 16c: Percent of Former ELLs Meeting Math Achievement Standards for all Grade Levels by District, 2016-17

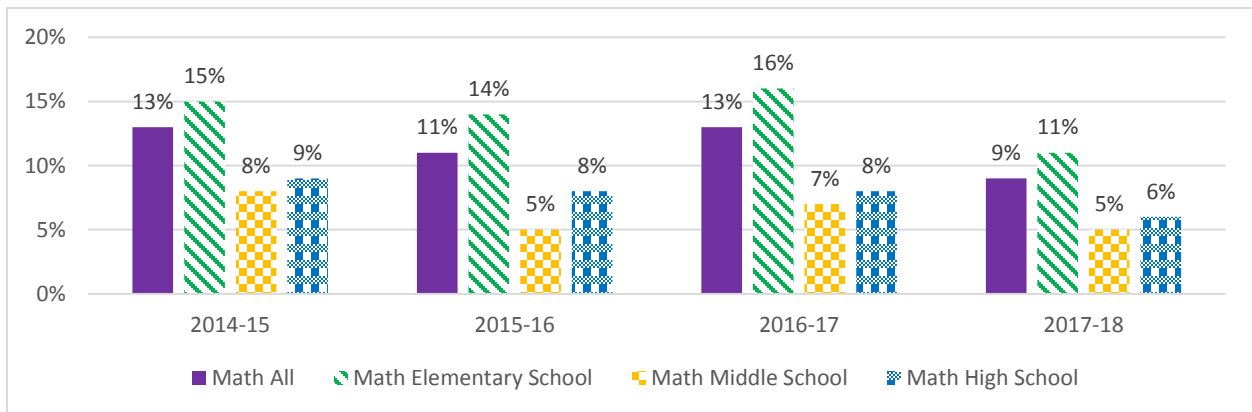


Graph 16d shows the percent of current ELLs in HB 3499 districts who are meeting the math achievement standards. The range is from less than 5 percent to 30 percent with 11 districts above the statewide average of 9 percent. Chart 16e shows the year-to-year comparison by grade band for current ELLs meeting the math achievement standards.

Graph 16d: Percent of Current ELLs Meeting Math Achievement Standards for all Grade Levels in HB 3499 Districts

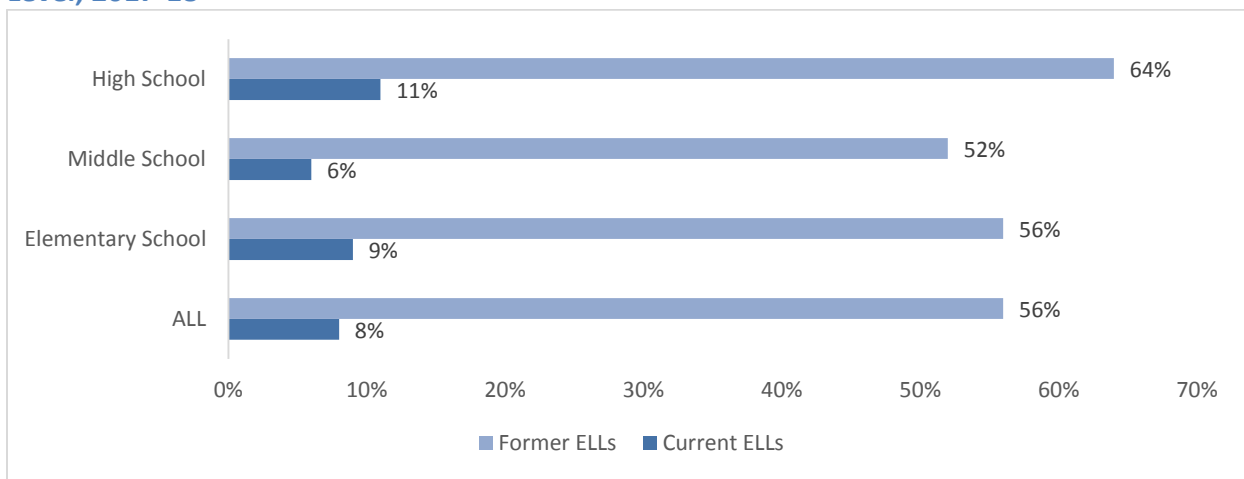


Graph 16e: Percent of Current ELLs Meeting Math Achievement Standards for all Grade Levels in HB 3499 Districts

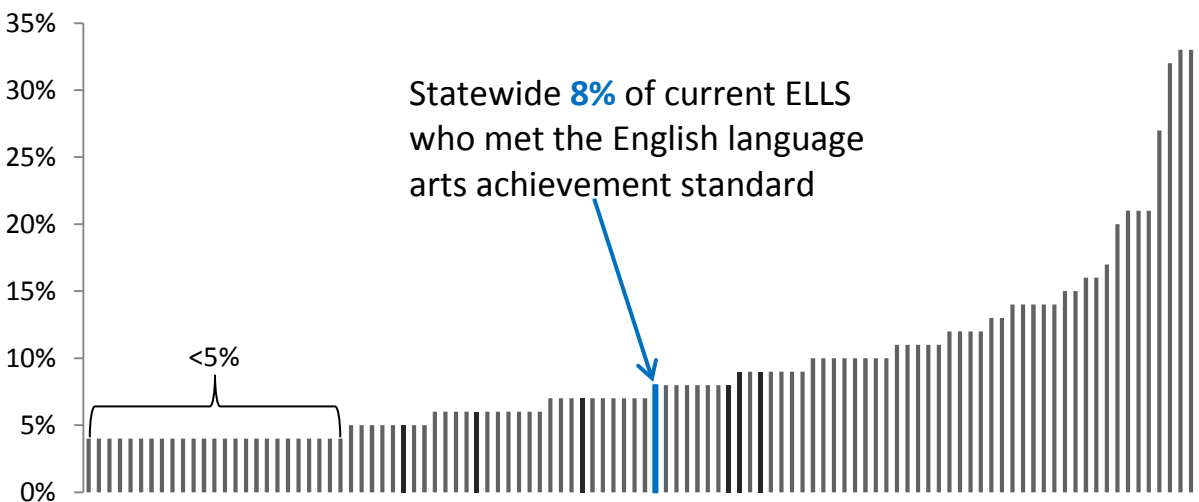


Graph 16f shows the breakdown by grade band of the percent of current and former ELLs meeting English language arts achievement standards. For current and former ELLs, the lowest percent meeting standards is in middle school. The largest percentage of both current and former ELLs meeting English language arts achievement standards is in high school. Graph 16g shows that between less than 5 percent and 33 percent of current ELLs met the English language arts achievement standard with a statewide average of 8 percent (n = 4,156). This compares to 61 percent for never ELLs. Graph 16h shows that between 20 and 88 percent of former ELLs met English language arts achievement standards with a statewide average of 56% (n = 29,864). Statewide, the percentage of never ELLs meeting the English language arts achievement standards ranged from 5 percent to 95 percent.

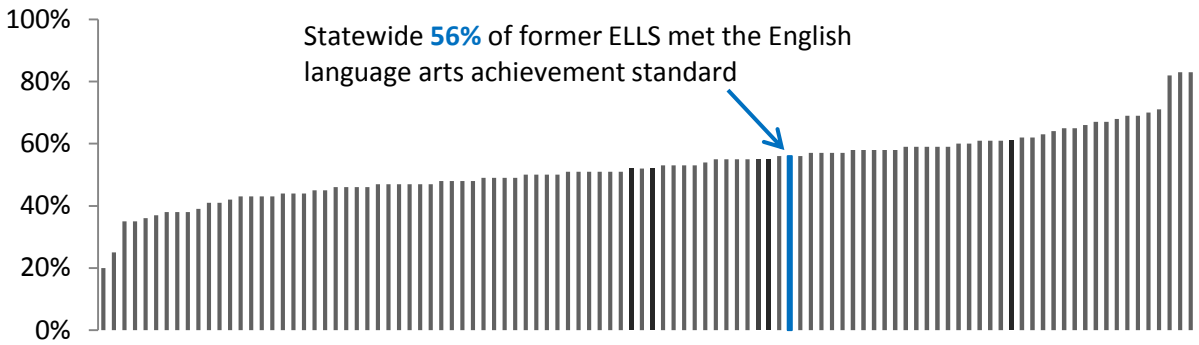
Graph 16f: Percent of ELLs Meeting English Language Arts Achievement Standards by Grade Level, 2017-18



Graph 16g: Percent of Current ELLs Meeting English Language Arts Achievement Standards for all Grade Levels by District, 2017-18

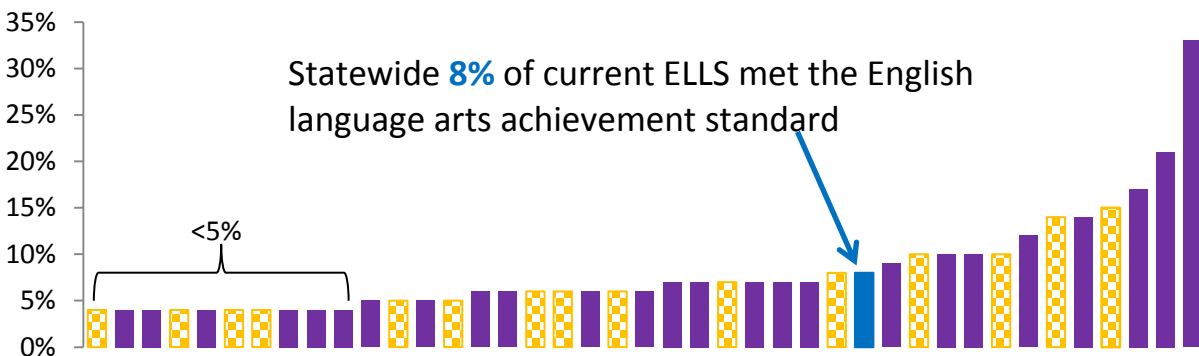


Graph 16h: Percent of Former ELLs Meeting English Language Arts Achievement Standards for all Grade Levels by District, 2017-18

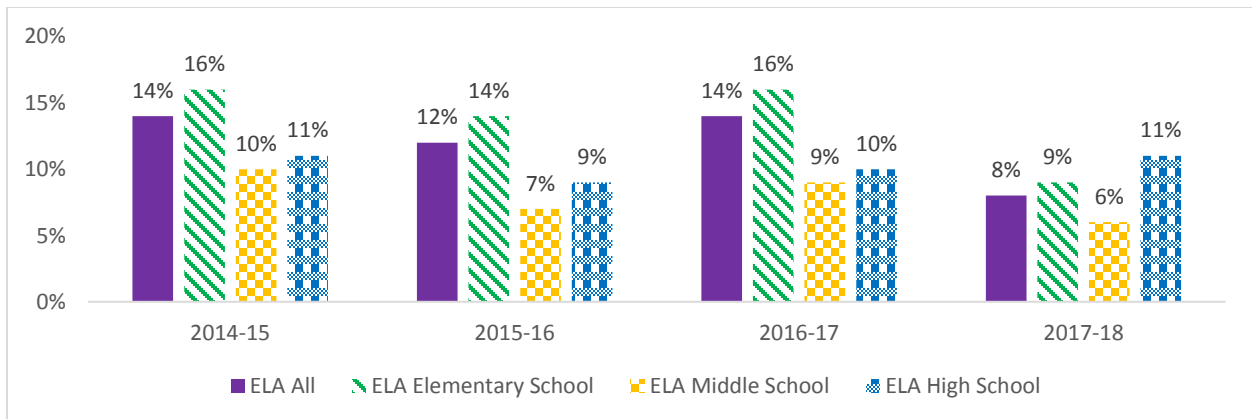


Graph 16i shows the percent of current ELLs in HB 3499 districts who are meeting the English language arts achievement standards. The range is from less than 5 percent to 33 percent with 12 districts above the statewide average of 9 percent. Chart 16e shows the year-to-year comparison by grade band for current ELLs meeting the English language arts achievement standards.

Graph 16i: Percent of Current ELLs Meeting English Language Arts Achievement Standards for all Grade Levels in HB 3499 Districts



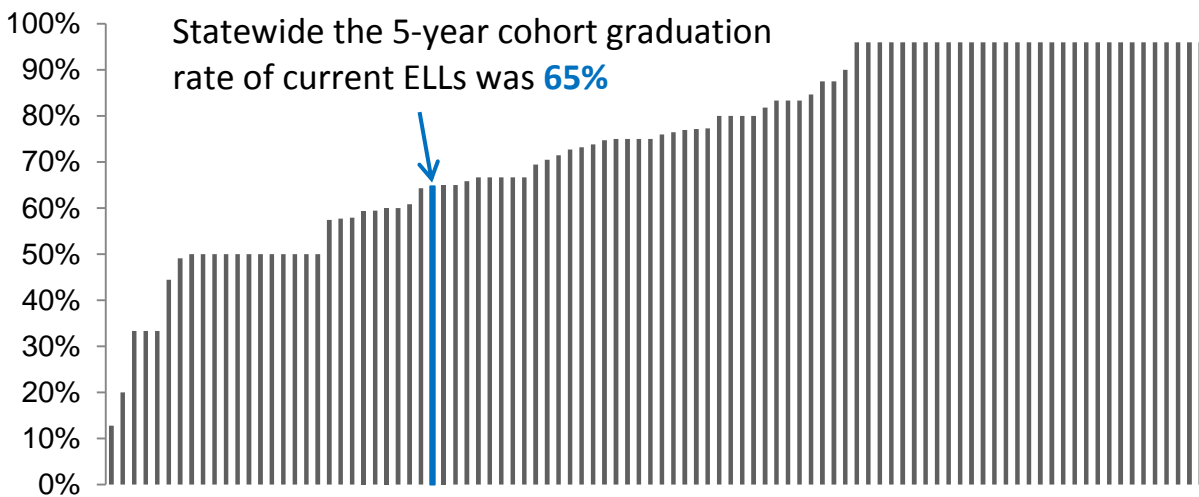
Graph 16j: Percent of Current ELLs Meeting English Language Arts Achievement Standards for all Grade Levels in HB 3499 Districts



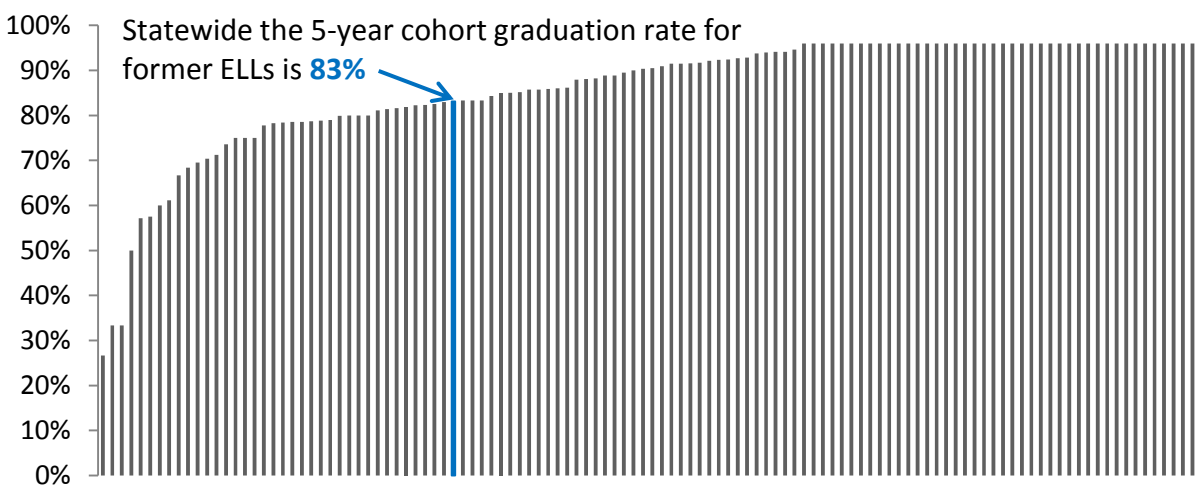
Section 17: 5-Year Cohort Graduation Rate for English Language Learners

Students in this 5-Year graduation cohort first entered high school in the 2013-2014 school year. The cohort is adjusted for students who move into or out of the system, emigrate or are deceased. The cohort graduation rate is calculated as the number of students in the cohort who graduated with a regular or modified diploma within five years as a percent of the total number of students in the cohort. Graph 17a shows that the statewide 5-year cohort graduation rate for current ELLs was 65 percent, with district averages ranging from 12.7 percent to more than 95 percent. Graph 17b shows that the statewide 5-year cohort graduation rate for former ELLs was 83 percent, with district averages ranging from 26 percent to more than 95 percent. For students identified as never ELLs, the statewide 5-year cohort graduation rate was 80 percent with districts ranging from 21 percent to more than 95 percent

Graph 17a: 5-Year Cohort Graduation Rate by District for Current ELLs, 2017-18



Graph 17b: 5-Year Cohort Graduation Rate for Former ELLs, 2016-17



Source: Cohort Graduation Rate

Graph 17c shows the 5-Year Cohort Graduation Rate for Current ELLs in HB 3499 Districts. Rates range from 12.77 percent to above 95 percent. Of the 40 target and transformation districts, 24 are above the state 5-Year Cohort Graduation rate of 65 percent for Current ELLs with 9 of the 40 districts above 95 percent.

Graph 17c: 5-Year Cohort Graduation Rate for Current ELLs in HB 3499 Districts, 2017-18

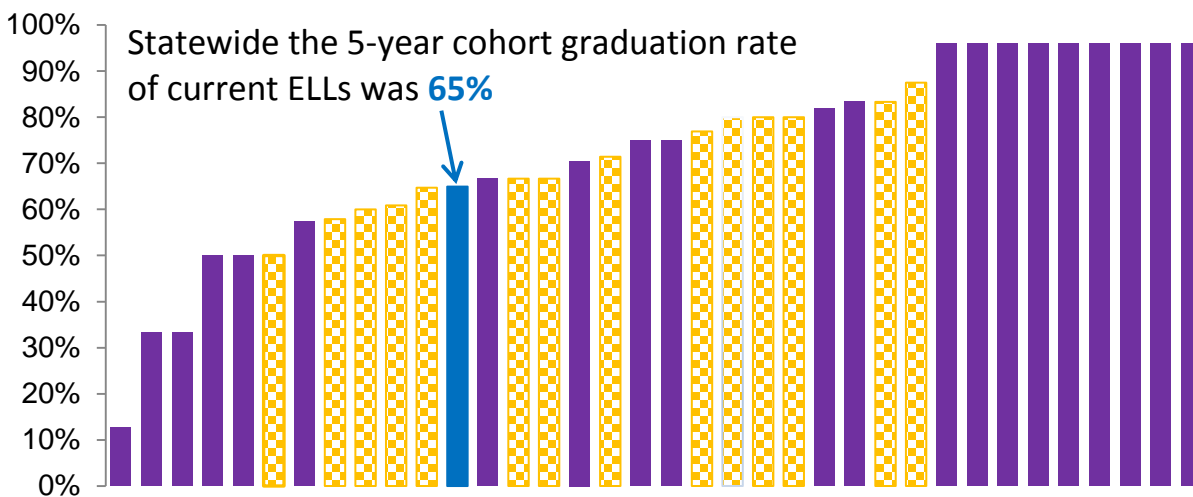
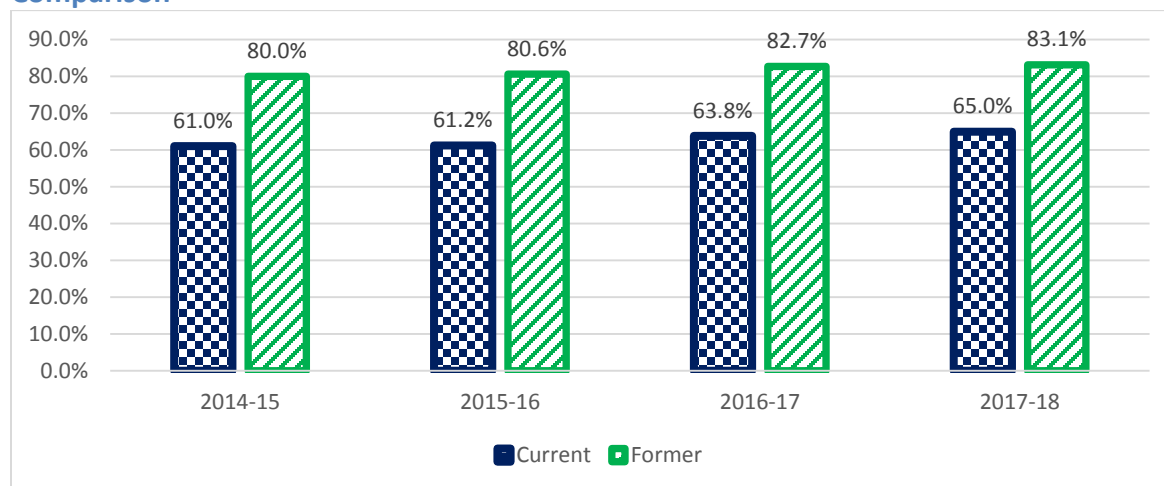


Chart 17d shows the year-to-year comparison of the 5-Year Graduation Cohort Rate. For 2014-15, the 5-year cohort graduation rate was 61 percent for current ELLs and 80 percent for former ELLs. The data indicate a slight upward trend in the 5-year cohort graduation rate with increases in each year with the most current year data showing 65 percent of current ELLs and 83.1 percent of former ELLs graduating within 5 years.

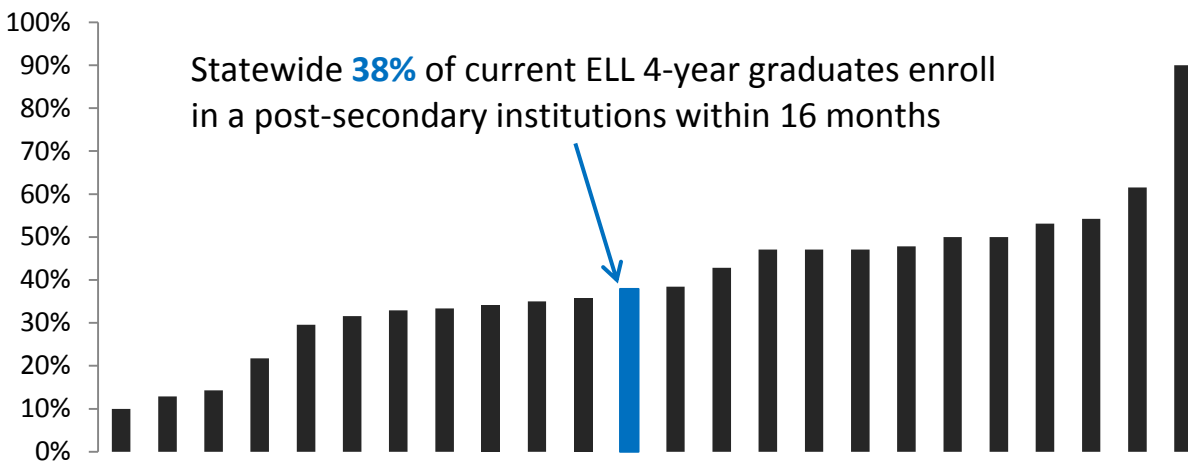
Graph 17d: 5-Year Cohort Graduation Rate for Current and Former ELLs Year-to-Year Comparison



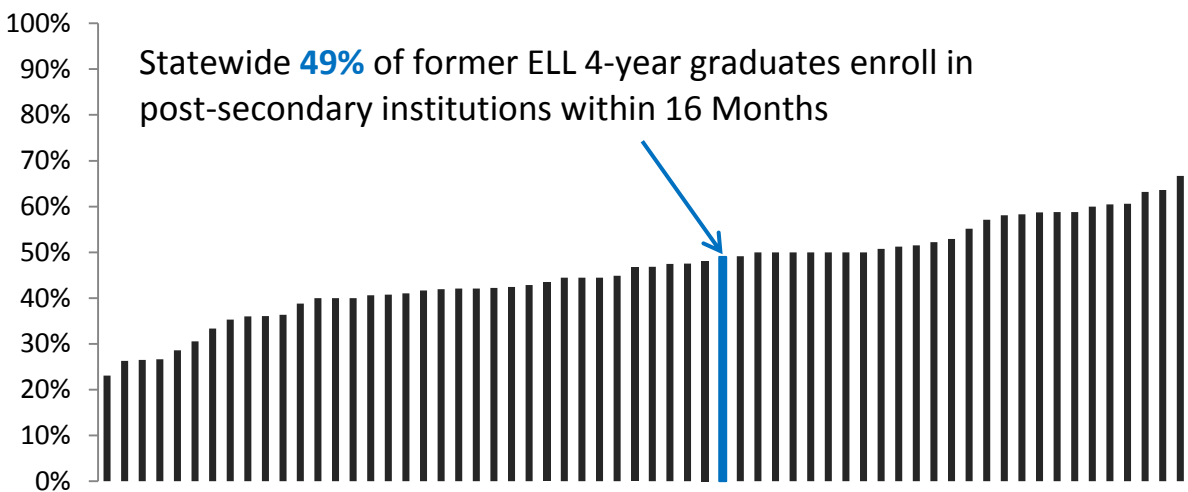
Section 18: Post-Secondary Enrollment

The post-secondary enrollment rate is the share of students who graduated from high school in four years and enrolled in a post-secondary institution within 16 months of high school graduation. For the high school class of 2015-16, graph 18a shows that statewide, 38 percent of current ELLs who graduate high school in four years enter a post-secondary institution within 16 months. District averages ranged from 19 percent to 89 percent. Graph 18b shows that statewide, 49 percent of former ELLs who graduate high school in four years enter a post-secondary institution within 16 months. District averages ranged from 22 percent to 86 percent. For all students who graduate high school in four years, 64 percent enter a post-secondary institution within 16 months.

Graph 18a: Post-secondary Enrollment of 4-Year Graduate Current ELLs within 16 Months of High School Graduation



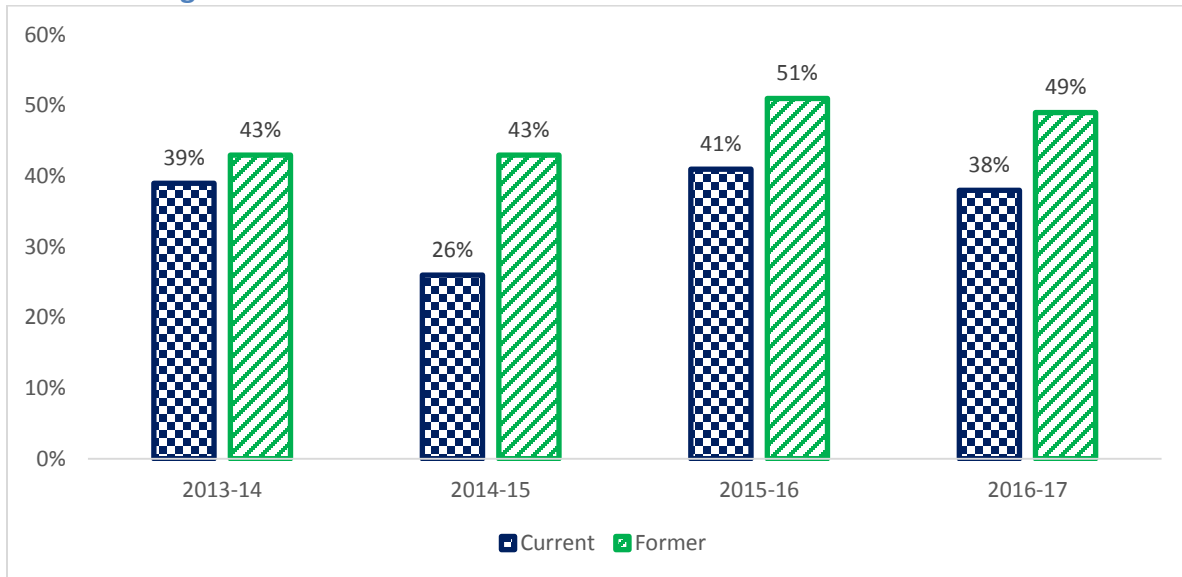
Graph 18b: Post-secondary enrollment of 4-Year Graduate Former ELLs within 16 Months of High School Graduation



Source: National Clearinghouse Data Collection and Cohort Graduation Rate

Chart 18c shows the post-secondary enrollment for current and former ELLs within 16 months of their high graduation year for 4-year graduates. The graph indicates that in 2013-14, 39 percent of current ELLs who graduated within four years enrolled in a post-secondary institution. This increased to 41 percent in 2015-16 but went back to 38 percent for 2016-17. For former ELLs, 43 percent who graduated within four years enrolled in a post-secondary institution in 2013-14 compared to 49 percent in 2016-17, which is still down slightly from the 51 percent reported in 2015-16.

Graph 18c: Post-Secondary Enrollment of 4-Year Graduate Current and Former ELLs within 16 Months of High School Graduation Year of Year



Part D: Other Information on English Language Learner Students

Part D of this report provides additional data points related to current and former ELLs in the state of Oregon. These data not categorized elsewhere in the report look at the breakdown of ELLs by grade, percent of ELLs who exit EL Programs by grade, regular attenders, 9th grade on track, discipline incidents and the Oregon State Seal of Biliteracy.

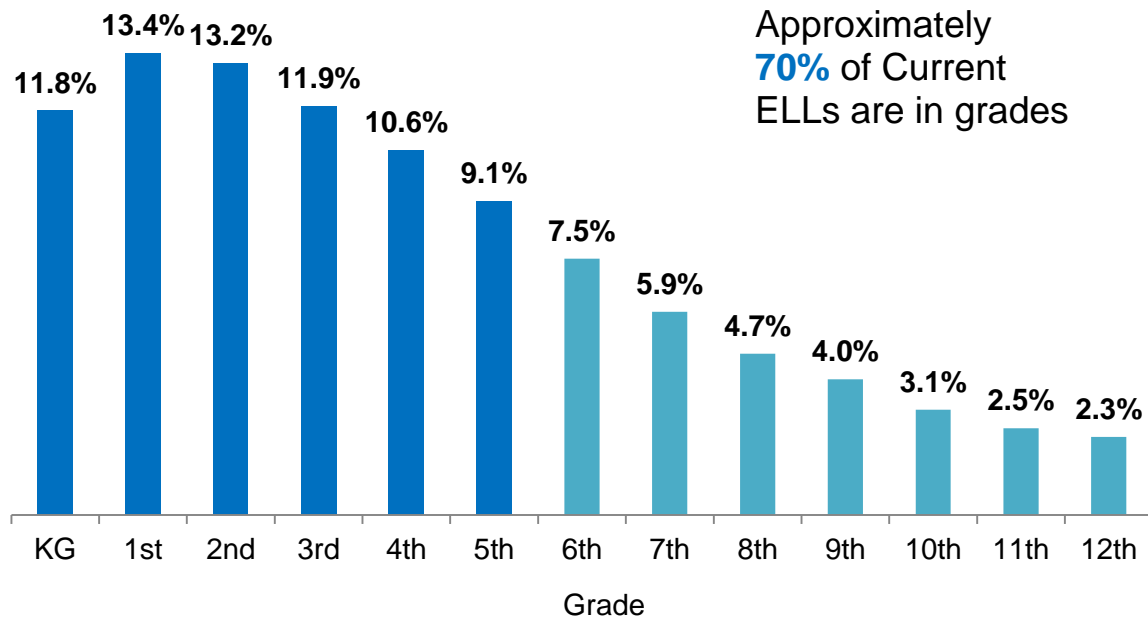
Part D Section Summary:

- Section 19 breaks down current English language learners by grade. Statewide, approximately 70 percent of ELLs are in grades K-5.
- Section 20 shows the percent of ELLs who exit by grade. Nearly half of all ELLs exit by the 4th grade and 88 percent exit ELL programs by the 9th grade.
- Section 21 shows the percent of current and former ELLs who are regular attenders. Statewide for current ELLs, 80 percent are considered to be regular attenders which is comparable to the statewide never ELL rate of 80 percent. Former ELLs are slightly lower with 77 percent considered to be regular attenders. (Regular attending is defined as missing less than 10 percent of instructions days in a school year)
- Section 22 shows the percent of current and former ELLs on-track to graduation at the end of their 9th grade year. Statewide 70 percent of current ELLs were on-track at the end of their 9th grade year while 84 percent of former ELLs were considered on-track. The former ELLs are less than a percent lower than the statewide average for never ELL with 85 percent of never ELLs being on track at the end of 9th grade.
- Section 23 shows the dropout rate for current and former ELLs. Statewide, current ELLs had a dropout rate of 5.26 percent, which is higher than statewide dropout rate of 3.51 percent for never ELLs. However, former ELLs have a dropout rate of 3.18 percent which is less than the statewide never ELL rate.
- Section 24 covers current and former ELLs with one or more discipline incident. Statewide, 11 percent of current ELLs have at least 1 discipline incident while 9.5 percent of former ELLs have at least one incident.
- Section 25 provides information about students who have received the Oregon Biliteracy Seal. In 2017-18, 1,621 students received the seal, which is an increase over the 990 students who received the seal the prior year. Statewide, more current and former ELLs (885) whose primary language was not English were awarded the seal than never ELLs (708).

Section 19: English Language Learners by Grade

Graph 19 illustrates that for 2017-18, most current ELLs were in kindergarten through 5th grades. The highest concentration of English language learners occurred in the 1st and 2nd grade where 13 percent of students enrolled in those grades were identified as Current ELLs.

Graph 19: Percent of English Language Learners by Grade, 2017-18

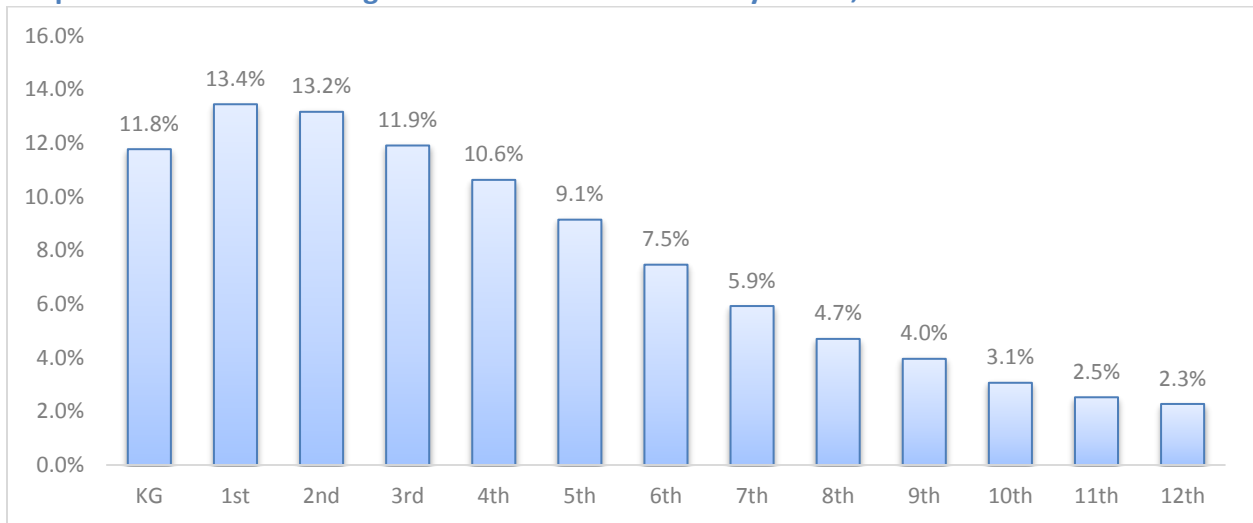


Source: Oregon Department of Education Spring Membership data collection

Section 20: Percent of English Language Learners who Exit by Grade

To successfully exit the English language program, a student must score as proficient on Oregon’s English Language Proficiency Assessment for the 21st Century (ELPA 21). Once a student exits the English language program, they continue to be monitored for four additional years to ensure they are successful in the regular classroom and that the student was not prematurely exited from the English language program. Graph 20 shows that statewide, more than half of ELLs exit ELL status prior to the 4th grade and around 88 percent exit ELL status by 9th grade.

Graph 20: Statewide Average Percent of ELLs who Exit by Grade, 2017-18

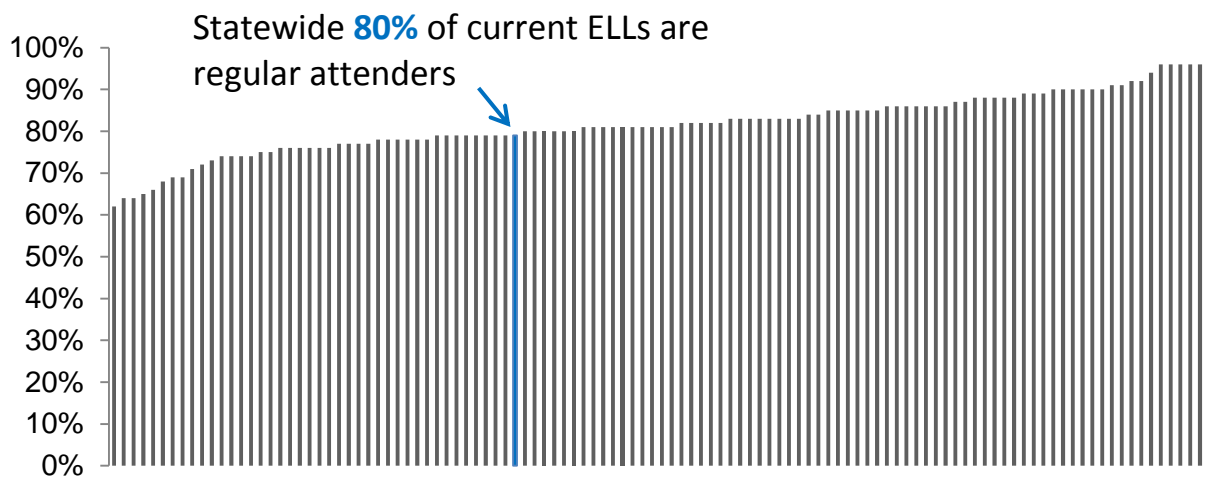


Source: Oregon Department of Education Spring Membership data collection

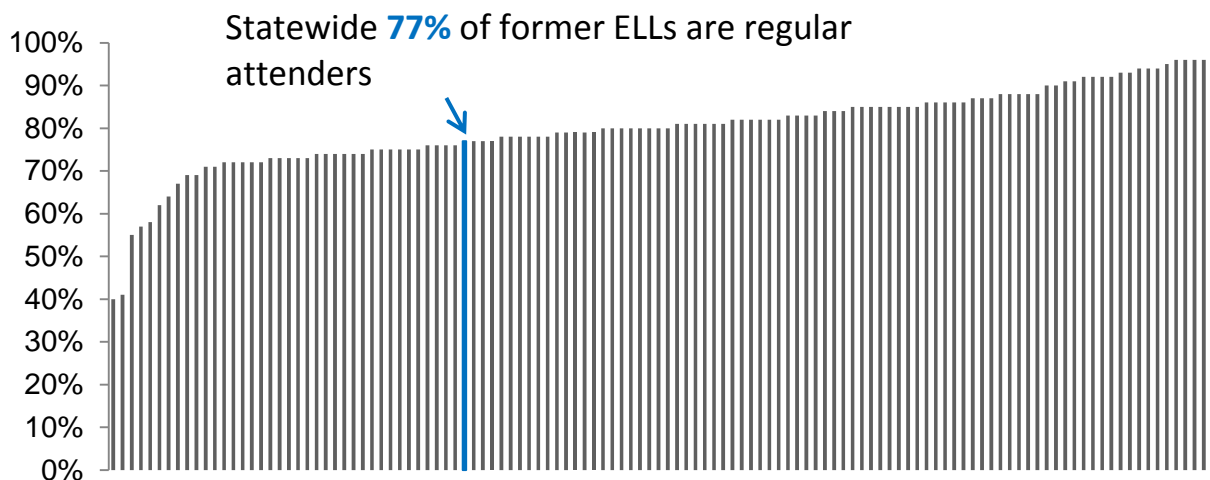
Section 21: English Language Learners who are Regular Attenders

Regular attenders are those students who attend school more than 90 percent of their enrolled days in a school year. Graph 21a shows that statewide, 80 percent of current ELLs are considered regular attenders, with district averages ranging from 62 percent to greater than 95 percent. Graph 21b shows that statewide, 77 percent of former ELLs are regular attenders, with district averages ranging from 40 percent to greater than 95 percent. Statewide, 80 percent of never ELLs were identified as being regular attenders. District percentages ranged from 46 percent to more than 95 percent of students identified as never ELL being regular attenders.

Graph 21a: Percent of Current ELLs who are Regular Attenders by District, 2017-18



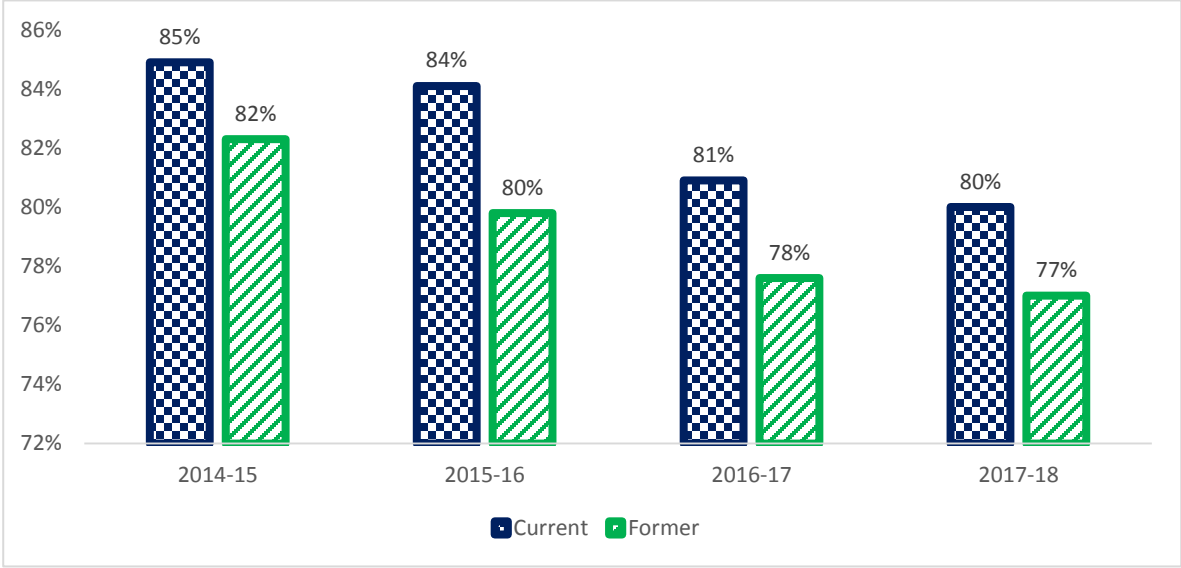
Graph 21b: Percent of Former ELLs who are Regular Attenders by District, 2017-18



Source: Average Daily Membership Collection

Graph 21c shows the year-to-year comparison for current and former ELLs considered to be regular attenders. For 2014-15, 84.9 percent of current ELLs and 82.3 percent of former ELLs were considered to be regular attenders. The data does show a slight downward trend year over year with 80 percent of current ELLs and 77 percent of former ELLs classified as regular attenders in 2017-18

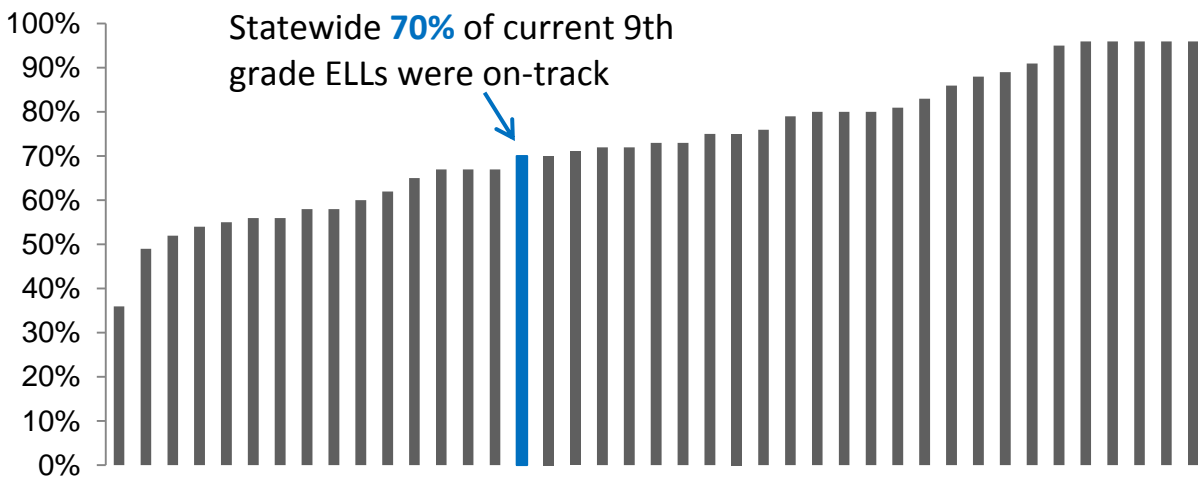
Graph 21c: Percent of Current and Former ELLs who are Regular Attenders Year-to-Year Comparison



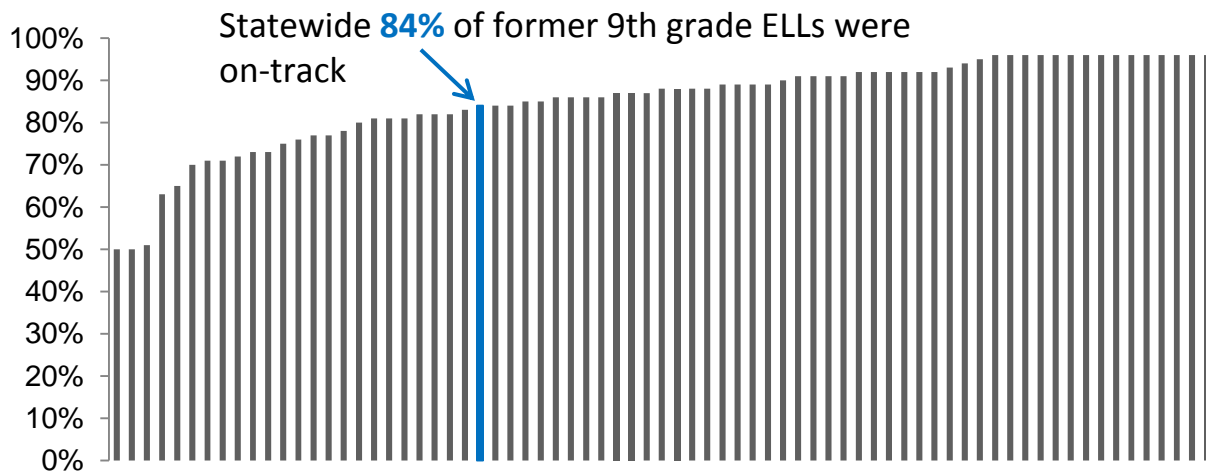
Section 22: Percent of English Language Learners who Met the Ninth Grade On-Track Criteria

To be considered on-track to graduate in four years, a student must have earned at least six credits or 25 percent of the number required for high school graduation, whichever is higher, by the end of their first year of high school. Graph 22a shows that statewide, 70 percent of current ELLs met the ninth grade on-track criteria, with district averages ranging from 36 percent to greater than 95 percent. Graph 22b shows that statewide, 84 percent of former ELLs met the ninth grade on-track criteria, with district averages ranging from 50 percent to greater than 95 percent. Statewide, 85 percent of never ELLs were identified as being on-track at the end of their ninth-grade year. District percentages range from 29 percent to more than 95 percent of students identified as never ELL being on-track at the end of ninth grade.

Graph 22a: Percent of Current ELLs who were On-Track by District, 2017-18



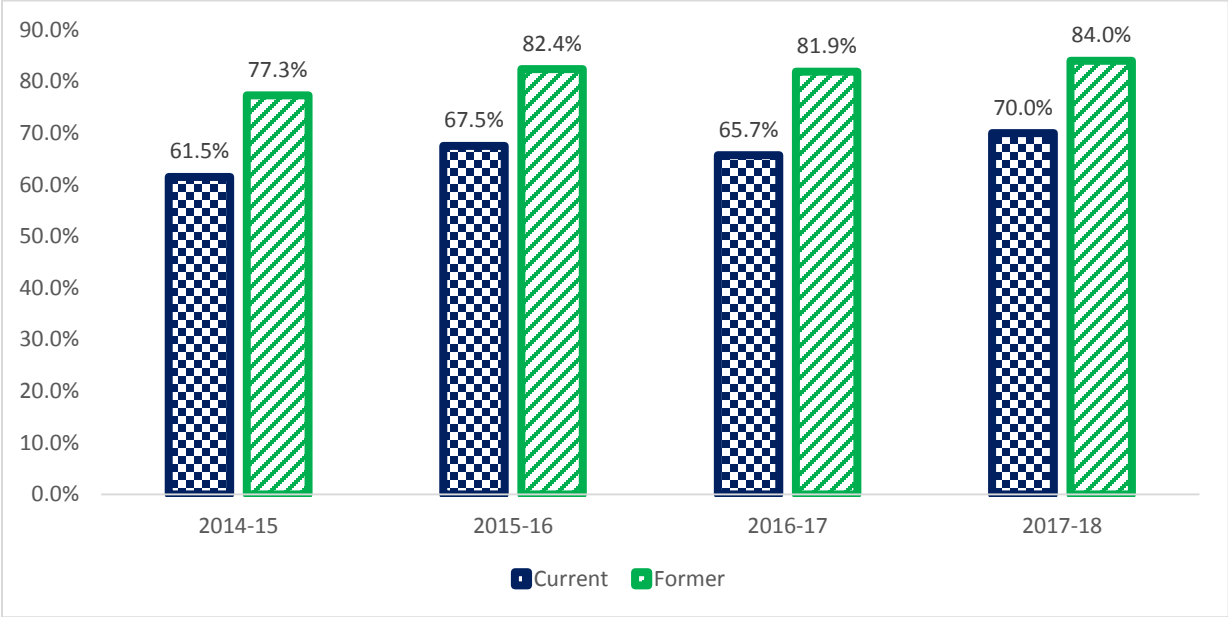
Graph 22b: Percent of Former ELLs who were On-Track by District, 2017-18



Source: Freshman On-Track Collection and Spring Membership

Graph 22c shows the year over year comparison for ninth grade on-track. For 2014-15, 61.5 percent of current ELLs were on-track to graduate by the end of their ninth grade year and 77.3 percent of former ELLs were on-track to graduation. The data shows a slight upward trend year over year, with the exception of a slight dip in 2016-17, with 70 percent of current ELLs considered on-track at the end of their ninth grade year and 84 percent of former ELLs on-track at the end of their ninth grade year.

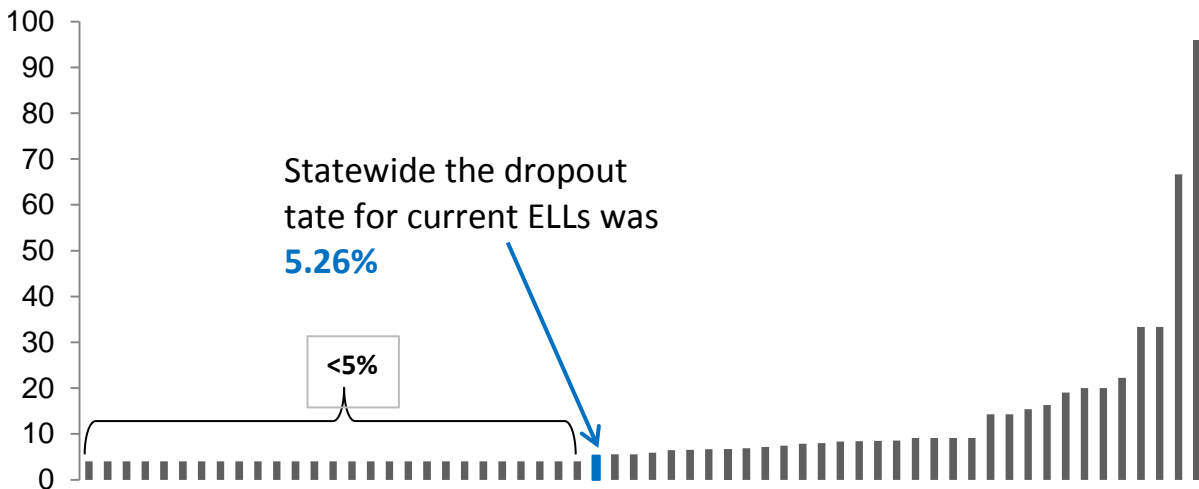
Graph 22c: Percent of Current and Former ELLs who were On-Track by District, Year-to-Year Comparison



Section 23: Dropout Rates for English Language Learners

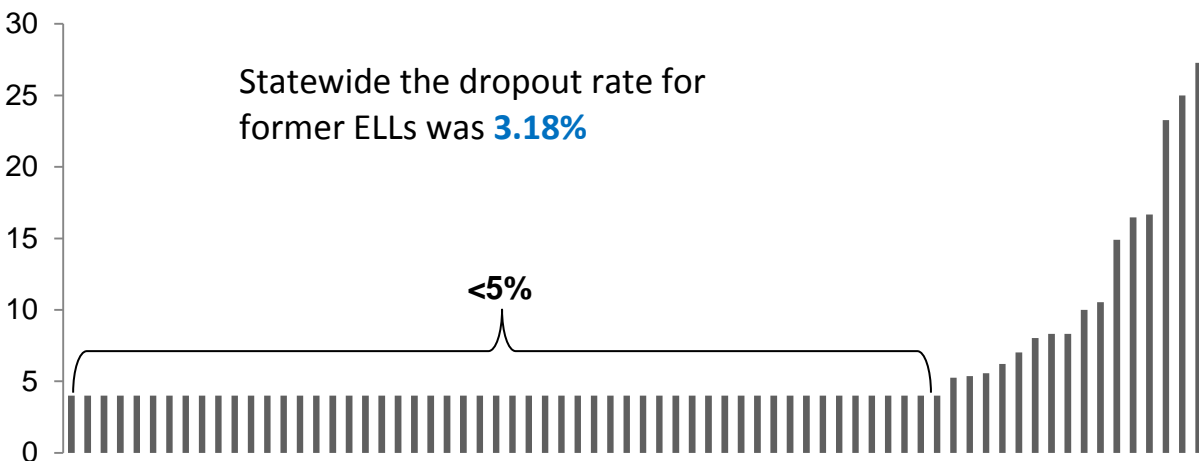
The one-year dropout rate is calculated by dividing the number of dropouts (grades 9-12) by the number of students reported on the October 1 Membership (Enrollment) Data Collection for grades 9-12. Graph 23a shows the statewide dropout rate for current ELLs was 5.26 percent, with district averages ranging from less than 5 percent to more than 95 percent. Graph 23b shows the statewide dropout rate for former ELLs was less than 5 percent, with district averages ranging from less than 5 percent to 27 percent. For students identified as never ELLs, the statewide dropout rate was 3.51 percent with districts ranging from less than 5 percent to 49 percent

Graph 23a: Dropout Rate for Current ELLs by District, 2017-18



*Only districts with more than 6 current ELLs are represented on the graph.

Graph 23b: Dropout Rate for Former ELLs by District, 2017-18

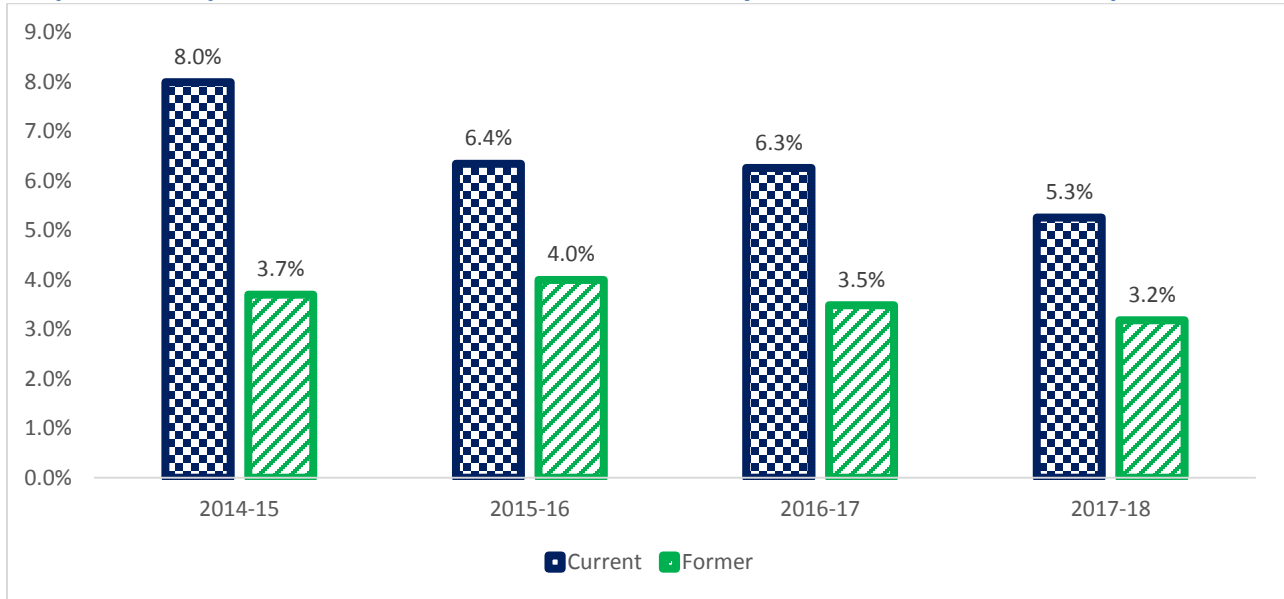


*Only districts with more than 6 former ELLs are represented on the graph.

Source: NCES Dropout Collection

Graph 23c shows the dropout rate year-to-year with 8 percent of current ELLs and 3.7 percent of former ELLs dropping out in 2014-15 to 5.3 percent of current ELLs and 3.2 percent of former ELLs dropping out in 2017-18

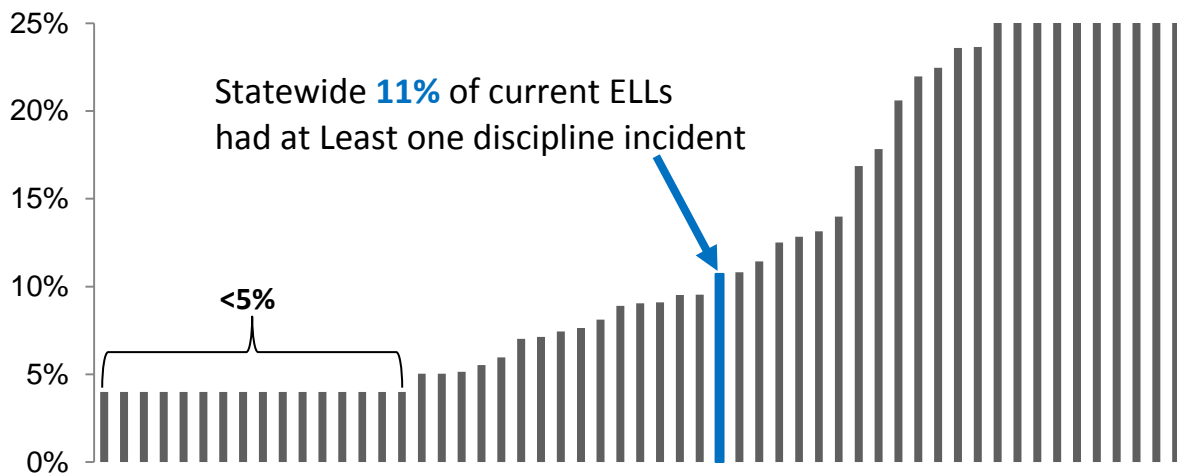
Graph 23c: Dropout Rate for Current and Former ELLs by District, Year-to-Year Comparison



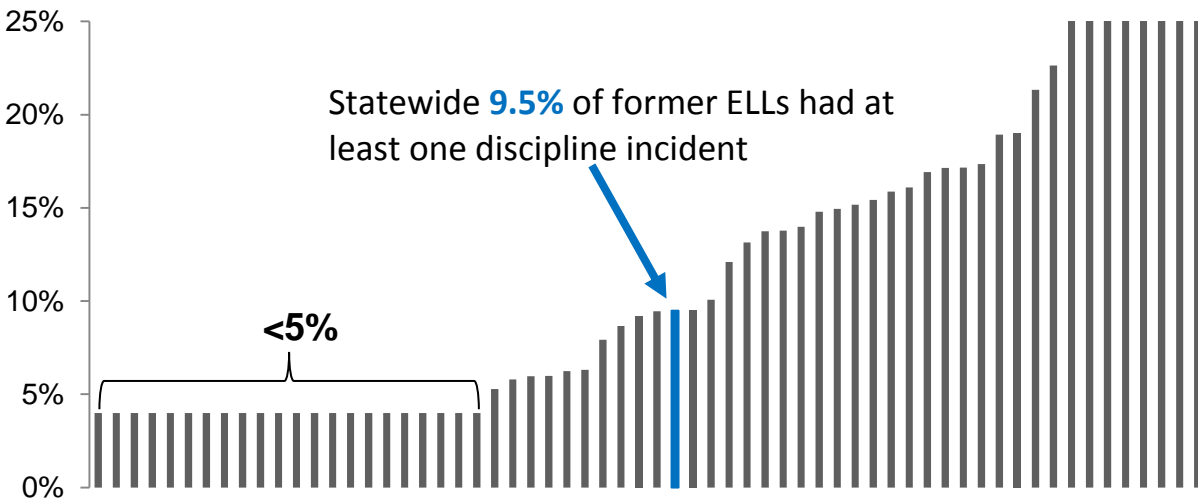
Section 24: English Language Learners with Discipline Incidents

A discipline incident is defined as a violation of school rules or policies that results in the student receiving an in-school suspension, out-of-school suspension or an expulsion. A student may have multiple incidents with increasingly severe outcomes within a single school year. 11 percent of current ELLs had a discipline incident, with graph 24a showing that district percentages ranged from less than 5 percent to 56 percent. About 9.5 percent of former ELLs had a discipline incident, with Graph 24b showing that district percentages ranged from less than 5 percent to 86 percent.

Graph 24a: Percent of Current ELLs who had at Least One Discipline Incident by District, 2017-18



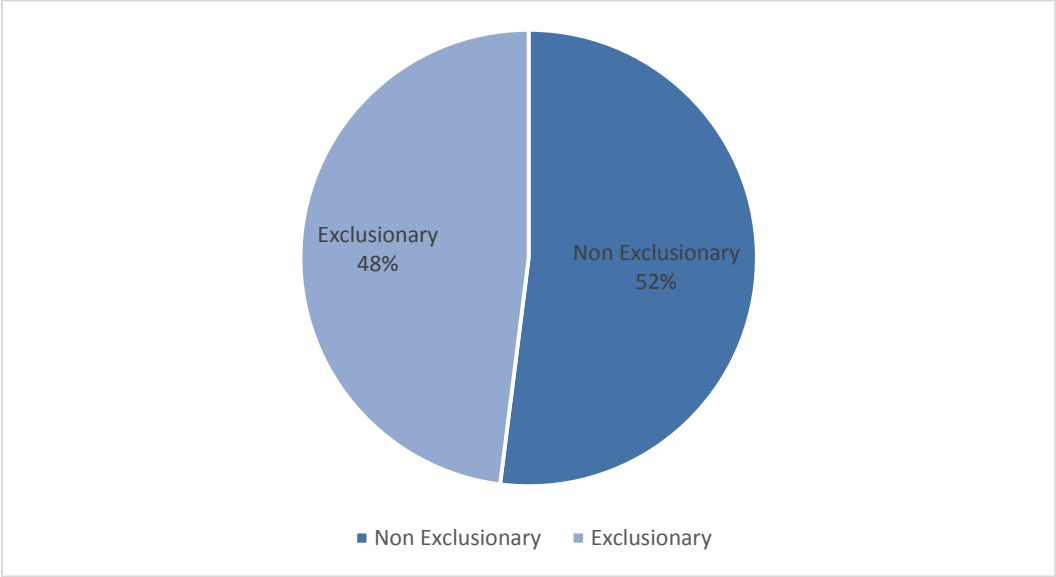
Graph 24b: Percent of Former ELLs who had at Least One Discipline Incident by District, 2017-18



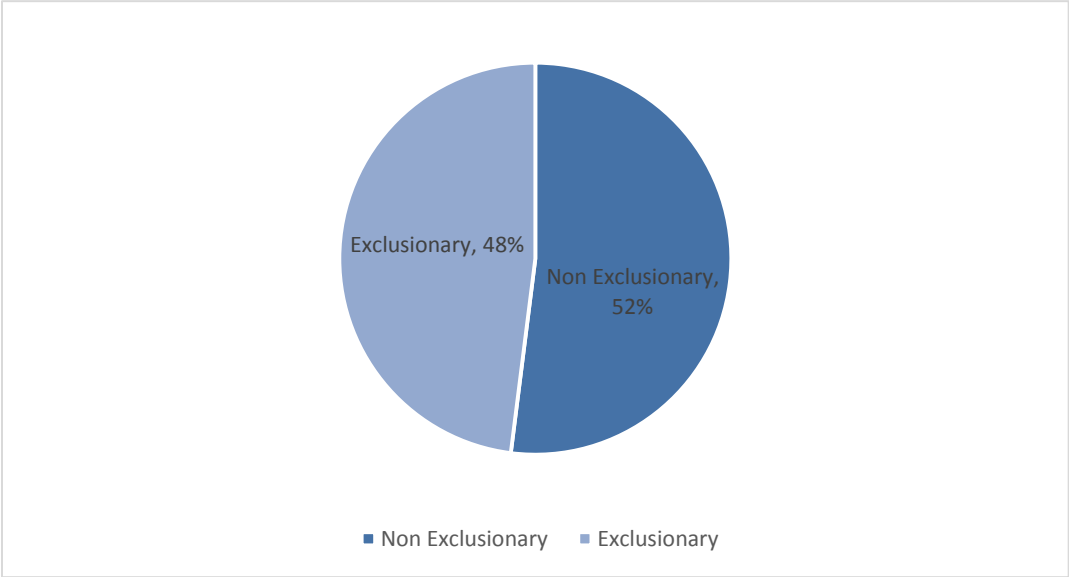
Source: Discipline Incidents Collection and Spring Membership

Graphs 24a and 24b show the shares of exclusionary discipline outcomes, defined as an out-of-school suspension or expulsion, and the less exclusionary in-school suspension. Graph 24c shows that 48 percent of current ELL students disciplined had a discipline incident resulting in an exclusionary outcome while 52 percent received a non-exclusionary discipline outcome. Graph 24d indicates that for former ELLs who had a discipline incident, 48 percent received an exclusionary outcome.

Graph 24c: Percent of Current ELLs who had at Least One Discipline Incident, Exclusionary and Non-Exclusionary discipline types, 2017-18



Graph 24d: Percent of Former ELLs who had at Least One Discipline Incident Exclusionary and Non-Exclusionary discipline types, 2017-18



Source: Discipline Incidents Collection

Section 25: Oregon State Seal of Biliteracy

The Oregon State Seal of Biliteracy is an award students can earn by demonstrating language proficiency in both English and another partner language. Students must meet three criteria for the seal:

- Satisfy all regular graduation requirements
- Meet Essential Skills in English in both reading and writing
- Score at the accepted level on the Partner Language Proficiency Assessment or provide a portfolio of evidence assessing the four language domains of listening, speaking, reading and writing.

The award is in the form of a certificate and an embossed sticker seal that can be affixed to the graduating students' diplomas. Students' transcripts also denote the seal for use when submitting post-secondary applications.

The Oregon State Seal of Biliteracy has been in full implementation for three years. The program's pilot was during the 2014-2015 school year and the State Board of Education adopted the final rules for the Seal in April 2016. The full rollout of the State Seal of Biliteracy began in the spring of 2016.

Table 25 shows a breakdown by District of the 1,621 students statewide who earned the Biliteracy Seals in the following languages: Arabic, Bosnian, Chinese (all), Filipino, French, German, Japanese, Romanian, Russian, Spanish, Ukrainian and Vietnamese. Students who earned the Biliteracy Seal came from the following districts:

Table 25: Number of Biliteracy Seals awarded by District, 2017-18

District Name	Number of Students who earned the Biliteracy Seal	District Name	Number of Students who earned the Biliteracy Seal
Banks	1	McMinnville	19
Baker Web Academy	1	Medford	37
Beaverton	248	Mt. Angel	9
Bend-La Pine	6	North Clackamas	159
Bethel	10	Ontario	16
Canby	16	Oregon City	11
Cascade	1	Portland Public	297
Centennial	20	Reynolds	5
Corvallis	74	Roseburg	6
Dallas	2	Salem Academy	1
Eagle Point	1	Salem-Keizer	211
Eugene	181	Silver Falls	4
Forest Grove	9	St. Paul	4
Gervais	1	Tigard-Tualatin	40
Greater Albany	15	Tillamook	1
Hillsboro	52	West Linn-Wilsonville	42
Jefferson	1	Woodburn	112
Chemeketa C.C.	1	TOTAL	1621

Many of the recipients of the Biliteracy Seal are English language learners; however, two-thirds of the students who earned the Biliteracy Seal have never been English language learners. ODE began collecting data in 2016-2017 on students who earned the Biliteracy Seal in three categories: current English learners (still in ELD programs), former English learners (exited from ELD programs) or students who have never been English learners. The numbers for 2017-2018 are:

- 47 current English learners
- 690 former English learners
- 856 never English learners
- (Missing data for 28 students)

However, when considering the primary (first) language of the students who earned the Biliteracy Seal, the numbers change. For current, former and never ELL students whose primary language was not English, 885 earned the Biliteracy Seal. For students who were never ELLs whose primary language was English 708 earned the Biliteracy Seal.



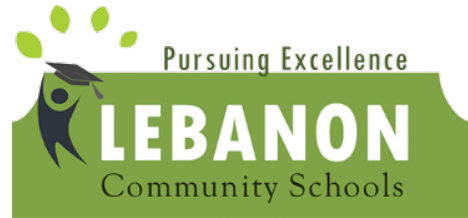
OREGON
DEPARTMENT OF
EDUCATION

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Agenda Item 6

Naming of LHS Basketball Court

BOARD MEMORANDUM



To: Board of Directors

From: Bo Yates, Superintendent

Date: December 13, 2019

Meeting Date: December 12, 2019

Re: LHS Old Gym Basketball Court

Background

Dave Winters has been a huge part of the basketball community at Lebanon High School for many years. He started coaching at Lebanon High School in 1975 as the freshman coach and as an assistant on the boys' varsity team. He has served in many different capacities, from assistant coach to head boys' varsity coach, since 1975. Basically, if there is something basketball oriented happening at the high school, from practices to games to camps, you can usually find Dave Winters at the high school helping in some way.

He started his teaching career at the Lebanon High School in 1977 and continuously taught there until his retirement in January of 2014.

For the past 44 years Dave Winters has been involved in some capacity in the lives of students at the Lebanon High School as a coach, a teacher or both, sharing his love of sport of basketball.

Recommendation

I am asking approval from the Board to rename the Lebanon High School old gym the "Dave Winters Court".

Lebanon Community Schools

Code: **FF**
Adopted: 6/15/98
Readopted: 6/3/10
Orig. Code(s): FF

Naming New Facilities

The district recognizes that when naming or renaming a facility, new or currently existing, it is important to consider naming them in honor of individuals who have made contributions to the district and/or the community. Also, it is important to consider the historical significance of sites. The Board is committed to making a decision based on community input and the historical significance of the site as well as the desire to honor certain individuals.

Any individual or group wishing to have a site named in honor of someone, or for historical reasons, should submit a written request to the Board for consideration. That request must state why the request is being made and the contributions of the individual or the historical significance of the site that would warrant such consideration. The Board will then schedule time for public comment at two consecutive regular Board meetings before a decision is made on the matter.

If the Board approves naming the facility in honor of an individual or for historical significance, the district will provide adequate signage to that effect.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Agenda Item 7

Process and Timeline for Zone 5 Vacancy



Office of the Superintendent

485 S. Fifth Street, Lebanon, OR 97355 • Phone: (541) 451-8458 • Email: ruth.hopkins@lebanon.k12.or.us

LEGAL NOTICE January 2, 2020

Lebanon Community School Board Announces Vacancy, Applicants Sought

The Lebanon Community School Board announces the vacancy of the Zone 5 Position on the Board of Directors and is accepting applications to fill this vacancy.

Candidates must currently reside in the Lebanon Community School District and have done so for at least one year, and candidates must be qualified voters of the District. Pursuant to Board Policy BBE, preference must be given to candidates residing within Zone 5.

The selected candidate will serve the remainder of the position's current term through June 30, 2021 and would be eligible for reelection in May 2021 for a four-year term.

The Candidate Application Form is available at the District's website at www.lebanon.k12.or.us or at the Office of the Superintendent at 485 S. Fifth Street, Lebanon, Oregon 97355. Applications must be returned to the Office of the Superintendent by 4:00 PM on Monday, January 20, 2020.

Public interviews of candidates will be held at the School Board meeting scheduled for Thursday, February 13, 2020, at 6:00 PM. Candidates should plan to attend this Board meeting. It is anticipated the Board will vote to fill the Zone 5 vacancy at this same meeting.

For additional information or questions, please contact Ruth Hopkins, Executive Secretary to the Superintendent/School Board, at 541.451.8458 or ruth.hopkins@lebanon.k12.or.us.

###

PROPOSED TIMELINE FOR FILLING ZONE 5 BOARD VACANCY

Timeframe	Activity
12/05/19	Memorandum and process recommendation in Board packet for December 12 meeting
12/12/19	Board approves a process to fill the vacancy
01/02/20-01/21/20	20-day advertisement period for applicants (newspaper, website, Facebook)
01/20/20	Deadline for application submittal
1/21/20-1/31/20	If more than three applications are received and Board so desires, an Application Review Committee* would review applications and recommend no more than 3 candidates to the Board
02/06/20	Recommendation memorandum to Board (in packet for February 13, 20 meeting)
02/13/20	Last item on meeting agenda: Interview session with each of the recommended candidates (no more than 3). Candidates would receive questions (perhaps 3) in advance to prepare for Board interview.
02/13/20	Board votes to fill vacancy
02/13/20	Newly elected member is sworn and seated

Proposed Application Review Committee Members:

Tom Oliver, Board Chair

Another Board Member

Bo Yates, Superintendent

Jennifer Meckley, Assistant Superintendent

Executive Secretary to the Superintendent/School Board

School Principal

Bonita Randklev, Lebanon Education Association President

Laura Warren, Lebanon Education Support Professionals Association President



**APPLICATION FOR APPOINTMENT TO THE LEBANON COMMUNITY
SCHOOL DISTRICT BOARD OF DIRECTORS – ZONE 5 SEAT**

TERM: THROUGH 06/30/2021, WITH RE-ELECTION ELIGIBILITY

Name _____ Telephone _____

Address _____ Email _____

Eligibility Information

1. Are you a registered voter in the School District (required)? Yes No
2. Have you resided in the School District for one year (required)? Yes No
3. Are you a resident of Zone 5?
(Preference must be given to Zone 5 residents) Yes No
4. Are you an officer or employee of the School District?
(If yes, not eligible for appointment) Yes No

5. Do you currently, or have you had in the past, students enrolled in the School District?

Yes No If yes, school(s) _____

6. Have you reviewed the School District policies that govern Board Roles and Responsibilities, Standards of Conduct, Powers and Duties, Authority and Responsibilities, and Ethics and Conflicts of Interest (posted at www.lebanon.k12.or.us/board/policies)? Yes No

7. Please list your current and/or previous community service or volunteer roles and activities.

8. Please briefly discuss why you are interested in serving on the School Board and what you would like to accomplish as a member of the Board (attach additional sheet, if needed).

Signature _____ Date _____

**PLEASE RETURN THIS FORM NO LATER THAN JANUARY 20, 2020 TO THE
LEBANON COMMUNITY SCHOOL DISTRICT SUPERINTENDENT'S OFFICE, 485 S. FIFTH
STREET, LEBANON, OR VIA EMAIL TO ruth.hopkins@lebanon.k12.or.us**

Agenda Item 8

Consent Agenda

November 14, 2019 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>BOARD MEMBERS ABSENT:</u> Nick Brooks, Vice Chair</p>	<p><u>EXECUTIVE STAFF PRESENT:</u> Bo Yates, Superintendent Jennifer Meckley, Assistant Superintendent Tami Volz, Director of School Improvement Jan Sansom, Director of Special Education Rachel Cannon, Director of Alternative Education William Lewis, Business Director Kim Grousbeck, HR-Director of Employee Relations</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 6:00 PM and led the Pledge of Allegiance.

2. RALSTON ACADEMY UPDATE

Rachel Cannon shared the update for Ralston Academy. They have started a new Classroom-to-Career, where students learn job skills, make a resume, get their food handlers card, CPR and first aid cards, among other things. If they finish the program, they will receive \$125 before Christmas. There are a few students placed out at job sites right now. Two students are working as custodians at Ralston Academy. Three students work at the Boys and Girls Club after school. One student is working at the Welcome Center warehouse, putting the food backpacks together for students. There are also three students scheduled to do a job shadow at Weyerhaeuser.

There are currently 54 students attending Ralston Academy. Two students have already graduated this year and three are almost graduating. One student has received his GED. There are five to ten new students every six weeks.

3. AUDIENCE COMMENTS

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

4. SB 415 – NEW BOARD REQUIREMENTS

There is a new state law, Senate Bill 415, that requires Board members be trained as a mandated reporter. They will need to have the training done before the December board meeting. Human Resources will set up the board members in Safe Schools and send out the link for them to complete the training.

5. ATTENDANCE/BEHAVIOR/ALTERNATIVE EDUCATION:

Superintendent Yates went over the data sheet that was provided in the online packet of information. A discussion was held regarding the data that was presented on behavior reporting, expulsions and room clears, as well as the reporting of minor referrals versus major referrals and the differences between the schools. Superintendent Yates clarified that the process and definitions are the same for all schools.

A further discussion was held regarding the room clears and the process that was involved in collecting the data. The Board would like to see how many students comprised the referrals, room clears and behavior data.

6. STUDENT SUCCESS ACT UPDATE:

Assistant Superintendent Meckley gave the monthly update for the Student Success Act, which included a timeline for the school year, as well as covering the five areas for input: Reducing academic disparities; meeting students' mental and behavioral health needs; providing access to academic courses; allowing teachers and staff sufficient time to collaborate, review data and develop strategies to help students stay on track to graduate; establish and strengthening partnerships.

She also discussed the application for the SIA that will be provided to the Board in February 2020.

7. SPECIAL EDUCATION UPDATE:

Director of Special Education, Jan Sansom, gave an update for the special education department. She reviewed the data that was include in the board packet and made available online. Her department is currently preparing for census and currently they are looking at well over 700 students in special education, but that number will be updated. She said that they are almost at 18 percent for funding.

The high school had a unified basketball team that started last year and finished second in state. Her department also hosts the county prom, which is held in the high school gym. Last year there were close to 200 kids who participated in the prom. There is also a transition program at the high school, which helps students transition to jobs after high school.

The Willamette Valley Rehab Center partnered with the district on the remodel of the brick house. The transition program participated in that. The brick house currently has 16-20 students. Mark Lofft volunteered all of his time for the work he did at the brick house.

The graduation rate has increased over the last three years for the special education department. Jan Sansom explained how she looks to see how they can increase the graduation rate and help students to function in society after graduation.

She mentioned the question that had come up regarding restraining and seclusion, and went over the data, as well as information regarding the new laws and what constitutes a seclusion.

The increase in numbers is up to about 200 students. She pointed out that the ED (emotionally disturbed) students have increased and that causes more of a challenge in the classroom.

She added that developmental delay is a new category that comes from the state and can be used until they are 9-years-old to come up with a diagnosis.

8. STUDENT ACHIEVEMENT (STAR/EASYCBM):

School Improvement Director, Tami Volz, discussed the STAR data that was included in the board packet and is available online. The schools have completed the first screener for STAR and she discussed the numbers in the report. Kindergarten through eighth grade take the screener. If the scores are in the 40th percentile, the algorithm indicates that the student will pass. Ours is in the 50th percentile.

Superintendent Yates discussed how the administrative team met with all of the principals and went over the data so that they can see where the schools were at. Chair Oliver indicated that this data was better than looking at SBAC, since it is current data.

Tami Volz then went over the EasyCBM information, which is testing for first grade and kindergarten. She said that it was relatively the same data that showed every year.

Superintendent Yates commented that it was good to have tools like this that were more effective.

9. LHS LAND LAB UPDATE:

Superintendent Yates gave an update on the incident at the LHS Land Lab where a student added a racial comment to a picture that was taken at a land lab event in October. He said as a result there were some threats the next week, but none of them were viable.

Superintendent Yates indicated that Craig Swanson, high school principal, did a good job handling the situation at the high school and bringing students together. He tried to talk to all of students who were affected to make sure they were okay. The NAACP came down and offered support to the high school as well. Principal Swanson followed up with all of the students involved in the incident.

He further explained that the school district has a REG (Racial Equity Group) team that they are meeting with, as well as a regional equity team, regarding the process. He has looked at some of the curriculum that covered the issue of racism and will look at the possibility of imbedding the subject of racism into the curriculum. He will pursue outside support to come in and look to see if there are issues that need to be addressed inside of our schools.

Chair Oliver said that moving forward we are looking at someone outside to help address culture and curriculum, as well as take a step back to make sure our students are being educated in all that they need to be for students to feel safe and welcomed.

Superintendent Yates said that 90% of our student population is white, so we are trying to figure out how to have those conversations about those issues. He said that one of the things they are looking at with the Racial Equity Group is to have some cultural intelligence. However, there was a great lesson for students regarding social media. He will keep the board updated on the process as it moves forward.

10. CONTINUOUS IMPROVEMENT PLAN (CIP):

Assistant Superintendent Meckley explained the information that was provided in the board packet and is available online, regarding the Continuous Improvement Plan (CIP), what data was collected, the process, questions and so forth.

Upon motion made by Mike Martin, duly seconded by Richard Borden, the Board voted unanimously to approve the Continuous Improvement Plan as presented.

11. PROPOSED BUDGET CALENDAR:

William Lewis shared about the budget calendar that needs to be approved for meetings for the budget calendar.

Upon motion made by Richard Borden, duly seconded by Tammy Schilling, the Board voted unanimously to approve the proposed budget calendar for 2020-21.

12. CONSENT AGENDA:

A. October 10, 2019 Board Meeting Minutes

Upon motion made by Richard Borden, duly seconded by Tammy Schilling, the Board voted unanimously to approve the October 10, 2019 Board meeting minutes.

B. Hiring

Upon motion made by Mike Martin, duly seconded by Richard Borden, the Board voted unanimously to approve the hiring as presented.

C. Policies – First Reading

The following policies were approved for first reading: JFCJ, JFCF, JED, IGBBC, IGBBA, GCDA/GDDA, AC, and GBDA. Policy IKF was pulled from first reading, pending further explanation from Assistant Superintendent Meckley.

D. Policies – Second Reading

Upon motion made by Richard Borden, duly seconded by Mike Martin, the Board voted unanimously to approve policies GBC, GBC-AR and GBDA as presented on second reading.

13. DEPARTMENT REPORTS

A. Operations

Superintendent Yates shared that the City of Lebanon has approved adding a crosswalk on 5th Street and Reeves Parkway. He discussed the possibility of expanding the freezer space for the Nutrition Department at the DO. The district would also like to have a commercial bakery put in and be able to deliver out to the schools.

B. Human Resources

There were no updates from Human Resources.

C. Finance

William Lewis presented information to the Board regarding the question of making the ending fund balance a part of board policy. He shared that having an ending fund balance in policy would help our rating with Standards and Poor. The ending fund balance is something that we can control and reflects fiscal health. He looked at how other districts handle the issue of their ending fund balance and what considerations went into it, and shared the OSBA's range for an ending fund balance. He shared that based on our revenue, we could look at five percent and requested that the board look at having, at least philosophically, an ending fund balance of five percent.

Chair Oliver mentioned that every percentage that is left in the ending fund balance is not used to educate students, and that it was insurance, so the question is how much insurance is needed. He felt that we need to spend today's dollars on today's kids.

William Lewis presented past year's ending balance swings. He said it makes sense to cover one month of payroll, because if we have a recession in the middle of the school year where we have to make quick decisions, then we can make quality decisions.

Member Mike Martin explained that there was a similar discussion eight or nine years ago during audit. He said the number that was presented was 3 million, which has been an unwritten agreement with the board. William Lewis said that would be about 7.5 percent. Member Mike Martin indicated the auditors said that it was needed to be sound.

A discussion was then held around what an ending fund balance would be and what is best practice.

William Lewis asked if he could represent to the rating agency that our philosophy was to maintain a five percent ending fund balance, and that was agreed upon.

He further shared about the construction excise tax and that he was working with the City of Lebanon and with Linn County, getting all of the contracts that are in place with other entities. It is his understanding from the ad hoc group that once you get the long range plan in place, then we would talk about the tax. There are a number of moving pieces to work out on this, so he asked what the board needed from him.

Chair Oliver said that a presentation on how it works and what our options were, as well as having further conversation with the City of Lebanon.

There were no further questions.

14. COMMUNICATION

A. Board

Chair Oliver shared that Vice Chair Brooks has been given an opportunity at a mill in Washington that he has accepted, which is why he was not in attendance for the meeting tonight. He then read Vice Chair Brooks' resignation letter into the record.

The vacancy will be declared at the December meeting and the board will decide on the process for moving forward.

B. Superintendent

Superintendent Yates shared that Nick has done a great job. He took part in a lot of things in our community and his presence will be missed.

He further shared that he will be looking at preschools tomorrow and trying to figure out what we need to do to get some extra funding to increase our preschool participation. He is trying to figure out how he can access the most money that is allocated for pre-K.

15. AUDIENCE COMMENTS

Audience member Bonita Randklev addressed the Board and offered a few comments. She brought up Policy AC-AR Discrimination Complaint Procedure, which was up for first reading in the consent agenda. She said that gender identity is left off of AC-AR, which is something she asked the board to look at.

She also discussed the STAR data for the high school. It does only cover freshman, but it does cover the 9-12 special education population and that was something to consider when looking at that.

16. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:01 PM.

Tom Oliver, Chair

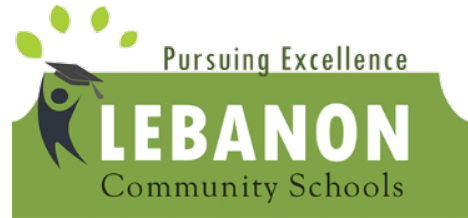
Bo Yates, Superintendent

Agenda Item 8

Consent Agenda

Policies – First Reading

BOARD MEMORANDUM



To: Board of Directors

From: Jennifer Meckley, Assistant Superintendent

Date: December 6, 2019

Meeting Date: December 12, 2019

Re: Policy Updates

OSBA DECEMBER POLICY UPDATES – REVIEW AND RECOMMENDATIONS

Code	Title	OSBA Recommendation	DO Staff Lead(s)	Changes/DO Staff Comments	Recommend Adoption? (Yes/No)
EFAA	Reimbursable Meals and Milk Programs	Required	Angie	Updates to reflect ORS 327.535 requiring the district to provide a reimbursable meal upon the student's request regardless of the student's ability to pay.	Yes
IGAI	Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education	Highly Recommended	Jen	Addition of one line to current policy. "Is culturally inclusive"	Yes
IKF	Graduation Requirements	Required	Jen	State Board of Education made changes to the Essential Skills for English Language Learners. Current EL students who are <i>Limited</i>	Yes

				<p><i>English Proficient Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter. (Office of Civil Rights definition) can demonstrate proficiency in Essential Skills in their language of origin.</i></p>
JHFE JHFE-AR	Reporting of Suspected Abuse of a Child	New Required	Jen	<p>Significant rewrite of policy. Former JHFE and JHFE-AR deleted. All changes due to SB 155.</p> <p>Yes</p>
JHFF/GBNAA JHFF/GBNAA-AR GBNAA/JHFF GBNAA/JHFF-AR	Reporting Requirements for Suspected Sexual Conduct with Students	New Required	Jen	<p>New policies as a result of SB 155.</p> <p>Yes</p>
GBEA GBEA-AR	Workplace Harassment	New Required	Jen	<p>New policy as a result of SB 479</p> <p>Yes</p>
JGAB JGAB-AR	Use of Restraint or Seclusion	Required	Jan	<p>SB 963 clarifies and defines when and under what circumstances an employee may or may not touch a student or impose use of restraint or seclusion.</p> <p>Yes</p>



CONTENTS

- AC-AR - Discrimination Complaint Procedure, Required (requires board adoption)
- 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
- GBA – Equal Employment Opportunity, Required
- GBEA – Workplace Harassment *, *New Required*
- GBEA-AR – Workplace Harassment Reporting and Procedure, *New Required*
- 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)
- GBNAA/JHFF – Reporting of Suspected Sexual Conduct with Students, *New Required*
- GBNAA/JHFF -AR – Suspected Sexual Conduct Report Procedures and Form, *New Required*
- GCA – License Requirements, Optional
- GCAB – Personal Electronic Devices and Social Media – Staff, Highly Recommended
- ICC – Volunteers, Optional
- JEA – Compulsory Attendance, Highly Recommended
- JEC – Admissions, Optional
- JECA – Admission of Resident Student, Highly Recommended
- JGAB – Use of Restraint or Seclusion, Required
- JGE - Expulsion, Required
- JHCD/JHCDA – Medications, Required
- JHCD/JHCDA-AR – Medications, Required (requires board adoption)
- JHFE – Reporting of Suspected Abuse of a Child, *New Required*
- JHFE-AR(1) – Reporting of Suspected Abuse of a Child, *New Required* (requires board adoption)
- JHFF/GBNAA – Reporting of Suspected Sexual Conduct with Students, *New Required*
- JHFF/GBNAA-AR – Suspected Sexual Conduct Report Procedures and Form, *New Required*
- 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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If you have questions regarding this publication or OSBA, please call our offices: 503-588-2800 or 800-578-6722

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

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: EFAA-AR

Adopted:

Reimbursable Meals and Milk Programs

(National School Lunch Program, School Breakfast Program, Special Milk Program and other meal programs)

The district's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The district may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the district will choose one of the following options:
 - a. Nonpricing (serve SMP milk at no charge to all students);
 - b. Pricing programs without a free option (charge all students for SMP milk); or
 - c. Pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Supplemental Nutrition Assistance Programs (SNAP)).
2. Reimbursable meals will be priced as a unit.
3. Reimbursable meals will be served free or at a reduced price to all children who are determined by the district to be eligible for free or reduced-price meals.
4. Annually, the district will establish prices for reimbursable student meals. The price charged to students who do not qualify for free or reduced-price meals will be established annually by the district in compliance with state and federal laws.
5. The price charged to students who qualify for reduced-price meals will be established annually by the district in compliance with state and federal laws.
6. The district will implement claiming alternative Provision 2 at the following schools under its jurisdiction: Lacomb, Hamilton Creek; LHS for breakfast only.
7. The district will implement claiming alternative Community Eligibility at the following schools under its jurisdiction: Cascades, Green Acres, Pioneer, Riverview and Seven Oak .

Application Procedures

1. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals, for the students listed on the official document. Districts must access this document at least three times per year.
2. Students receiving support through the migrant education program, Runaway and Homeless Youth Act, McKinney-Vento Homeless Assistance Act, federal Head Start and state-funded prekindergarten programs, with income eligibility criteria identical or more stringent than federal

Head Start, or are in state or court placement foster care, will be automatically eligible for free meals, for the students listed on the official documents.

3. Households that submit a confidential application will be notified of their student's eligibility for free or reduced-price meals. Households that are denied free or reduced-price benefits will be notified in writing using the ODE template letter distributed to the district annually.
4. On a case-by-case basis when a student is known to be eligible for free or reduced-price meal benefits, and the household fails to submit a confidential application, the superintendent or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced-price meal benefits. Parents of a student approved for free or reduced-price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.
5. Students who do not qualify for free or reduced-price meals are eligible to participate in the National School Lunch Program (NSLP) and will be charged "paid" prices set by the district. "Paid" category students will be treated equally to students receiving free or reduced-price benefits in every aspect of the district's NSLP.
6. The district has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.
7. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced-price meals to the employer for distribution to affected employees.

Financial Management of the Nonprofit School Food Service

1. The district will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP, SBP, CACFP and SFSP.
3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.¹
4. District nutrition and food services revenues will not be used to purchase land or buildings.
5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The district will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.

¹ For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

7. The district will meet the requirements for allowable NSLP, SBP, CACFP and SFSP costs as described in 2 C.F.R. 200.
8. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.
9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the district will purchase food products where at least 50 percent of the ingredients are produced or processed in the United States, whenever possible.

Civil Rights and Confidentiality Procedures

1. The district will not discriminate against any student because of his/her eligibility for free or reduced-price meals.
2. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, marital status, sex, sexual orientation, parental status, religion, age or disability.
3. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP, SBP, CACFP, and SFSP benefits and services, and employment practices with regard to the operation of its NSLP, SBP, CACFP and SFSP. The district will forward any civil rights complaint regarding the district's nutrition and food services to ODE's director of Child Nutrition Programs within three days of receiving the complaint.
5. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The district will maintain strict confidentiality of all information obtained through a confidential application for free and reduced-price meals or direct certification, including students' eligibility for free or reduced-price meals and all household information. The district's NSLP, SBP, CACFP and SFSP operators are not required to release any information from a student's confidential application for free or reduced-price meals. No information may be released from a student's eligibility information without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:
 - a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, CACFP, SFSP or SNAP;

- b. Any other confidential information contained in the confidential application for free and reduced-price meals or free milk (e.g., family income, address, etc.) may be released without written consent only to persons who operate or administer the NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

Nutrition and Menu Planning

1. Meals and afterschool snacks served for reimbursement will meet the nutrition standards established by the U.S. Department of Agriculture (USDA) and Oregon Smart Snacks Standards.
2. Meals served for reimbursement will meet at least the minimum NSLP, SBP, CACFP and SFSP requirements for food items and quantities.
3. Meals served for reimbursement will:
 - a. Meet all calorie range requirements by grade level;
 - b. Meet the maximum standards set for saturated fat;
 - c. Meet the maximum standards set for sodium by grade level; and
 - d. Meet the requirement for zero grams of trans fats.
4. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items including one-half cup of fruit or vegetable offered in program lunches.
5. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items, including one-half cup of fruit or vegetable offered in program breakfasts.
6. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take three of the five food items, including one-half cup of fruit or vegetable offered in program lunches.
7. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items, including one-half cup of fruit offered in program breakfasts.
8. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the district for program breakfasts, as applicable, will be made available upon request.

Use and Control of Commodity Foods

1. The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the NSLP, SBP and SFSP.
2. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.

3. The value of commodity foods used for any food production other than NSLP, SBP, SFSP or afterschool snacks shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

1. The district will claim reimbursement only for reimbursable meals served to eligible children.
2. All meals claimed for reimbursement will be counted at each dining site at a “point of service” where it can be accurately determined that the meal meets NSLP, SBP, CACFP and SFSP requirements for reimbursement.
3. The person responsible for determining if the meals are reimbursable will be trained to recognize a reimbursable meal.
4. The district official signing the claim for reimbursement will review and analyze monthly meal counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the district will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the district in October each year.

Food Safety and Sanitation Inspections

1. The district will maintain necessary facilities for storing, preparing and serving food and milk.
2. Semiannually, the district will schedule food safety inspections with the county Environmental Health Department for each school or dining site under its jurisdiction.
3. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

General USDA NSLP/SBP/SMP Requirements

1. The district will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student’s school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.
4. The district will provide substitute foods for students with a disability² that restricts their diet when supported by a written statement from a state-licensed health care professional, who is authorized to write medical prescriptions. Substitutions will be provided only when a medical statement from the licensed health care professional is on file at the school. The medical statement must state the nature of the child’s impairment so its effect on the student’s diet is understood, and what must be done to accommodate the impairment. The district will not charge more than the price of the school meal, as determined by the child’s eligibility status, for meals with the accommodation.

² To comply with Section 504 as it relates to a student’s severe food allergy, such as milk, gluten, nut or soy, and including but not limited to diabetes, colitis, etc.

5. The district will control the sale of competitive foods.
6. The district will ensure that potable drinking water will be available to students, free of charge for consumption in the place where meals are served during meal service.
7. The district will notify all households and appropriate staff of its meal charge requirements^[3] at the beginning of each school year, upon enrollment of a student or the transfer of a student. The meal charging requirements will be posted on the district website.

~~The district's meal charging requirements are as follows:~~

~~⁴A charge account for students paying full or reduced price for meals may be established with the district. Students may charge no more than two meals. Any student failing to keep his/her account current as required by the district shall not be allowed to charge the price of further meals until the account has been paid in full but will be allowed to purchase a meal if the student pays for the meal when it is received. At least one written warning shall be provided to a student and his/her parent prior to denying meals for exceeding the district's charge limit. Students or parents of students may prepay meal costs.~~

8. The sale of foods in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.
9. Students will be charged for second servings of meals. Second services of fruits and vegetables are served at no charge.

Record Keeping

The following documents will be maintained by the district for three years after the current school year or longer, in the event of an unresolved audit(s), until the audit(s) has been completed:

1. All currently approved and denied confidential applications for free and reduced-price meals, all current direct certification documents, eligibility verification documents and school membership or enrollment lists;
2. Financial records that account for all revenues and expenditures of the district's nonprofit nutrition and food services programs, including procurement documents;

³ [Federal law requires the district to publish meal charging requirements. The district's charging requirements must identify how and when the information about account balances is communicated to staff, students and parents, and what collection methods will be used on delinquent balances.]

~~⁴[The district is required by federal law to have meal charge requirements published. Revise this section to reflect the district's meal charging requirements. The requirements must identify how and when the information about account balances is communicated to staff, students and parents, and what collection methods will be used on delinquent balances.]~~

3. Records (i.e., recipes, ingredient lists and nutrition fact labels or product specifications) that document the compliance with nutrition standards for all program and competitive foods available for sale to students at a school campus;
4. Documents of participation data (i.e. meal counts) from each school in the district to support claims for reimbursement;
5. Production and menu records;
6. Records to document compliance with Paid Lunch Equity;
7. Records to document compliance with Revenue from Nonprogram Foods; and
8. Internal program monitoring documents for NSLP, SBP, CACFP and SFSP.

OSBA Model Sample Policy

Code: IGAI

Adopted:

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources; and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)

[ORS 336.107](#)

[ORS 336.455 - 336.475](#)

[ORS 339.370 - 339.400](#)

[OAR 581-021-0009](#)

[OAR 581-022-2030](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

OSBA Model Sample Policy

Code: **IKF**

Adopted:

Graduation Requirements**

(This policy requires an administrative regulation, see IKF-AR.)

(Version 2)

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

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

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

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

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

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in ~~the~~ **all** required Essential Skills ~~of apply mathematics in a variety of settings,~~ in the student's language of origin ~~for those ELL students who by the end of high school:~~

¹ As defined in ORS 30.297.

- ~~1.—Are on track to meet all other graduation requirements; and~~
- ~~2.—Are unable to demonstrate proficiency in the Essential Skills in English.~~

~~The district [will] [will not] allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics in a variety of settings, in the student’s language of origin for those ELL students who by the end of high school:~~

- ~~1.—Are on track to meet all other graduation requirements;~~
- ~~2.—Are unable to demonstrate proficiency in the Essential Skills in English;~~
- ~~3.—Have been enrolled in a U.S. school for five years or less; and~~
- ~~4.—Have demonstrated sufficient English language skills using the English Language Proficiency Assessment for the 21st Century (ELPA21)².~~

The district will develop procedures to provide assessment options as described in the *Essential Skills and Local Performance Assessment Manual* ~~Test Administration Manual~~, in the ELL student’s language of origin ~~for those ELL students who meet the criteria above~~, and will develop procedures to ensure that locally scored assessment options administered in an ELL student’s language of origin are scored by a qualified rater.

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

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

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

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

Beginning in grade five or after a documented history to qualify for a modified diploma, an extended diploma, or an alternative certificate has been established, the district will annually provide to the parents

²~~This criteria does not apply to students seeking a diploma in 2017-2018 or 2018-2019.~~

or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma, and an alternative certificate.

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

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

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

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

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

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

The district may not deny a diploma to a student who has opted-out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option.

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

The district shall establish conduct and discipline consequences for student-initiated test impropriety. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 339.115](#)
[ORS 339.505](#)

[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-2000](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)

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

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

~~*Essential Skills and Local Performance Assessment Manual*, published by the OREGON DEPARTMENT OF EDUCATION.
OREGON DEPARTMENT OF EDUCATION Executive Numbered Memo 003-2015-16.~~

OSBA Model Sample Policy

Code: JGAB-AR

Revised/Reviewed:

Use of Restraint ~~and~~ or Seclusion

~~General Guidelines~~ Procedure

1. If restraint or seclusion continues for more than 30 minutes, ~~S~~ school staff will attempt to immediately notify parents or guardians verbally or electronically ~~when physical restraint or seclusion was used on their student, by the end of the day on which the incident occurred.~~
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
 - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b. ~~2. Parents will be provided w~~ Written documentation of the incident within 24 hours that provides:
 - (1) ~~a.~~ A description of the ~~physical~~ restraint ~~and~~/or seclusion; including:
 - (a) ~~b.~~ The date of the ~~physical~~ restraint or seclusion;
 - (b) ~~e.~~ The times the ~~physical~~ restraint or seclusion began and ended; and
 - (c) ~~t~~ The location of the incident;
 - (2) ~~d.~~ A description of the student's activity that prompted the use of ~~physical~~ restraint or seclusion;
 - (3) ~~e.~~ The efforts used to de-escalate the situation and the alternatives to ~~physical~~ restraint or seclusion that were attempted;
 - (4) ~~f.~~ The names of ~~personnel~~ staff of the ~~public education program~~ district who administered the ~~physical~~ restraint or seclusion;
 - (5) ~~g.~~ A description of the training status of the ~~personnel~~ staff of the district who administered the ~~physical~~ restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - (6) ~~h.~~ Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
3. If the ~~physical~~ restraint or seclusion was administered by a person without training, the administrator ~~district will provide that information~~ ensure written notice is issued to the parent or guardian of the student that includes the lack of training, ~~along with~~ and the reason why a person without training administered the ~~physical~~ restraint or seclusion. The administrator will ensure written notice of the same to the superintendent.
4. An administrator will be notified as soon as practicable whenever ~~physical~~ restraint ~~and~~/or seclusion has been used.
5. If ~~physical~~ restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If ~~physical~~ restraint or seclusion

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Use of Restraint ~~and~~ or Seclusion – JGAB-AR

1-3

continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the ~~public education program~~ district must provide written authorization for the continuation of the ~~physical~~ restraint or seclusion, including providing documentation for the reason the ~~physical~~ restraint or seclusion must be continued. Whenever ~~physical~~ restraint or seclusion extends beyond 30 minutes, ~~personnel~~ staff of the district will immediately attempt to verbally or electronically notify a parent or guardian.

6. A district ~~Physical~~ Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment. ~~The completed Restraint and/or Seclusion Incident Report Form shall include the following:~~
 - a. Name of the student;
 - b. Name of staff member(s) administering the restraint or seclusion;
 - c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
 - d. Location of the restraint or seclusion;
 - e. A description of the restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
 - i. Information documenting parent or guardian contact and notification.
7. A documented debriefing meeting must be held within two school days after the use of ~~physical~~ restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.
8. ~~If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.~~
9. ~~If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, or to the union representative for the affected person, if applicable.~~
10. ~~The district will maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.~~

~~The completed Physical Restraint and/or Seclusion Incident Report Form shall include the following:~~

- ~~1. Name of the student;~~
- ~~2. Name of staff member(s) administering the physical restraint or seclusion;~~
- ~~3. Date of the physical restraint or seclusion and the time the physical restraint or seclusion began and ended;~~
- ~~4. Location of the physical restraint or seclusion;~~

- ~~5.—A description of the physical restraint or seclusion;~~
- ~~6.—A description of the student’s activity immediately preceding the behavior that prompted the use of physical restraint or seclusion;~~
- ~~7.—A description of the behavior that prompted the use of physical restraint or seclusion;~~
- ~~8.—Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted;~~
- ~~9.—Information documenting parent contact and notification; and~~
- ~~10.—A summary of the debriefing meeting held.~~

Physical Restraint and/or seclusion as a part of a behavioral support plan in the student’s Individual Education Program (IEP) or Section 504 plan.

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained ~~personnel~~ staff, including a behavioral specialist and a district representative who is familiar with the ~~physical~~ restraint and seclusion training practices adopted by the district.
3. Prior to the implementation of any behavioral support plan that includes ~~physical~~ restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. When a behavior support plan includes ~~physical~~ restraint or seclusion the parents will be provided a copy of the district Use of Restraint ~~and~~ or Seclusion policy at the time the plan is developed.
5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student’s behavior plan.

Use of ~~physical~~ restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming ~~his/herself~~ themselves, other students or school staff.

Use of ~~physical~~ restraint and/or seclusion under these circumstances with a student who does not have ~~physical~~ restraint and/or seclusion as a part of their IEP or Section 504 plan, is subject to all of the requirements established by **Board policy and** this administrative regulation with the exception of those specific to plans developed in an IEP or 504 plan.

OSBA Model Sample Policy

Code: JGAB

Adopted:

Use of Restraint ~~and~~ or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. ~~It is the intent of the Board to establish this policy and its administrative regulation that to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of physical restraint and/or seclusion as an intervention with district students.~~

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator[, or volunteer], it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. **“Physical Restraint”** means the restriction of a student's actions or movements by ~~one or more persons~~ holding the student or ~~applying physical~~ using pressure ~~upon the student~~ or other means.

“Physical Restraint” does not include:

- a. ~~touching or holding a student's~~ ~~without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of “physical restraint” does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.~~ hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting a student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. **“Seclusion”** means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“Seclusion” does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control, if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. **“Serious bodily injury”** means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. **“Substantial physical or bodily injury”** means any impairment of the physical condition of a person that requires some form of medical treatment.
5. **“Mechanical restraint”** means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

“Mechanical restraint” does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
6. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that ~~has is not been~~ prescribed by a licensed ~~health professional~~ physician or other qualified health ~~care~~ professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
7. “Prone restraint” means a restraint in which a student is held face down on the floor.
8. “Supine restraint” means a restraint in which a student is held face up on the floor.

~~The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to the student or others.~~

~~Except in the case of an emergency, only staff current in the required training in accordance with the district designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher or other school employee [or volunteer] as necessary when the student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint or seclusion under these circumstances is only allowed so long as the student’s behavior poses a threat of imminent, serious physical harm to themselves or to others.~~

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The district shall utilize the Oregon Intervention System training program of ~~physical restraints and~~ or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavioral support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of ~~physical~~ restraint and seclusion during the preceding school year shall be completed and submitted to ~~the Superintendent of Public Instruction~~ ODE to ensure compliance with district policies and procedures.

The results of the ~~review and~~ annual ~~review~~ report shall be documented and shall include at a minimum:

1. The total number of incidents ~~of physical~~ involving restraint;
2. The total number of incidents ~~of~~ involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in ~~physical~~ restraint;
5. The total number of students placed in seclusion;

6. The total number of incidents that resulted in injuries or death to students or ~~personnel~~ staff as a result of the use of ~~physical~~-restraint or seclusion;
7. The total number of students placed in ~~physical~~-restraint and/or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of ~~physical~~-restraint and seclusion for each student;
8. The total number of ~~physical~~-restraint and/or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics¹ of all students upon whom ~~physical~~-restraint and/or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This ~~annual~~ report shall be made available ~~to the Board and~~ to the public at the district's main office and on the district's website ~~and to the Board~~.

At least once each school year the ~~public~~ parents and guardians of students of the district shall be notified ~~as to~~ about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

~~A~~The complainant, ~~who is a student, is a parent or guardian of a student attending school in the district or is a person who resides in the district,~~ whether an organization or an individual, may appeal a district's final decision ~~by the Board to the Deputy Superintendent of Public Instruction~~ Oregon Department of Education ~~as provided in~~ pursuant to OAR ~~581-002-0040~~ 581-022-2370 581-002-001 – 581-002-0023. [This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.]

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of ~~physical~~-restraint or seclusion by district ~~personnel~~ staff.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.285](#)
[ORS 339.288](#)
[ORS 339.291](#)
[ORS 339.294](#)
[ORS 339.297](#)

[ORS 339.300](#)
[ORS 339.303](#)
[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)

[OAR 581-021-0559](#)
[OAR 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2370](#)

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Code: JHFE

Adopted:

Reporting of Suspected Abuse of a Child

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that **any adult or student** with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors², agents³, volunteers⁴, or students will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

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

The district will designate a [⁵]licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

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

² “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

³ “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁴ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

[⁵ Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator in the event the licensed administrator is the alleged abuser for each school building to receive these reports.]

If the superintendent is the alleged perpetrator the report shall be submitted to the [licensed administrator position title] who shall also report to the Board chair.

The district will post the name and contact information of the designees for each school building designated to receive reports of suspected abuse and the procedures the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee and a statement that the duty to report suspect abuse is in addition to the requirements of reporting to a designated licensed administrator.

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

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

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

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

[OAR 581-022-2205](#)
[Senate Bill 155 \(2019\)](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

Code: JHFE-AR(1)

Adopted:

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any adult or student** with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419.010.

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

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

If the superintendent is the alleged abuser the report shall be submitted to the [licensed administrator position title] who shall refer the report to the Board chair.

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

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

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

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave² and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor^[3], agent or volunteer, the district may prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁴ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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

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

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

Definitions

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

² The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

^[3] The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.]

⁴ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

- e. Sexual abuse and sexual exploitation.
2. “Child” means an unmarried person who is under 18 years of age.
3. [A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.]

Confidentiality of Records

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

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

Failure to Comply

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

Cooperation with Investigator

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

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

Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The officer shall sign the student out on a form to be provided by the school;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents;
3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;

4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

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

OSBA Model Sample Policy

Code: JHFE
Adopted:

Reporting of Suspected Abuse of a Child

(Recommend delete this version; See new JHFE)

Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by a student with whom the employee is in contact has abused a child, will immediately notify the Oregon Department of Human Services (DHS) or the local law enforcement agency. The district employee shall also immediately inform his/her supervisor, the principal or the superintendent.

Abuse of a child by district employees or by students will not be tolerated. All district employees are subject to this policy and the accompanying administrative regulation. If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate the [personnel director] [superintendent] to receive reports of abuse of a child by district employees and specify the procedures to be followed upon receipt of an abuse report. In the event the designated person is the suspected abuser, the [personnel director][superintendent][Board chair] shall receive the report of abuse. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the [personnel director][superintendent] will follow upon receipt of a report. When the [personnel director][superintendent] takes action on the report, the person who initiated the report must be notified.

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

Upon request, the district shall provide records of investigations of suspected abuse of a child by a district employee or former district employee to law enforcement, DHS or the Teacher Standards and Practices Commission.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected abuse of a child by a district employee or a student, in good faith, the student will not be disciplined by the Board or any district employee. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall establish written procedures to provide annual training: 1) for district staff in the prevention and identification of the abuse of a child and on the obligations of district employees under Oregon Revised Statute (ORS) 419B.005, as directed by Board policy, to report suspected abuse of a child; 2) for parents and legal guardians of students attending district schools on the prevention, identification of abuse of a child and the obligation of district employees to report suspected abuse of a child, separate from district staff training; and 3) designed to prevent abuse of a child available to students attending district-operated schools.

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

END OF POLICY

Legal Reference(s):

[ORS 339.370 to -339.400](#)
[ORS 418.746 to -418.751](#)

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

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

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Code: JHFF/GBNAA
Adopted:

Reporting Requirements for Suspected Sexual Conduct with Students *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is not tolerated. All district employees, contractors, agents, and volunteers are subject to this policy.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating, hostile or offensive educational environment. “Sexual conduct” does not include touching that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent.

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

Any district employee [⁴], contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the [⁵]designated licensed administrator or the alternate designated licensed administrator for their school building. If the superintendent is the alleged perpetrator the report shall be submitted to the assistant superintendent who shall report the suspected sexual conduct to the Board chair.

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

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

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

[⁴ The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.]

[⁵ Senate Bill 155 (2019) requires the district to designate a licensed administrator to receive reports of suspected sexual conduct, and designate an alternate licensed administrator for each school building.]

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

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

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

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

The district will post in each school building the names and contact information of the employees^[6] designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

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

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

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

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

1. A description of conduct that may constitute sexual conduct;

^[6] Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.]

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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

Senate Bill 155 (2019)

[ORS 339.370 - 339.400](#)

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

Code: JHFF/GBNAA-AR

Revised/Reviewed:

Suspected Sexual Conduct Report Procedures and Form *

When the designee receives a report of suspected sexual conduct that may have been committed by a person licensed¹ through Teacher Standards and Practices Commission (TSPC), the designee shall notify TSPC as soon as possible. When the designee receives a report of suspected sexual conduct that may have been committed by a person who is not licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE) as soon as possible.

The district posts in each school building the names and contact information of the employees^[2] in each school building designated to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

If the superintendent is the alleged perpetrator the report shall be submitted to the [licensed administrator position title] who shall refer the report to the Board chair.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC or ODE determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required. The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.

When the designee receives a report of suspected sexual conduct by a contractor^[4], an agent or a volunteer, the district [may] prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE that the report is unsubstantiated.

¹ "License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

^{[2} Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.]

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

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

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

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

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

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

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

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

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

Training

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

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

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

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

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

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

[Name of School District]

SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

[Name of School District]

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

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

Signature: _____ Date: _____

Code: GBNAA/JHFF
Adopted:

Reporting Requirements for Suspected Sexual Conduct with Students *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is not tolerated. All district employees, contractors, agents, and volunteers are subject to this policy.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating, hostile or offensive educational environment. “Sexual conduct” does not include touching that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent.

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

Any district employee [⁴], contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the [⁵]designated licensed administrator or the alternate designated licensed administrator for their school building. If the superintendent is the alleged perpetrator the report shall be submitted to the assistant superintendent who shall report the suspected sexual conduct to the Board chair.

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

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

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

[⁴ The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.]

[⁵ Senate Bill 155 (2019) requires the district to designate a licensed administrator to receive reports of suspected sexual conduct, and designate an alternate licensed administrator for each school building.]

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

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

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

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

The district will post in each school building the names and contact information of the employees^[6] designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

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

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

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

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

1. A description of conduct that may constitute sexual conduct;

[⁶ Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.]

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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

Senate Bill 155 (2019)

[ORS 339.370 - 339.400](#)

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

Code: GBNAA/JHFF-AR

Revised/Reviewed:

Suspected Sexual Conduct Report Procedures and Form *

When the designee receives a report of suspected sexual conduct that may have been committed by a person licensed¹ through Teacher Standards and Practices Commission (TSPC), the designee shall notify TSPC as soon as possible. When the designee receives a report of suspected sexual conduct that may have been committed by a person who is not licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE) as soon as possible.

The district posts in each school building the names and contact information of the employees^[2] in each school building designated to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

If the superintendent is the alleged perpetrator the report shall be submitted to the [licensed administrator position title] who shall refer the report to the Board chair.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC or ODE determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required. The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.

When the designee receives a report of suspected sexual conduct by a contractor^[4], an agent or a volunteer, the district [may] [shall] prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE that the report is unsubstantiated.

¹ "License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

^[2] Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.]

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

^[4] The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.]

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

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

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

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

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

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

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

Training

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

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

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

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

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

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

[Name of School District]

SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

[Name of School District]

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

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

Signature: _____ Date: _____

Code: GBEA
Adopted:

Workplace Harassment *

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

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

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

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

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

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

The district may not require or coerce a district employee to enter into a nondisclosure² or nondisparagement³ agreement.

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)

[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.820](#)
[ORS 659A.875](#)
[ORS 659A.885](#)

[OAR 584-020-0040](#)
[OAR 584-020-0041](#)
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, 42 U.S.C. § 2000e (2012).

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

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

Code: GBEA-AR
Revised/Reviewed:

Workplace Harassment Reporting and Procedure

Any district employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administration regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

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

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082 or 659A.112 or section 4 of Senate Bill 479 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the district as a separate confidential file and stored in the district office.

Investigation Procedure

The assistant superintendent is responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves the assistant superintendent, the employee may report to superintendent. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee;
3. Provide a copy of the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the

investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

A copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace harassment incident, including disciplinary action taken or recommended, shall be forwarded to the human resources office.

Step 2 If a complainant is not satisfied with the decision at step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the step 1 decision. The superintendent or designee shall review the investigators report and findings. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary by the superintendent or designee to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days after receipt of the appeal.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the findings and conclusion of the superintendent or designee in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's or designee's decision as the district's final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the superintendent's decision in Step 2 is final.

Reports involving the superintendent should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within [30] days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

¹ Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee, and a copy the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee.

Follow-up Procedures

The Director of Human Resources will follow up with the district employee of the alleged harassment once every three months for the calendar year following the date on which the Director of Human Resources received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The Director of Human Resources will document the record of this follow-up. The Director of Human Resources will continue follow-up in this manner until and unless the employee directs the Director of Human Resources in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement (CBA) or a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Review the CBA for any provision that requires an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Lebanon Community School District
485 S. 5th Street, Lebanon, OR 97355 | (541) 451-8511

WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

Lebanon Community School District
485 S. 5th Street, Lebanon, OR 97355 | (541) 451-8511

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

Agenda Item 8

Consent Agenda

Policies – Second Reading

OSBA Model Sample Policy

Code: AC

Adopted:

Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex, sexual orientation², national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

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

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

The superintendent shall appoint ~~and make known the~~ individuals at the district to contact on issues concerning the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act ~~of 1973~~, Titles VI, ~~Title~~ and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, and other civil rights or discrimination issues³, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

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

END OF POLICY

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047.

² "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

³ ~~Districts are required to notify students and employees of the name, office address and telephone number of the employee or employees appointed.~~

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.409
ORS 192.630	ORS 659A.009	OAR 581-002-0001 – 002-0005
ORS 326.051(1)(e)	ORS 659A.029	OAR 581-021-0045
ORS 408.230	ORS 659A.030	OAR 581-021-0046
ORS 659.805	ORS 659A.040	OAR 581-021-0047
ORS 659.815	ORS 659A.103 - 659A.145	OAR 581-021-0049
ORS 659.850 - 659.860	ORS 659A.230 - 659A.233	OAR 581-022-2310
ORS 659.865	ORS 659A.236	OAR 581-022-2370
ORS 659.870	ORS 659A.309	OAR 839-003
ORS 659A.003	ORS 659A.321	

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634~~3~~ (2012); 29 C.F.R Part 1626 (2017)~~8~~.

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-~~12213~~12112 (2012); 29 C.F.R. Part 1630 (2017)~~8~~; 28 C.F.R. Part 35 (2017)~~8~~.

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

Rehabilitation Act of 1973, 29 U.S.C. §§ ~~503~~, 791, 793-794 (2012); 34 C.F.R. Part 104 (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017)~~8~~.

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

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

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).

~~Title II of the~~ Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).

OSBA Model Sample Policy

Code: GBDA

Adopted:

~~Mother Friendly~~ Expression of Milk [or Breast-feed] in the Workplace *

(This applies to a district that employs ~~25~~10 or more employees)

~~The district recognizes that a normal and important role for mothers is to have the option and ability to express milk [or breast-feed] in the workplace. [¹] [**When possible an E Employees must give reasonable notice of the intent to express milk [or breast-feed] to [see ² below].] [**Unless otherwise agreed upon by the district and the employee, the district shall provide the employee a 30-minute rest period to express milk [or breast-feed] during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period.]~~ The district shall provide the employee a reasonable rest period to express milk [or breast-feed] each time the employee has a need to express milk [or breast-feed]. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.]

**The district will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk or breast-feed in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

The following locations have been identified in each facility for milk expression or breast-feeding:

1. District Office/Ralston Academy: private office in transportation building;
2. Cascades School: small room located in the back of the library;
3. Green Acres School: Room 35;
4. Hamilton Creek School: Principal's office;
5. Lacombe School: Room 15;
6. Lebanon High School: Room 28;
7. Pioneer School: Room 159;
8. Seven Oak Middle School: Room 224.

**An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district must allow the employee to bring a cooler or other insulated food container to

¹ [**The designated bracketed language identified in this model policy is a requirement of law, but language is not required to be in policy.]

² [List the name of the position of the person to whom an employee must give notice.]

work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

**This policy and the list of designated locations is published in the employee handbook. The list of designated locations is available upon request in the central office of each school facility and in the district's central office.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 653.077](#)

[ORS 653.256](#)
[OAR 839-020-0051](#)

OSBA Model Sample Policy

Code: GCDA/GDDA

Adopted:

Criminal Records Checks and Fingerprinting *

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees not requiring licensure under Oregon Revised Statute (ORS) 342.223 to ~~undergo~~ submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

~~As required by~~ Pursuant to state law, a criminal records check ~~and/or fingerprinting-based criminal records checks~~ shall be required of the following individuals²:

1. All ~~district~~ individuals employed as or by a ~~contractors and their employees~~, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;
- ~~2. All district contractors and their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, Child Care Division;~~
- ~~3.2.~~ Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
- ~~4.3.~~ Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
- ~~5.4.~~ ^[3]Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or [volunteer] forms.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² Subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

³ [If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct ~~background~~ criminal records checks on these volunteers.]

The district shall require a ~~nationwide~~ fingerprint-based criminal records check ~~based on fingerprinting~~ for ~~a~~ volunteers ~~with~~ allowed direct, unsupervised contact with students, in the following positions⁴:

1. Coaches;
2. Overnight chaperone;
3. Any other volunteer, as designated by the superintendent's or designee's discretion.

~~The identity of a subject individual requiring fingerprinting will be provided by the district to the authorized fingerprinter for verification.~~ The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprinting information, only after ~~acceptance of an~~ the offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due the individual.

The district shall begin the employment of a subject individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records checks.

When the district is notified of ~~A~~ subject individual who has been convicted of any crimes prohibiting employment or contract ~~will be terminated and/or~~ the individual will not be employed or contracted, or if employed will be terminated. When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual [may] [will not] be employed or contracted with by the district, or if employed by the district [may] [will not] be terminated. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law will not be employed or contracted with by the district. ~~A subject individual who knowingly made a false statement as to the conviction of any crime [may] [will not] be employed or contracted with by the district.~~

The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a ~~nationwide~~ fingerprint-based criminal records check ~~including fingerprinting~~ will not begin before the return and disposition of ~~the nationwide~~ a state and national criminal records check ~~including~~ based on fingerprinting.

A ~~subject individual~~ volunteer who knowingly made a false statement or has ~~been~~ a conviction of ~~a~~ the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district.

⁴ [If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the ~~needs of~~ positions in the district that require such fingerprinting.]

~~Fees associated with a criminal records check and/or fingerprinting may be charged.~~

The superintendent shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

A subject individual may appeal a determination ~~from ODE~~ that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case ~~and will be notified of such in writing by ODE~~ under ORS 183.413 – 183.470.

A volunteer ~~required to submit to a fingerprint based criminal records check~~ may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, ~~if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE~~ under ORS 183.413 – 183.470.

END OF POLICY

Legal Reference(s):

ORS 181A.180	ORS 336.631	OAR 581-021-0501
ORS 181A.230	ORS 342.143	OAR 581-022-2430
ORS 326.603	ORS 342.223	OAR 584-050-0012
ORS 326.607	OAR 414-061-0010 – 061-0030	
ORS 332.107	OAR 581-021-0500 0510 – 021-0512	

Field Code Changed

Field Code Changed

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).

OSBA Model Sample Policy

Code: GCDA/GDDA-AR

Revised/Reviewed:

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired ~~employee~~¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223, such as a teacher, administrator, personnel specialist or school nurse, shall ~~be required to undergo~~ submit to a ~~nationwide~~ criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a ~~nationwide~~ criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to ~~undergo~~ submit to a ~~nationwide~~ criminal records check and fingerprinting with TSPC.
4. Any ~~district~~ individual hired as or by a contractor ~~and its employees~~², whether part-time or full-time, ~~hired~~ into a position having direct, unsupervised contact with students as determined by the district shall be required to ~~undergo~~ submit to a ~~nationwide~~ criminal records check and fingerprinting.

The superintendent will identify ~~district~~ contractors who are ~~present on district property and regularly interact with students and are~~ subject to such requirements.

- ~~5. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Oregon Department of Education (ODE), Child Care Division.~~
- ~~6.5.~~ Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a ~~nationwide~~ criminal records check and fingerprinting.
- ~~7.6.~~ Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a ~~nationwide~~ criminal records check and fingerprinting.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² A person hired as or by a contractor^{2-s} and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

~~8.7. [3] [Any individual authorized volunteer allowed by the district for volunteer service into a position allowing that has direct, unsupervised contact with students shall be required to undergo an Oregon in-state criminal records check.]~~

~~9.8. Any individual authorized by the district for volunteer service that is not likely to have direct, unsupervised contact with students will be required to undergo an Oregon in-state criminal records check.~~

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if the district has evidence on file that the newly hired employee ~~was previously checked through an Oregon and a FBI~~ successfully completed a state and national criminal records check ~~by for~~ a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment.

~~Evidence of the prior check will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer.~~

~~Furthermore:~~

- ~~1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available; and~~
- ~~2. The district shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district.~~

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks ~~completed by the Oregon Department of Education (ODE)~~ that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment or contract status;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status.
2. The district will provide the written notice described above through ~~such~~ means ~~such as~~ staff handbooks, employment applications, contracts or [volunteer] forms.

Processing and Reporting Procedures

³ [If the district allows volunteers to have direct, unsupervised contact with students, districts are required to conduct criminal ~~background~~ records checks on these volunteers. Choose the bracketed language options in ~~87~~, ~~98~~ and/or ~~109~~ of this policy that aligns with district practice. If the district allows volunteers to have direct, unsupervised contact with students the presented language is required. Align policy IICC – Volunteers with chosen language here.]

⁴ Any individual hired within the last three months.

1. Immediately following an offer and acceptance of employment or contract, Anyan individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms ~~or requirements as approved by ODE (information available through the district)~~ authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

~~2. All individuals subject to fingerprinting pursuant to state law are required to report to an authorized fingerprinter for fingerprinting as directed by the district.~~

3.2. Fingerprinting may be collected by one of the following:

- a. Employing district staff;
- b. Contracted agent of employing district; or
- c. Local or state law enforcement agency.

~~The individual subject to fingerprinting, shall be subject only after acceptance of an offer of employment or contract.~~

4.3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

5.4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment[,] [or] contract[or volunteering].

6.5. A copy of the fingerprinting results will be kept by the district.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁵ ~~and their employees~~, shall be paid by the [individual] [district].
2. ~~[Fees are payable [prior to] [within [three] working days of] beginning employment, volunteer service or contract.]~~
- 3.2. An individual offered a contract or employment ~~in~~ by the district may, only upon request, request that the amount of the fee be withheld from ~~the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment,~~ the amount otherwise due the individual in accordance with Oregon law. ~~The district may withhold such fees only upon the request of the individual.~~
- 4.3. Fees associated with required criminal records checks for volunteers shall be paid by the district.
- 5.4. Fees associated with a required fingerprinting for volunteers shall be paid by the district.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. Any subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent ~~district~~ upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁶ from the Superintendent of Public Instruction ~~or designee~~ that the employee has a conviction of any crimes ~~prohibiting employment with the district as specified by law~~ listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. Any subject individual ~~required to submit to a criminal records check and/or fingerprinting in accordance with law~~ may be terminated from employment or contract status, ~~or withdrawal of offer of employment or contract will be made by the superintendent~~ upon notification from the Superintendent of Public Instruction ~~or designee~~ that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures ~~and appeals~~ and the provisions of Accountability for Schools for the 21st Century Law.
4. Any volunteer who ~~will be allowed to have direct, unsupervised contact with students that~~ refuses to submit, when required, to a ~~required~~ criminal records check ~~or a fingerprint-based criminal records check~~ ~~to acquire or maintain such a volunteer status in the district~~ in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. If the district has been notified by the Superintendent of Public Instruction that an individual volunteer knowingly made a false statement or has a conviction ~~of~~ for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another

⁵ A person hired as or by a contractor^{2-s} and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.

6. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case ~~and will be notified of such in writing by ODE~~ under ORS 183.413 – 183.470.

A volunteer ~~required to submit to a fingerprint based criminal records check~~ may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, ~~if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE~~ under ORS 183.413 – 183.470.

OSBA Model Sample Policy

Code: IGBBA

Adopted:

Talented and Gifted Students - Identification**

In order to serve academically talented and intellectually gifted students in grades K through 12, the district directs the superintendent to establish a written identification process.

This process of identification shall include as a minimum:

1. Use of research based best practices to identify talented and gifted students from under-represented populations such as ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse or economically disadvantaged.
2. Behavioral, learning and/or performance information.
3. A nationally standardized mental ability test for assistance in the identification of intellectually gifted students.
4. A nationally standardized academic achievement test of reading or mathematics [or a test of total English Language Arts/Literacy or total mathematics] on the Smarter Balanced Assessment for assistance in identifying academically talented students.

Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.

If a parent is dissatisfied with the identification process or placement of their student, they may appeal the decision through Board policy KL - Public Complaints.

After exhausting the district's appeal procedure and receiving the district's final decision, a parent may appeal the decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARS upon request.

END OF POLICY

Legal Reference(s):

[ORS 343.395](#)

[ORS 343.407](#)

[ORS 343.411](#)

[OAR 581-021-0030](#)

[OAR 581-022-2325](#)

[OAR 581-022-2330](#)

[OAR 581-022-2370](#)

[OAR 581-022-2500](#)

OSBA Model Sample Policy

Code: IGBBC

Adopted:

Talented and Gifted – Programs and Services**

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student’s access to appropriate services and will develop program and service options.

The Board has established an appeal process for a parent or guardian to utilize if ~~he/she is~~ they are dissatisfied with the programs and services recommended for their student that has been identified as talented and gifted, and wish to request reconsideration. The appeal process is identified in Board policy **KL – Public Complaints**** and the accompanying administrative regulation.

The Board has established a complaint procedure to utilize if a person who resides in the district or a parent or guardian of a student attending school in the district has a complaint regarding the appropriateness of programs and services provided for a student identified as talented and gifted. This complaint procedure, IGBBC-AR - Complaints Regarding the Talented and Gifted Program, is available at the district’s administrative office and on the home page of the district’s website. The complainant may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of these OARs upon request.

END OF POLICY

Legal Reference(s):

~~OAR 581-002-0040~~
[OAR 581-022-2325](#)

[OAR 581-022-2330](#)
[OAR 581-022-2370](#)

[OAR 581-022-2500](#)

OSBA Model Sample Policy

Code: JED

Adopted:

Student Absences and Excuses**

It is the student's responsibility to maintain regular attendance in all assigned classes. A student's absence from school or class will be excused under the following circumstances:

1. Illness ~~of the student~~, including mental and behavioral health of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Student is a dependent of a member of the U.S. Armed Forces¹ who is on active duty or who is called to active duty. The student may be excused for up to seven days during the school year;
5. Field trips and school-approved activities;
6. Medical (dental) appointments. Confirmation of appointments may be required;
7. Other reasons deemed appropriate by the school administrator when satisfactory arrangements have been made in advance of the absence.

Each school shall notify a parents or guardians by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the superintendent will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension² and/or ineligibility to participate in athletics or other activities.

END OF POLICY

¹ U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard.

² The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, 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 observation 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 suspension or expulsion is required by law.

Legal Reference(s):

[ORS 109.056](#)
[ORS 332.107](#)
[ORS 339.030](#)
[ORS 339.055](#)

[ORS 339.065](#)
[ORS 339.071](#)
[ORS 339.250](#)
[ORS 339.420](#)

[OAR 581-021-0046](#)
[OAR 581-021-0050](#)
[OAR 581-023-0006\(11\)](#)

OSBA Model Sample Policy

Code: JFCJ

Adopted:

Weapons in the Schools**

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

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

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

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

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

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

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

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

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

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are age appropriate, and shall provide such information in writing to the student and the parent in accordance with law. ~~The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law.~~ Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

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

Weapons under the control of law enforcement personnel ~~[or a person who has a valid license under ORS 166.291 and 166.292]~~ are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210 - 166.370](#)
[ORS 166.382](#)
[ORS 332.107](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

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

[OAR 581-021-0050 – 021-0075](#)
[OAR 581-053-0010\(5\)](#)

[OAR 581-053-0230\(9\)\(k\)](#)
[OAR 581-053-0330\(1\)\(r\)](#)
[OAR 581-053-0430\(17\)](#)
[OAR 581-053-0531\(16\)](#)
[OAR 581-053-0630](#)

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

OSBA Model Sample Policy

Code: JFCF
Adopted:

[Hazing,]Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student** (Version 2)

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

Hazing, harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

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

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion. ~~The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for assaulting or menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment, or coercion against a district employee or another student.~~

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

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

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

Definitions

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

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

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

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

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

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

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

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

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 behaviors differs from that traditionally associated with the individual’s sex at birth.

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

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

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

Reporting

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

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

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

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

Training and Education

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

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

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

Notice

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

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

END OF POLICY

Legal Reference(s):

[\[ORS 163.190\]](#)

[\[ORS 163.197\]](#)

[ORS 107.705](#)

[ORS 166.065](#)

[ORS 166.155 - 166.165](#)

[ORS 174.100\(7\)](#)

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 339.240](#)

[ORS 339.250](#)

~~[ORS 339.254](#)~~

[ORS 339.351 - 339.368](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0055](#)

[OAR 581-022-2310](#)

[OAR 581-022-2370](#)

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

Agenda Item 9

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: December 04, 2019

Meeting Date: December 12, 2019

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 12/04/19. The current 2018-19 ending fund balance estimate is \$2,100,000. This is a pre audit number and may be adjusted during the audit process. I will provide a Construction Excise Tax update at the meeting.

Bond Refunding Update

The district is scheduled to sell its Series 2019 General Obligation Refunding Bonds December 12, 2019. We will review the details of the final sale at the board meeting.

Attachment

2019-2020 General Fund Revenue Report

		15/16 Actual	16/17 Actual	17/18 Actual	18/19 Project	19/20 Budget	12-04-19 YTD	12-04-19 Balance
	SSF Formula							
1111,	Taxes	8,533,160	9,048,901	10,057,517	10,136,079	10,633,240	9,268,816	1,364,424
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	18,236,292	13,028,163
	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	27,516,136	15,076,804
								-
1510	Interest on Investments	91,245	156,492	267,981	322,591	300,000	67,426	232,574
4200	Third Party billing	45,178	102,447	72,379	72,372	-	-	-
2210	TMR	149,514	208,252	210,894	180,556	150,000	-	150,000
4300	JROTC reimbursement	66,034	73,726	69,777	35,236	65,000	24,017	40,983
	Other							-
1910	Rental Fees	10,474	9,114	7,731	3,626	10,000	1,206	8,794
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	44,169	255,831
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	2,120,000	160,000
	Total	40,423,650	41,447,600	44,844,870	45,949,586	46,727,940	29,772,954	16,954,986
		=====	=====	=====	=====	=====	=====	=====

2019-2020 General Fund Summary Report

	15/16 Actual	16/17 Actual	17/18 Actual	18/19 Budget	19/20 Budget	12-04-19 YTD & Enc	12-04-19 Balance
General Fund - Revenue							
SSF Formula	36,036,233	37,131,855	40,190,370	39,633,000	42,592,940	27,505,108	15,087,832
SSF Adjustment	(254,069)	390,697	280,233	-	-	-	-
Interest	91,245	156,492	267,981	100,000	300,000	67,426	232,574
Third Party Billing	45,178	102,447	72,379	80,000	-	-	-
TMR	149,514	208,252	210,894	175,000	150,000	-	150,000
JROTC	66,034	73,726	69,777	65,000	65,000	24,017	40,983
Other	297,128	299,398	360,539	420,000	490,000	55,906	434,094
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	2,120,000	160,000
Total	40,423,650	41,447,600	44,844,870	45,618,000	46,727,940	29,772,457	16,955,483
	=====	=====	=====	=====	=====	=====	=====
General Fund - Expenses							
Salaries	17,884,343	18,826,313	19,506,444	21,146,522	21,896,193	20,657,993	1,238,201
Benefits	10,645,144	10,952,659	12,144,929	13,883,105	14,481,355	13,717,761	763,594
P. Services	5,027,111	4,332,849	4,321,151	4,804,971	5,356,244	2,415,422	2,940,822
Supplies	1,380,753	1,337,164	1,742,328	1,670,267	1,566,513	675,156	891,357
Capital Outlay	20,047	65,034	195,888	54,500	54,500	32,299	22,202
Other Objects	286,294	442,882	335,817	437,635	438,135	327,338	110,797
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	37,825,968	8,901,972
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2019-2020 General Fund Expenditure Report

Obj	Description	15/16 Actual	16/17 Actual	17/18 Actual	18/19 Project	19/20 Budget	12-04-19 YTD	12-04-19 Encumb	12-04-19 Balance
111	Certified salaries	9,311,147	10,161,648	10,831,007	12,299,845	12,665,056	3,150,097	8,963,001	551,958
112	Classified salaries	4,164,521	4,545,055	4,757,666	5,617,686	6,227,931	1,760,059	4,006,375	461,497
113	Administrative salaries	1,464,907	1,648,330	1,614,127	1,782,092	1,873,807	751,580	1,045,766	76,461
114	Managerial - classified	94,714	178,755	187,797	249,120	154,577	97,703	163,949	(107,075)
116	Retirement stipends	76,123	51,134	35,621	19,904	91,904	21,187	58,462	12,255
119	Confidential salaries	125,785	84,504	131,698	159,789	162,808	108,097	165,774	(111,063)
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	36,252	-	(34,752)
123	Temp certified	62,030	73,949	133,971	162,287	82,264	250	-	82,014
124	Temp classified	982	-	-	23,111	8,000	35,280	-	(27,280)
127	Student helpers salaries	11,768	7,895	6,544	4,413	21,000	6,343	-	14,657
132	Compensation time	23,861	25,767	37,764	77,738	52,300	19,847	-	32,453
133	Extra duty	254,381	324,897	286,017	350,933	279,579	129,976	11,442	138,161
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	-	-	-	-	-	-	-
138	Department Head Extra Duty	2,159	1,613	1,556	788	6,000	2,500	3,500	-
142	Taxable Meal Reimbursement	436	903	1,503	2,073	-	593	-	(593)
143	Cell Phone Stipend					-	450	630	(1,080)
145	Travel Stipend					-	4,750	6,650	(11,400)
150	Club Advisor				34,950	29,650	45,396	61,977	(77,724)
	Total Salaries	16,263,399	17,884,343	18,826,313	21,136,091	21,896,193	6,170,466	14,487,526	1,238,201
210	PERS	3,976,407	4,187,401	4,442,519	5,780,868	7,398,130	1,989,705	4,688,956	719,469
220	Social Security	1,207,537	1,328,140	1,385,595	1,550,125	1,655,388	450,599	1,048,816	155,973
231	Worker's Comp	136,822	173,370	196,943	238,867	293,025	59,602	117,140	116,283
241	Employee Ins - Admin	177,948	212,862	208,912	239,427	215,642	100,836	143,698	(28,892)
242	Employee Ins - Certified	2,307,416	2,328,554	2,370,817	2,831,052	2,449,421	670,261	1,945,358	(166,198)
243	Employee Ins - Classified	1,874,827	2,137,321	2,102,847	2,408,513	2,327,520	680,563	1,690,777	(43,820)
244	Employee Ins - Other	20,700	7,731	27,124	36,487	33,429	23,654	37,828	(28,053)
245	Employee Ins - Retired	276,090	228,774	195,821	122,925	83,600	24,368	0	59,232
247	TSA	42,912	40,991	22,082	24,336	25,200	19,000	26,600	(20,400)
	Total Benefits	10,020,660	10,645,144	10,952,659	13,232,600	14,481,355	4,018,588	9,699,173	763,594
311	Instructional Services	152,856	157,581	110,051	121,558	103,800	19,445	-	84,355
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	93,249	21,196	75,855

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323	Radio Service	-	7,767	38,310	12,455	11,100	1,008	0	10,092
324	Rentals	135,308	104,777	102,560	121,067	129,400	18,363	3,501	107,536
325	Electricity	467,896	473,758	466,093	453,206	502,620	152,469	277,435	72,716
326	Fuel	177,759	187,899	223,740	181,534	223,135	19,947	96,949	106,239
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	26,287	-	76,113
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	145	5,902	4,153
340	Travel	114,592	140,225	178,985	149,454	164,930	18,291	518	146,121
343	Travel - Student - Out of Dist.	-	-	2,916	1,140	5,300	0	0	5,300
346	Meals/Transportation	104	48	99	153	200			200
348	Staff Tuition	49,577	44,768	71,830	92,746	47,000	17,358.00	0	29,642
351	Telephone	82,642	70,529	39,486	44,987	73,165	17,272.00	23,385.00	32,508
353	Postage	23,607	21,909	14,712	24,224	26,074	7,034	-	19,040
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	5,399	-	24,001
360	Charter School Payments	2,064,403	1,961,788	1,866,943	2,159,564	2,195,000	1,141,633.00	0	1,053,367
371	Tuitions Payments to Other Dist.	40,570	29,701	29,536	-	-	-	-	-
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	7,500.00	0	22,500
382	Legal Services	2,028	5,288	11,261	33,971	35,000	9,644.00	0	25,356
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	18,824.00	0	70,776
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	127,802	9,367	226,531
391	Physical Exams - Drivers	2,380	3,168	4,193	4,072	4,400	1,505.00	2,595.00	300
392	Drug Tests Drivers	1,110	635	1,255	1,670	3,000	690	1,310	1,000
393	Child Care Services	22,000	22,000	22,000	-	15,000	0.00	0	15,000
394	Sub calling service	5,559	7,489	6,464	14,113	15,000	8,730.00	0.00	6,270
396	Criminal History checks	2,546	2,928	3,179	4,066	3,200	1,894.00	0	1,306
398	Fingerprinting	639	462	266	38	1,000	885	-	115
	Total P. Services	5,112,768	5,027,111	4,332,849	5,448,375	5,356,244	1,973,264	442,158	2,940,822
406	Gas Oil & Lubricants	152,805	103,868	115,426	190,500	190,500	46,270	120,264	23,966
410	Supplies & Materials	457,671	419,096	486,014	452,860	648,024	177,804.00	12,726.00	457,494
413	Vehicle repair parts	50,201	48,980	44,746	27,649	52,800	19,213	26,170	7,417
414	Transportation operations	5,674	6,060	8,776	30,655	15,000	15,420.00	6,383.00	(6,803)
420	Textbooks	240,685	131,379	83,687	68,642	24,700	3,035.00	934	20,731
430	Library Books	9,934	8,588	5,880	5,914	15,694	0	0	15,694
440	Periodicals	6,012	1,937	5,354	6,511	6,000	9,173.00	0	(3,173)
460	Equipment under 5K	125,632	212,514	184,119	162,389	178,842	65,894	6,839	106,109
470	Computer software	173,513	195,888	181,289	184,472	264,360	125,052	2,325	136,983

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480	Computer hardware	255,516	252,444	221,873	146,797	170,593	36,614	1,040	132,939
	Total Supplies & Materials	1,477,643	1,380,753	1,337,164	1,276,389	1,566,513	498,475	176,681	891,357
540	Equipment	6,779	20,047	65,034	39,805	54,500	22,299	-	32,202
564	Bus Replacement	-	-	-	258	-	-	-	-
	Total Capital Outlay	6,779	20,047	65,034	47,641	54,500	32,299	0	22,202
621	Regular Interest	-	-	-	-	500	-	-	500
640	Dues & Fees	92,488	67,655	178,632	101,706	171,847	63,636.00	1,590.00	106,621
650	Insurance & Judgments	216,456	218,639	230,250	245,279	265,588	262,015.00	0	3,573
659	Settlements	-	-	34,000	-	-	0	0	-
670	Taxes & Licenses	49	-	-	-	200	97	0	103
	Total Other Objects	308,993	286,294	442,882	346,985	438,135	325,748	1,590	110,797
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	13,018,840	24,807,128	8,901,972