

LEBANON COMMUNITY SCHOOL DISTRICT
SCHOOL BOARD MEETING AGENDA – **EXECUTIVE SESSION**

December 14, 2017, 5:00 PM

Santiam Travel Station

750 S. 3rd Street, Lebanon, Oregon 97355

A. CALL TO ORDER UNDER:

ORS 192.660(2)(b): *To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or agent, unless he or she or the agent requests an open meeting.*

B. DISCUSSION

C. ADJOURN

**LEBANON COMMUNITY SCHOOL DISTRICT
SCHOOL BOARD MEETING AGENDA**

December 14, 2017, 6:00 PM

Santiam Travel Station

750 S. 3rd Street, Lebanon, Oregon 97355

A. WELCOME

1. Call to Order
2. Flag Salute

B. GOOD NEWS/COMMUNITY COMMUNICATIONS

1. Seven Oak Middle School Presentation (Enclosure B-1) *-page 4*
2. LHS Student Body Representative

C. BUDGET COMMITTEE INTERVIEWS (Enclosure C-1) *-page 26*

D. AUDIENCE COMMENTS

This is a time for citizens to address the Board. The Chair will recognize speaker(s) at the designated time. All speakers should identify themselves and state their name before speaking. Speakers are asked to write their name, address, and phone number. Each speaker will be allowed 3 minutes.

E. GENERAL BUSINESS

1. **Discussion:** Review of Public Complain Policy and Process (Enclosure E-1) *-page 29*
2. **Policies** (Enclosures E-2)
 - a. **Action:** Adopt Revised Board Policies on First Reading *-page 35*
 - i. BDDH: Public Participation at Board Meetings *-page 36*
 - ii. BDDH-AR: Public Comment at Board Meetings (new) *-page 40*
 - iii. IGBA: Students with Disabilities – Child Identification Procedures *-page 42*
 - iv. IGBAG-AR: Special Education – Procedural Safeguards *-page 45*
 - v. IGBAH: Special Education – Evaluation Procedures *-page 56*
 - vi. IGBAJ: Special Education: Free Appropriate Public Education (FAPE) *-page 59*
 - vii. IGBAJ-AR: Special Education: Free Appropriate Public Education (FAPE) *-page 61*
 - viii. IGBHE: Expanded Options Program *-page 67*
 - ix. IGBHE-AR: Expanded Options Program *-page 74*
 - x. IGCA: Post Graduate Scholars Program *-page 79*
 - xi. JEC: School Admission and Open Enrollment *-page 82*
 - xii. JEC-AR(1): Open Enrollment/School Attendance Areas (information only) *-page 84*
 - xiii. JEC-AR(3): Application for Open Enrollment (information only) *-page 86*
 - xiv. JECA: Admission of Resident Students *-page 88*
 - xv. IKF: Graduation Requirements *-page 90*
 - xvi. IKF-AR: Graduation Requirements *-page 95*
 - xvii. IKFB: Graduation Exercises *-page 101*
 - xviii. JFCG/JFCH/JFCI: Use of Tobacco Products, Alcohol, Drugs and Inhalant Delivery Systems (new) *-page 103*
 - xix. JFCH: Alcohol (delete) *-page 106*
 - xx. JFCI: Substance /Drug Abuse (delete) *-page 107*
 - xxi. JFCG-AR: Discipline for Use, Possession, Distribution of Sale of Tobacco Products or Inhalant Delivery Systems (new) *-page 109*
 - xxii. JOA: Directory Information *-page 110*
 - xxiii. KBA: Public Records *-page 113*
 - xxiv. KBA-AR: Public Records *-page 116*
 - b. **Action:** Adopt Revised Board Policies on Second Reading *-page 119*
 - i. EBBB: Injury/Illness Reports *-page 120*
 - ii. GBEB: Communicable Disease – Staff (new) *-page 123*
 - iii. GBEB-AR: Communicable Disease – Staff (new) *-page 126*
 - iv. JHCC: Communicable Disease – Students *-page 127*
 - v. JHCC-AR: Procedures for Dealing with Students Having HIV, AIDS or HBV (delete) *-page 129*
 - vi. JHCC-AR: Communicable Disease – Students (new) *-page 130*
 - vii. GBEDA: Drug and Alcohol Testing – Transportation Personnel *-page 133*
 - viii. GBEDA-AR: Drug and Alcohol Testing – Transportation Personnel *-page 136*
 - ix. GCA: License Requirements *-page 148*

- x. GCDA/GDDA: Criminal Records Check and Fingerprinting (rewritten) –*page 150*
- xi. GCDA/GDDA-AR: Criminal Records Check and Fingerprinting –*page 153*
- xii. IICC: Volunteers –*page 157*
- xiii. IICC-AR: Volunteers (delete) –*page 159*
- xiv. JEA: Compulsory Attendance –*page 165*
- xv. JHCD: Nonprescription Medication (delete) –*page 169*
- xvi. JHCDA: Prescription Medication (delete) –*page 171*
- xvii. JHCD/JHCDA: Medications (new) –*page 173*
- xviii. JHCD/JHCDA-AR: Medications –*page 176*
- xix. JHFE/KN-AR: Child Abuse Investigations Conducted on School Premises (delete) –*page 186*
- xx. JHFE-AR(2): Abuse of a Child Investigations Conducted on District Premises (new) –*page 188*
- xxi. KN-AR: Relations with Law Enforcement Agencies –*page 189*
- xxii. KN-AR(2): Investigations Conducted on District Premises –*page 192*
- 3. **Discussion:** CET Ad Hoc Committee Update
- 4. **Discussion:** Administrator Working Conditions (Enclosure E-3) –*page 193*
- 5. **Report:** 2020 Vision Reflection (Enclosure E-4) –*page 200*
- 6. **Discussion:** Comparable District Data (Enclosure E-5) –*page 205*

F. DEPARTMENT REPORTS

- 1. **Finance**
 - a. **Report** (Enclosure F-1) –*page 213*
 - b. **Information:** Disposal of Obsolete Equipment
 - c. **Discussion:** Budget Committee Workshop in January
- 2. **Operations**
- 3. **Human Resources**

G. COMMUNICATION

- 1. **Board**
- 2. **Superintendent**
 - a. CTE Ad Hoc Committee Update

H. CONSENT AGENDA

- 1. **Action:** Approve November 16, 2017 Board Minutes (Enclosure H-1) –*page 224*
- 2. **Action:** Approve Hiring

I. AUDIENCE COMMENTS

This is a time for citizens to address the Board. The Chair will recognize speaker(s) at the designated time. All speakers should identify themselves and state their name before speaking. Speakers are asked to write their name, address, and phone number. Each speaker will be allowed 3 minutes.

J. ADJOURN

The Lebanon Community School District Board of Directors welcomes you to our regular meeting. It is the Board's desire to hold an effective and efficient meeting to do the business of the District. In keeping with that objective 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 following quote is instructive to the Board and its visitors.

"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.

FUTURE MEETINGS

January 11, 2018 - TBA

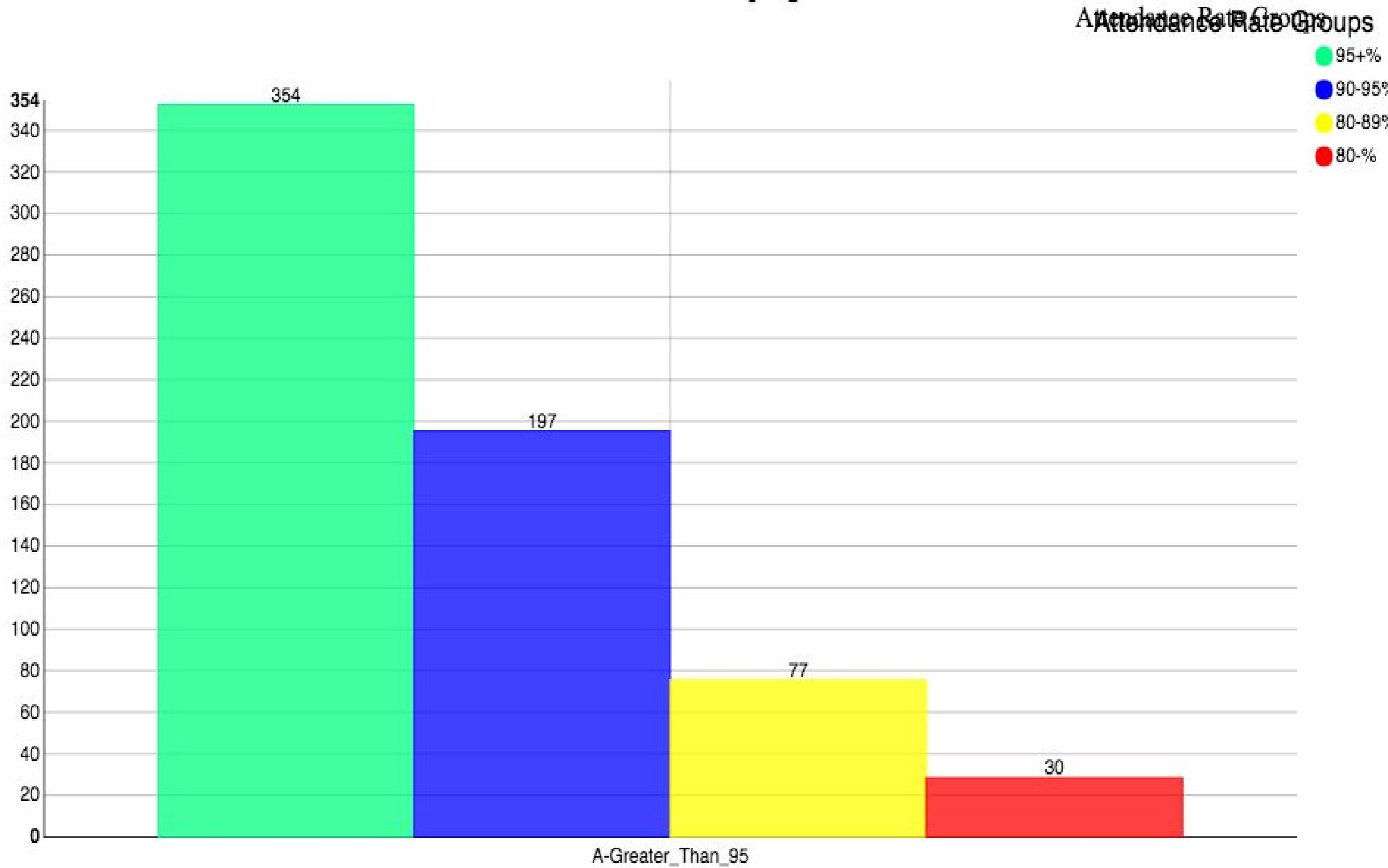
February 8, 2018 - TBA

March 8, 2018 - TBA

Lebanon Community



Attendance Grouping



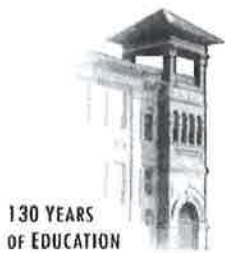
Budget Committee Applicants: *(enclosure C-1)*

There are two applicants for the Budget Committee: Sandi Cox and Kris Latimer.

There is:

- One position for a 2-year appointment, expiring June 30, 2019
- One position for a 3-year appointment expiring June 30, 2020

The Board will need to appoint applicants to the specific position (length of term).



LEBANON Community Schools

485 SOUTH 5TH STREET • LEBANON, OR 97355 • PHONE: 541-451-8511 • FAX: 541-259-6857 • www.lebanon.k12.or.us

APPLICATION FOR BUDGET COMMITTEE MEMBERSHIP

Name Sandi Cox Date 12/5/17
Address 1029 Mountain River Dr, Lebanon, OR 97355
Email Sandradeecox@aol.com
Phone — (home) (503) 680-1226 (cell) — (work)

Term: One position for a 2-year appointment expiring June 30, 2019 and one position for a 3-year appointment expiring June 30, 2020.

To be eligible for appointment the candidate: 1) must live in the District, 2) must not be an officer or employee of the District, and 3) must be a qualified voter of the District (ORS 294.336).

If you are eligible, state briefly why you would like to be considered for appointment to the Budget Committee:

I will have three children in the district next year and have a vested interest in how money will be allotted to provide them with the best educational experience and supports as needed to be successful.

I also would like to see a greater female presence involved within the school board setting.

Return Application to Lebanon Community School District Business Office by 4:00 p.m. on

December 6, 2017. Appointment to the Budget Committee will be made at the December 14, 2017

Board of Director's meeting. Please plan on attending the meeting for possible interview by the Board of Directors.

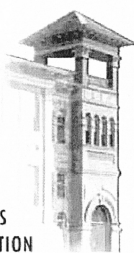
Signature

Sandi Cox

Date

12/5/17

130 YEARS
OF EDUCATION



LEBANON Community Schools

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APPLICATION FOR BUDGET COMMITTEE MEMBERSHIP

Name Kris Latimer Date 11/27/2017
Address 33886 Tennessee Rd., Lebanon OR 97355
Email latimer.kristen@gmail.com
Phone 5419799160 (home) 5419799160 (cell) 5412587105 (work)

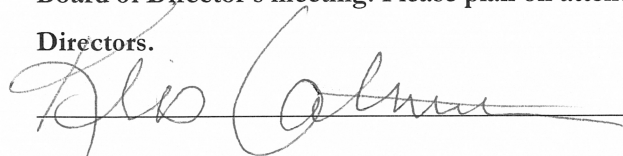
Term: One position for a 2-year appointment expiring June 30, 2019 and one position for a 3-year appointment expiring June 30, 2020.

To be eligible for appointment the candidate: 1) must live in the District, 2) must not be an officer or employee of the District, and 3) must be a qualified voter of the District (ORS 294.336).

If you are eligible, state briefly why you would like to be considered for appointment to the Budget Committee:

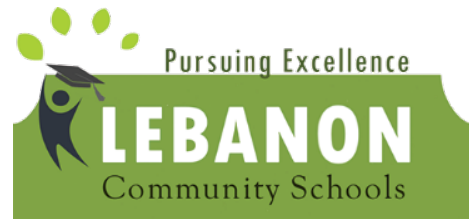
I have been involved in budgeting in a variety of scenarios - from a \$32 M annual budget in a government agency to the \$2.2 M budget at the Boys & Girls Clubs of the Greater Santiam. The utilization of an organization's resources need to be well aligned with it's vision and mission. I would like to lend my experience and voice to this process for the benefit of Lebanon students.

Return Application to Lebanon Community School District Business Office by 4:00 p.m. on December 6, 2017. Appointment to the Budget Committee will be made at the December 14, 2017 Board of Director's meeting. Please plan on attending the meeting for possible interview by the Board of Directors.


Signature

11/27/2017
Date

MEMORANDUM



To: Board of Directors

From: Tom Oliver, Board Chair

Date: December 7, 2017

Re: Review of Public Complaint Policy and Process

Jollee Patterson will provide the Board with an update on her ongoing work pertaining to policy and procedure related to the District's handling of complaints and hiring of family and household members. Once this work is completed, the findings and recommendations will serve as the basis for policy revisions, should the Board so desire.

Jollee Faber Patterson
Senior Counsel
jollee.patterson@millernash.com
503.205.2390 direct line

December 7, 2017

VIA E-MAIL
tom.oliver@lebanon.k12.or.us

Mr. Tom Oliver
Board Chair
Lebanon Community School District
485 South Fifth Street
Lebanon, Oregon 97355

Subject: Review of Public Complaint Policy and Process

Dear Mr. Oliver:

The Lebanon Community School District (the "LCSD") Board of Education ("Board") asked me to review the LCSD complaint policies and procedures and make recommendations for improvement. It is very important to have clear policies and procedures regarding complaints so that everyone involved in the process—the complainant, any involved staff, the investigator, administrators, and the Board—have a shared understanding and expectations at the outset. In my experience, this clarity is becoming increasingly important in school district governance.

At this stage, I have reviewed the LCSD policy and regulation and applicable state law regarding complaints by members of the public. This letter represents my preliminary recommendations based primarily on this "paper" review. As a next step, I will interview a limited number of staff to determine how the public complaint process works in practice and seek additional input and recommendations for improvement. I will also make recommendations regarding the staff complaint policy and regulation (GBM and GBM-AR) following additional discussions with staff.

Recommendations

KL and KL-AR apply to complaints made by members of the public. While the policy and regulation set forth a basic framework for addressing complaints, there are areas of ambiguity that should be resolved, and areas where the policy or regulation should provide more detail.

Review of Existing Policy and Regulation

- In general, KL and KL-AR do not sufficiently describe how public complaints against staff will be handled. These are particularly sensitive complaints because the complainant wants assurance that the complaint is being taken seriously as well as details about the investigation and result, while the staff member may be entitled to a certain amount of confidentiality and other protections. The general language in KL and KL-AR is helpful but not sufficiently descriptive of the process.
- KL is formatted in a way that makes it difficult to understand. For instance, the numbering relating to the types of complaints and the sequence for addressing complaints is confusing. The policy should have more clearly delineated sections, which would make it easier to understand.
- KL directs that the "Superintendent will develop and administer the general complaint process, as appropriate." While it is appropriate for the superintendent to oversee the process for most complaints, the superintendent should not develop and administer the process for complaints against the superintendent or the Board. Thus, I would advise that the provisions for complaints against the superintendent or Board be in the policy, rather than the regulation.
- Step 2 of KL-AR should clarify that the decision by the principal shall be in writing.
- Step 3 of KL-AR suggests that the superintendent is responsible for investigating, making findings, and rendering a decision about a complaint. It is generally best practice to have one person investigate and make findings, and another neutral person (generally the superintendent) render a decision. This may not always be possible, but the regulation should be updated to reflect best practice.

- Step 3 of KL-AR states that the complainant will receive a copy of the written report. Depending on the nature of the complaint (such as whether a staff member or another student is involved), it may not always be appropriate to provide the full written investigation report to the complainant. The regulation should provide the ability to exercise discretion on this point, while ensuring the complainant receives a written response that addresses each allegation in the complaint.
- Step 4 of KL-AR does not sufficiently describe how the Board will decide what complaints it will hear. Will the Board consider any complaint brought to Step Four? If not, what standards and process will the Board use to determine whether it will hear a complaint? Does the Board chair have the authority to make that decision, or does this require a vote of the Board? Clarity on this process will help avoid confusion in the future.
- Step 4 of KL-AR should clarify the ability of the Board to recommend any complaint to outside counsel. Currently, KL-AR provides that the Board may hire a third party to investigate complaints against the superintendent, and that the Board may refer complaints about the Board or a Board member to outside counsel. The regulation should be revised to allow the Board the discretion to hire an investigator and/or outside counsel for any complaints that come to the Board. The regulation should also clarify how the decision to hire an investigator or outside counsel is made. Should that be at the discretion of the Board chair, by vote of the Board, or some combination (for example, the Board chair can decide but if any Board member objects to the chair's decision, it can go to a vote of the Board)?
- Step 4 of KL-AR could be read to suggest that the Board itself could conduct an investigation of the superintendent. The regulation should be clear that, should the Board choose to have an investigation of the superintendent, the investigation will be conducted by a third party.

Compliance with State Law

KL and KL-AR should be updated to come into compliance with the revised Oregon regulations.

- The Oregon regulations cited in KL and KL-AR have been updated and renumbered. KL and KL-AR should reflect the new OAR numbers.
- Pursuant to OAR 581-022-2370(4)(a), the school district's complaint procedure must include the point at which the district's decision is final. KL-AR Step 4 indicates that the "Board's decision will be final," but does not specify what happens if the Board declines to accept the appeal. Presumably that would mean that the decision of the superintendent at Step 3 is final, but KL and KL-AR should be explicit on that point so as to be in compliance with the state regulations.
- Pursuant to OAR 581-022-2370(4)(b), the final decision "must be in written or electronic form that addresses each allegation in the complaint and contains reasons for the district's decision." KL-AR indicates that the complainant shall be given a copy of the written report, but that language may create problems (see above) and is not as specific as the OAR requirement. KL-AR should be updated to reflect this specific requirement. Further, if the Board does render a decision on an appeal, the Board is also required to meet this requirement, and KL-AR should reflect that requirement.

Additional Best Practices for Consideration

In addition to the recommendations above, the Board may want to consider additional provisions to improve the complaint process.

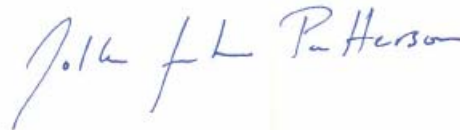
- State law allows, but does not require, the district's complaint policy to establish a timeline for when a complaint can be brought. OAR 581-022-2370(3)(c) allows a requirement that complaints be brought within either (1) two years after the alleged incident occurred or the complainant discovered the violation, or (2) one year after the impacted student has graduated, moved, or left the district. It would be best practice to have a timeline, so as to limit older complaints that are more difficult to investigate and resolve.

Mr. Tom Oliver
December 7, 2017
Page 5

- The Board may want to consider adding a statement that translation and interpretation services will be made available. This helps ensure a welcoming process.
- State law allows, but does not require, the district's complaint policy to include the offer of mediation or alternative dispute resolution if all parties to the complaint agree in writing. Providing for this option could be beneficial in some circumstances.
- The Board may want to consider a provision that staff and the Board received periodic training on the complaint policy and procedures.
- The Board should add a statement that retaliation for making a complaint or participating in an investigation is strictly prohibited. This is standard and best practice for complaint policies.

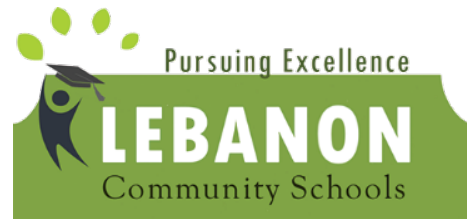
I hope these preliminary recommendations are helpful. I would be happy to address any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Jollee Faber Patterson". The signature is written in a cursive, flowing style.

Jollee Faber Patterson

MEMORANDUM



To: Board of Directors

From: Jennifer Meckley, Director of Human Resources and Community Relations

Nicole Hundley, Executive Secretary

Date: December 7, 2017

Re: Policy Recommendations

OSBA recently sent us a higher amount of policy revisions than usual. In order to best process these changes, we are bringing the suggested revisions to the Board in smaller groups organized by type. The District supports OSBA's recommendations on the policy revisions listed in the packet. Additional explanations on the suggested changes from OSBA are included before each policy revision group along with additional commentary from the District when necessary.

PUBLIC COMMENTS

Policy Implications

- BDDH - Public Comment at Board Meetings (Highly Recommended)
- BDDH-AR - Public Comment at Board Meetings (Optional)

Summary

As a result of several court cases, OSBA's legal staff recommends that members no longer allow any public comment – not just prohibiting complaints – concerning staff.

By prohibiting only criticism, it could be seen as “viewpoint discrimination” which is protected under the First Amendment.

Legal Reference

See policy document for changes.

Local District Responsibility

It is recommended that the Board review the recommended language and readopt this highly recommended policy, and review the recommended revised language in the administrative regulation and issue it to the Board for review.

LCSD Commentary

The District does not currently have BDDH-AR. The Board should consider if or how it would like to implement such a policy AR.

Lebanon Community Schools

Code: **BDDH**
Adopted: 6/16/09
Readopted: 2/4/10
Orig. Code(s): BDDH

Public Participation in Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district ~~citizens~~ community members to attend Board meetings to become acquainted with the program and operation of the schools. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids¹ and services.

~~Auxiliary aids include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped text, Brailled materials and large print. Auxiliary aids and services for disabled persons will be available at no charge to the individual.~~

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual. All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternative, equally effective means of communication will be used.

Audience

During an open session of a Board meeting, members of the public are specifically invited to present concerns during the designated portion of the agenda. At the discretion of the chair, further public participation may be allowed.

Request for an Item on the Agenda

A member of the public may request the superintendent place an item of concern on the agenda of a regular Board meeting. This request should be made in writing and presented to the superintendent for consideration at least five working days prior to the scheduled meeting.

Procedures for Public Participation in Meetings

The Board will establish procedures for public participation in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best

¹Auxiliary aids may include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Braille materials and large print.

interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

~~At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by addressing the Board during an appropriate time on the agenda.~~

1. Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair.
2. A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may ~~direct-require~~ that a proposal, inquiry or request be submitted in writing, and reserves the right to ~~referred~~ the matter to the administration for action or study.
3. Any person who is invited by the Board chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson ~~may-should~~ be requested-designated to represent a group with a common purpose.
4. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a time limit on discussion or oral presentation by visitors.
5. Questions asked by the public , when possible, may-will be answered ~~immediately~~ by the Board chair or referred to ~~the superintendent~~staff members for reply. Questions requiring investigation may, at the discretion of the Board chair, be referred to the superintendent for response at a later time.
6. At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by addressing the Board during an appropriate time on the agenda.

The Board chair should be alert to see that all visitors have been acknowledged and thanked for their presence and for any contributed comments on agenda issues. Similar courtesy should be extended to members of staff who have been in attendance. Their return for future meetings should be welcomed.

Petitions

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation. ~~Petitions shall not be accepted in lieu of following established complaint procedures.~~

Criticisms of Comments Regarding Staff Members

Speakers may offer objective criticism of school operations and programs, ~~but~~ The Board will not hear complaints concerning comments regarding any individual school personnel in a public meeting District staff member. The Board chair will direct the visitor to the procedures in Board policy KL- Public Complaints appropriate means for for Board consideration ~~and disposition~~ of a legitimate complaints involving individuals a staff member. ~~The association contract governing the employee's rights will be~~

followed.] A commendation involving a staff member should be sent to the superintendent [, who will forward it to the [employee, his/her supervisor and the Board]].

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)
[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 ([2017](#)); 29 C.F.R. Part 1630 (~~2006~~[2017](#)); 28 C.F.R. Part 35 (~~2006~~[2017](#)).

Americans with Disabilities Act Amendments Act of 2008.

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

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

HR 9/28/17 | PH

Cross Reference(s):

BDDC - Board Meeting Agenda

Lebanon Community Schools

Code: **BDDH-AR**
Reviewed:

NEW

Public Comment at Board Meetings

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

To make a comment or present a topic during public comment, if the opportunity is available on the Board agenda, please complete the Intent to Speak card and submit it to the Board secretary prior to the start of the meeting. An individual that has submitted an Intent to Speak card and has been invited to speak by the Board chair, will be allowed [three] minutes.

Any person, who is invited by the Board chair to speak to the Board during a meeting, should state his/her name and address and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Please keep in mind that reference to a specific employee or group of employees, is prohibited as follows:

Board policy BDDH - Public Comment at Board Meetings:

Comments Regarding Staff Members -

Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for Board consideration of a legitimate complaint involving a staff member. [The association contract governing the employee's rights will be followed.] A commendation involving a staff member should be sent to the superintendent [, who will forward it to the [employee, his/her supervisor and the Board]]."

INTENT TO SPEAK

The Board welcomes your input. Please submit this completed card to the Board secretary prior the start of the meeting.

Name: _____ Phone: _____

Address: _____

Email (optional): _____

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

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

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

9/28/17 | PH

Public Comment at Board Meetings – BDDH-AR

1-1

Enclosure E-2

Page 40

SENATE BILL 20

Policy Implications

- IGBA - Students with Disabilities - Child Identification Procedures (Required)
- IGBAG-AR - Special Education - Procedural Safeguards** (Required)
- IGBAH - Special Education - Evaluation Procedures** (Required)
- IGBAJ - Special Education - Free Appropriate Public Education (FAPE)** (Required)
- IGBAJ-AR - Special Education - Free Appropriate Public Education (FAPE)** (Required)
- IGBHE - Expanded Options Program** (Highly Recommended)
- IGBHE-AR - Expanded Options Program (Recoded from IGBHE-AR(1); Highly Recommended)
- IGCA - Post-Graduate Scholars Program (Conditionally Required)
- JEC - Admissions** (Optional)
- JECA - Admission of Resident Students** (Highly Recommended)

Summary

Senate Bill (SB) 20 passed by the 2017 Legislature updated state law references to the Every Student Succeeds Act of 2015 (ESSA) in current law.

SB 20 changed references from NCLB to ESSA in several Oregon statutes.

Additionally, SB 20 changed statute so that the modified diploma is treated similarly to a regular high school diploma affecting several student related policies such as, but not limited to, IGBA, IGBAH, IGBAJ, IGCA, JEC and JECA.

The changes affecting policy IGBHE are a result of the Oregon Department of Education's removal of the Expanded Options Program rules in lieu of ORS Chapter 340.

Legal Reference

See policy documents for changes.

Local District Responsibility

If the district has the policies or administrative regulations (AR), review and adopt the new policy language, and review the revised administrative regulation or adopt as required (ARs related to special education require the board to adopt).

The sample policy JEC was previously offered in three versions; two of the versions have been deleted from OSBA samples and the final version is provided herein. It remains an optional policy.

If the district has IGBHE-AR(2) - Expanded Options Program Summary (District) and IGBHE-AR(3) - Expanded Options Program Checklist, review them for updates based on recommended policy changes as needed.

LCSD Commentary

The majority of these policy changes are a result of changes in references to ESSA and to incorporate reference to a modified diploma.

While IGBHE and IGBHE-AR regarding the Expanded Options Program have been heavily redacted, this is to refer to state law instead of ODE rules. These changes to policy do not impact the way the District operates this program. The changes have been reviewed by program administrators.

JEC is an optional policy that the District has developed beyond OSBA's recommendations over several years. In addition to OSBA's use for outlining admissions, we also use this policy to outline our in-district open enrollment process. The changes suggested by OSBA related to admissions have been incorporated to keep the policy as clean as possible while still maintaining our open enrollment policy. Annually we revise the related JEC-AR(1) and JEC-AR(3) prior to the spring so that the open enrollment process and application are updated with the next year information regarding due dates and school enrollment caps. This year we have also added a clarification for the intent of the open enrollment policy to automatically allow students open enrolled at the elementary level in a feeder school to continue on to the middle school with their cohort. We have brought these ARs forward at this time for board information since the policy itself was presented with revisions from OSBA.

Lebanon Community Schools

Code: **IGBA**
Adopted: 3/3/08
Readopted: 12/16/10, 4/19/12
Orig. Code(s): IGBA

Students with Disabilities - Child Identification Procedures

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Early Intervention is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they ~~have not failed, been retained in a course or a grade, and are advancing~~ from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) ~~school~~ located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five by September 1 of the school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular diploma.

The district shall annually submit data to the Oregon Department of Education regarding the number of resident students with disabilities who have been identified, located and evaluated are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 338.165](#)
[ORS 339.115 to-137](#)
[ORS 343.151](#)
[ORS 343.157](#)
[ORS 343.193](#)
[ORS 343.221](#)

[ORS 343.517](#)
[ORS 343.533](#)

[OAR 581-015-2040](#)
[OAR 581-015-2045](#)
[OAR 581-015-2080](#)
[OAR 581-015-2085](#)

[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2315](#)
[OAR 581-015-2480](#)
[OAR 581-021-0029](#)
[OAR 581-022-~~1340~~2315](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (~~2017~~).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (~~2006~~2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (~~2006~~2017).

~~R2/16/19/28/172~~ | RS

Special Education - Procedural Safeguards**

1. Procedural Safeguards

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).
- b. The district gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy;
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is ~~considered~~ emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of *Procedural Safeguards Notice*

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

3. Parent or Adult Student Meeting Participation

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

- g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

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

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

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.

6. Prior Written Notice

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

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

7. Consent¹ – Initial Evaluation

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

8. Consent – Initial Provision of Special Education Services

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

9. Consent – Re-evaluation

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

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

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

10. Consent – Other Requirements

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

11. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;

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

12. Independent Educational Evaluations (IEE)

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

- (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

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

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or education service district (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.

- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

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

- (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
- (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

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

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

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

19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA/JGEA - Discipline of Students with Disabilities.

R6/06/139/28/17 | RS

Lebanon Community Schools

Code: **IGBAH**
Adopted: 8/20/09
Readopted: 12/16/10, 4/19/12
Orig. Code(s): IGBAH

Special Education - Evaluation Procedures

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they advance from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, Attending private school (religious or secular) ~~school~~ located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance; or
9. Above the age of compulsory school attendance who have not graduated from high school with a regular or modified diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school age children. The district is responsible for evaluating children who may be eligible for Early Intervention/Early Childhood Special Education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular or modified diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child:

1. Are selected and administered so as not to be racially or culturally discriminatory;
2. Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Are used for purposes for which assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel; and
5. Are administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.157](#)
[ORS 343.164](#)

[OAR 581-015-2000](#)
[OAR 581-015-2095](#)
[OAR 581-015-2105 to-2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ ~~300.7, 300.530-300.534, 300.540-300.543~~
~~300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).~~

~~Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300.~~

~~R2/16/129/28/17~~ | RS

Lebanon Community Schools

Code: **IGBAJ**
Adopted: 8/20/09
Readopted: 12/16/10
Orig. Code(s): IGBAJ

Special Education - Free Appropriate Public Education (FAPE)**

1. The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or have not been retained in a course or grade or are advancing from grade to grade;
 - b. Who have not graduated with a regular or modified diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, including resident children enrolled in district charter schools.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular or modified diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)
[ORS 343.085](#)
[ORS 343.224](#)
[OAR 581-015](#)-2020

[OAR 581-015](#)-2035
[OAR 581-015](#)-2040 to-2065
[OAR 581-015](#)-2050
[OAR 581-015](#)-2530
[OAR 581-015](#)-2600

[OAR 581-015](#)-2605
[OAR 581-021](#)-0029
[OAR 581-015](#)-2075

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113, [300.300](#) (20062017).

~~Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).~~

[R9/28/17 | RS](#)

Special Education - Free Appropriate Public Education (FAPE)**

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the district, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular high school or modified diploma is no longer entitled to FAPE.
- b. The district provides prior written notice in a reasonable time before a student with a disability, graduates with a regular high school or modified diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school or modified diploma.
- d. Graduation with an alternative document:

- (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.
- e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular or modified diploma.

4. Incarcerated Youth

- a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.
- b. The district provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an individualized education program (IEP).
- c. The district's provisions of FAPE does not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves children with disabilities attending public charter schools located in the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with [Oregon Administrative Rule \(OAR\) 581-015-2230\(1\)](#), until the district implements the IEP from the previous district or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The district provides supplementary and related services onsite at a district public charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a public charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any public charter school is by parent choice. Enrollment in any out-of-district public charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;

- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
 - (1) The district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 - (2) The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 - (1) That the student no longer is enrolled in the public charter school; and
 - (2) That the district will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the district in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
 - (1) The responsibility of the school district in which the student resides to identify, locate and evaluation students and implement services;
 - (2) The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 - (3) The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the IDEA are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to 2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a ~~free appropriate public education~~ FAPE;
- d. Are enrolled in the district.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a child with disabilities under IDEA, a district:

- a. May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. May not use the child's benefits under a public insurance program if that use would:
 - (1) Decrease available lifetime coverage or any other insurance benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the child outside of the time the child is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures; **and**

Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student's parents and must obtain written consent¹ that:

- a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
- c. Names the agency to which the disclosure may be made (e.g. Medicaid);
- d. Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under IDEA;
- e. Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
- f. Acknowledges the district may not use the student's benefits under a public insurance program, if that use would:
 - (1) Decrease available lifetime coverage of any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

10. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.

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

- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

11. Extended School Year (ESY) services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

12. Assistive ~~T~~technology devices or services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

~~R6/06/139/28/17~~ | RS

Lebanon Community Schools

Code: IGBHE
Adopted: 8/4/08
Readopted: 12/16/10, 12/15/11, 10/12/17

Expanded Options Program**

The Board is committed to providing additional options to students enrolled in grades 11 and 12 to continue or complete their education, to earn concurrent high school and college credits and to gain early entry into post-secondary education. The district's Expanded Options Program (EOP) will comply with all requirements of Oregon law (ORS 340) and give priority status to "at-risk" students.

Eligible Students

Eligible students may apply to take courses at an eligible post-secondary institution through the Expanded Options Program. A student is eligible for the Expanded Options ProgramEOP if he/she:

- (1) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options ProgramEOP;
- (2) Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits for to be in grade 11 or 12, but the district has allowed the student to participate in the program;
- (3) Has developed an educational learning plan; and
- (4) Has not successfully completed the requirements for a high school diploma or a modified diploma. A student who has graduated from high school may not participate; and
- (5) Is not a foreign exchange student enrolled in a school under a cultural exchange program.

Student Notification

Prior to February 15 of each year, the district shall notify all high school students and the parents or guardian of students' ~~parents~~ of the Expanded Options ProgramEOP for the following school year. The district will notify a transfer high school student, or a returning dropout, of the Expanded Options ProgramEOP if the student enrolls after the district has issued the February 15 notice. The district will notify a high school student who has officially expressed an intent to participate in the Expanded Options ProgramEOP, and the student's parent or guardian, of the student's eligibility status within 20 business days of the expression of intent.

It is a priority for the district to provide information about the Expanded Options ProgramEOP to high school students who have dropped out of school. The district shall establish a process to identify and provide those students with information about the program. The district shall send information about the program to the last-known address of the family of the student.

The notice must include the following:

~~1. The definitions below:~~

- ~~a. "Eligible Students": a student who is enrolled in an Oregon public school and who is:~~

- (1) ~~Is 16 years or older at the time of enrollment in a course under the Expanded Options Program;~~
- (2) ~~Is in grade 11 or 12 or has not yet completed the required credits for grade 11 or 12, but the district has allowed the student to participate in the program;~~
- (3) ~~Has developed an educational learning plan as described in this policy; and~~
- (4) ~~Has not successfully completed the requirements for a high school diploma.~~

~~An eligible student who has completed course requirements for graduation but has not received a diploma, may participate.~~

~~An eligible student does not include a foreign exchange student enrolled in a school under a cultural exchange program;~~

- b. ~~“**Eligible post-secondary institution**”: a community college, a state institution of higher education listed in Oregon Revised Statute (ORS) 352.002 and the Oregon Health and Science University;~~
- c. ~~“**Eligible post-secondary course**”: any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.~~

~~—An eligible post-secondary course does not include a duplicate course offered at the student’s resident school. Eligible post-secondary courses include academic and professional technical courses and distance education courses.~~

~~2. Purposes of the Expanded Options Program which include the following:~~

- a. ~~To create a seamless education system for students enrolled in grades 11 and 12 to:~~
 - (1) ~~Have additional options to continue or complete their education;~~
 - (2) ~~Earn concurrent high school and college credits; and~~
 - (3) ~~Gain early entry into post-secondary education.~~
- b. ~~To promote and support existing accelerated college credit programs and to support the development of new programs that are unique to a community’s secondary and post-secondary relationships and resources;~~
- c. ~~To allow eligible students who participate in the Expanded Options Program to enroll full time or part time in an eligible post-secondary institution; and~~
- d. ~~To provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the Expanded Options Program.;~~
- e. ~~To increase the number of at risk students earning college credits or preparing to enroll in an eligible post-secondary institution.~~

3.1. Financial arrangements for tuition, textbooks, equipment and materials;

4.2. Available transportation services;

5.3. The effect of enrolling in the ~~Expanded Options Program~~EOP on the student’s ability to complete high school graduation requirements;

- ~~6.4.~~ The consequences of failing or not completing a post-secondary course;
- ~~7.5.~~ Notification that participation in the ~~Expanded Options Program~~EOPm is contingent on acceptance by an eligible post-secondary institution;
- ~~8.6.~~ District time lines affecting student eligibility and duplicate course determinations;
- ~~9.—The following information about eligibility for the Expanded Options Program:~~
 - ~~a.—Eligible students may not enroll in eligible post-secondary courses for more than the equivalent of two academic years, and eligible students who first enroll in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year;~~
 - ~~b.—A student who has completed the requirements for a high school diploma may not participate in the Expanded Options Program.~~
- ~~10.—Notice(s) of any other program(s), agreements(s) or plan(s) in effect that provides access for public high school students to post-secondary courses;~~
- ~~11.—The district's responsibility for providing any required special education and related services to the student;~~
- ~~12.—The number of quarter credit hours that may be awarded each school year to eligible students by the resident high school;~~
- ~~13.—The Board's process for selecting eligible students to participate in the Expanded Options Program if the district has not chosen to exceed the credit hour cap and has more eligible students who wish to participate than are allowed by the cap;~~
- ~~14.—Information about program participation priority for at-risk students;~~
- ~~157.~~ Exclusion of duplicate courses as determined by the district;
- ~~168.~~ The process for a student to appeal the district's duplicate course determination to the Superintendent of Public Instruction or the Superintendent's designee under ORS 340.030; and
- ~~179.~~ Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident high school; ~~and.~~
- ~~18.—Exclusion of foreign exchange students enrolled in a school under a cultural exchange program.~~

Enrollment Process

Prior to May 15 of each year, a student who is interested in participating in the ~~Expanded Options Program~~EOP shall notify the district of his/her intent to enroll in eligible post-secondary courses during the following school year. A high school transfer student or returning dropout has 20 business days from the date of enrollment to indicate interest.

The district shall review with the student and the student's parent or guardian the student's current status toward meeting all state and district graduation requirements and the applicability of the proposed eligible post-secondary course to the remaining graduation requirements.

A student who intends to participate in the ~~Expanded Options Program~~EOP shall develop an educational learning plan in cooperation with an advisory support team. An advisory support team may include the student, the student's parent or guardian and a teacher or a counselor. The educational learning plan may include:

1. The student's short-term and long-term learning goals and proposed activities; and
2. The relationship of the eligible post-secondary courses proposed under the ~~Expanded Options Program~~EOP and the student's learning goals.

A student who enrolls in the ~~Expanded Options Program~~EOP may not enroll in eligible post-secondary courses for more than the equivalent of two academic years. A student who first enrolls in the ~~Expanded Options Program~~EOP in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

Duplicate Courses

The district will establish a process to determine duplicate course designations. The district will notify an eligible student and the student's parent or guardian of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

A student may appeal a duplicate course determination to the Board based on evidence of the scope of the course. ~~The scope of the course refers to the depth and breadth of course content as evidenced through a planned course statement, including content outlines, applicable state content standards, course goals and student outcomes.~~ The Board will issue a decision on the appeal within 30 business days of receipt of the appeal. If the appeal is denied by the Board, the student may appeal the district's determination to the Superintendent of Public Instruction or designee under ORS 340.030.

Expanded Options Program Annual Credit Hour Cap

The number of quarter credit hours that may be awarded by a high school under the ~~Expanded Options Program~~EOP is limited to an amount equal to the number of students in grades 9 through 12 enrolled in the high school multiplied by a factor of 0.33. For example, the cap for a high school with 450 students in grades 9 through 12 would be 148.5 ($450 \times 0.33 = 148.5$). (The caps must be established separately for each high school.)

At the district's discretion, the district may choose to exceed both the individual high school level cap and the aggregate district level cap. If the district has more eligible students than are allowed under the credit hour cap the district shall establish a process for selecting eligible students for participation in the program. The process will give priority for participation to students who are "at risk." An "at-risk student" means: (1) a student who qualifies for a free or reduced price lunch program; or (2) an at-risk

student as defined by rules adopted by the State Board of Education. ~~An “at-risk” student includes a student who meets state or federal thresholds for poverty as indicated by eligibility for services under any of the following provisions of the Every Student Succeeds Act of 2015 (ESSA): (1) Title I—Improving Academic Achievement of the Disadvantaged, Part A—Improving Basic Programs Operated by Local Educational Agencies; (2) Title I, Part C—Education of Migratory Children; (3) Title I, Part D—Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At Risk; (4) Title III—Language Instruction for Limited English Proficient and Immigrant Students; and (5) and Title IX—A—Education of Homeless Children and Youth Program (amending subtitle B of title VII of the McKinney-Vento Homeless Educational Assistance Act).~~

If the district has not exceeded the credit hour cap, the district shall ensure that all eligible at-risk students are allowed to participate in the ~~Expanded Options Program~~EOP and may allow eligible students who are not at-risk to participate in the program.

Post-Secondary Institution Credit

Prior to beginning an eligible post-secondary course, the district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the course. If there is a dispute between the district and the student regarding the number or type of credits that the district will or has granted to a student for a particular course, the student may appeal the district’s decision ~~using an appeals process adopted by to~~ the Board.

Credits granted to a student shall be counted toward high school graduation requirements and subject area requirements of the state and the district. Evidence of successful completion of each course and credits granted shall be included in the student’s education record. A student shall provide the district with a copy of the student’s grade in each course taken for credit under the ~~Expanded Options Program~~EOP. The student’s education record shall indicate that the credits were earned at an eligible post-secondary institution.

Financial Agreement

The district shall negotiate in good faith a financial agreement with the eligible post-secondary institution for the payment of actual instructional costs associated with the student’s enrollment, including tuition, ~~and fees and the costs of~~ textbooks, equipment and materials.

Waiver

A district may request a waiver from the Superintendent of Public Instruction if:

1. Compliance would adversely impact the finances of the district; or
2. Accel Programs are offered by the district (i.e., Dual Credit, Sponsored-Based Dual Credit, Assessment-Based Dual Credit, Articulated Career Technical Education (CTE) courses, two-plus-two programs, Advanced Placement (AP), International Baccalaureate Programs or other locally developed program that offers Accelerated College Credit to their respective high school student).

Student Reimbursement

Students are not eligible for any state student financial aid for college course work, but students may apply to the district for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course. All textbooks, fees, equipment and materials provided to a student and paid for by the district are the property of the district.

Transportation Services

The district may provide transportation services to eligible students who attend post-secondary institutions within the education service district boundaries of which the district is a component district.

Special Education Services

The district of an eligible student participating in the ~~Expanded Options Program~~EOP shall be responsible for providing any required special education and related services to the student. ~~“Related services” includes transportation and such developmental, corrective and other supportive services as are required to assist a student with a disability to benefit from special education and is consistent with Oregon administrative rules on special education. “Special education” means specifically designed instruction consistent with Oregon administrative rules to meet the unique needs of a student with a disability by adapting, as appropriate, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student’s disability and to ensure access of the student to the general curriculum.~~ If a post-secondary institution intends to provide special education and related services to an Expanded Options ProgramEOP participant, the institution shall enter into a written contract with the district of the student. The contract shall include the following at a minimum:

1. Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parents or guardian and district agree otherwise;
2. Immediate notification to the district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;
3. Immediate notification to the district if the student engaged in conduct that may lead to suspension or expulsion; and
4. Immediate notification to the district of any complaint made by the parents or guardian of the student regarding the student’s participation in the program at the institution.

District Alternative Programs

The ~~Expanded Options Program~~EOP does not affect any program, agreement or plan that existed on January 1, 2006 between the district and a post-secondary institution, which has been continued or renewed.

Any new program, agreement or plan that is developed after January 1, 2006 may be initiated at the discretion of the district and the post-secondary institution.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.615 - 336.665](#)
[ORS Chapter 340](#)
~~[OAR 581-022-1363 to 1373](#)~~

~~[Every Student Succeeds Act of 2015, 20 U.S.C. § 1111-1605; § 3111-3203 \(2017\).](#)~~
~~[McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 \(2017\).](#)~~
~~[Every Student Succeeds Act of 2015, 20 U.S.C. § 1111-1605; § 3111-3203.](#)~~
~~[McKinney Vento Homeless Assistance Act, Subtitle VII B, reauthorized by Title IX A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 \(2015\).](#)~~

~~[HR 6/27/179/28/17](#)~~ | PH

Lebanon Community Schools

Code: **IGBHE-AR(1)**
Revised/Reviewed: 8/4/08, 12/16/10,
12/15/11

Annual Expanded Options Program Notification

Lebanon Community School District
1700 S. 5th St.
Lebanon, OR 97355
Phone: (541) 451-8555

Annual Expanded Options Program Notification

Date: _____

Student/Parent(s) or Guardian(s): _____

Address: _____

Dear _____,
(Student/Parent(s))

~~We are sending you t~~This notice as is required by law to notify you of potential opportunities under the Expanded Options Program (EOP) for your student. Your ~~child-student~~ may qualify as an eligible student to participate in the EOP for the following school year if your ~~child-student~~ meets the criteria below. ~~and has not already completed course requirements for a high school diploma. If you are hosting a foreign exchange student, foreign exchange students are not permitted to participate in EOP.~~

Definitions

Your student may be permitted to participate if ~~you-he/she is~~are an eligible student applying to an eligible post-secondary institution for an eligible post-secondary course. An “eligible student” means a student enrolled in a public school and who is:

1. Is 16 years or older at the time of enrollment in a course under the ~~Expanded Options Program~~EOP;
2. Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits ~~for to be in~~ grade 11 or 12, but the district has allowed the student to participate in the program;
3. Has developed an educational learning plan as described in ~~this Board~~ policy IGBHE-Expanded Options Program;

4. Has not successfully completed the requirements for a high school diploma or a modified diploma; and
5. Is not a foreign exchange student enrolled in a school under a cultural exchange program.

An eligible student who has completed course requirements for graduation but has not received a diploma may participate.

An “eligible post-secondary institution” means:

1. A community college;
2. ~~A state institution of higher education in the Oregon University System~~ A public university listed in ORS 352.002; and
3. The Oregon Health and Sciences University.

An “eligible post-secondary course” means:

~~Any~~ A nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

~~It includes academic~~ It includes academic ~~courses, and professional career and~~ courses, and professional career and ~~technical~~ technical ~~education~~ education courses and distance education courses.

~~It does not include a duplicate course, which is defined as~~ It does not include a duplicate course, which is defined as ~~“a course with a scope that is identical to the scope of another course.”~~ “a course with a scope that is identical to the scope of another course.”

Purpose

The purpose of this program is to:

- ~~1. Create a seamless education system for students enrolled in grades 11 and 12 to:~~
 - ~~a. Have additional options to continue or complete their education;~~
 - ~~b. Earn concurrent high school and college credits; and~~
 - ~~c. Gain early entrance into post-secondary education.~~
- ~~2. Promote and support existing accelerated college credit programs, and support the development of new programs that are unique to a community's secondary and postsecondary relationships and resources;~~
- 3.1. Allow eligible students who participate in the ~~Expanded Options Program~~ EOP to enroll full-time or part-time in an eligible post-secondary institution; and

4.2. Provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the ~~Expanded Options Program~~EOP;

~~5. To increase the number of at-risk students earning college credits or preparing to enroll in a post-secondary institution.~~

Graduation and Course Credit

Participating in the EOP will not adversely affect your ~~child's-student's~~ ability to graduate because credit received from successfully completing an eligible post-secondary course may be applied towards high school graduation requirements. If, however, your ~~child-student~~ does not receive a passing grade in the eligible post-secondary course, your student may not receive credit towards high school graduation. ~~Failure to successfully complete an eligible post-secondary course may affect your child's ability to remain in or re-enroll in EOP.~~

Selection

~~All~~An eligible students may apply for the EOP, but ~~all-an~~ eligible students who ~~applies~~ may not be accepted because of space limitations. Enrollment in the EOP may be limited because of caps on total credit hours that will be awarded by the high school. Unless notified otherwise, the total number of credits awarded under the EOP by each high school equals one-third of its enrollment in grades 9 through 12. (For example, if high school enrollment in grades 9- through 12 is 1,000 students, the high school may award no more than 330 credit hours for all students in the EOP.) If qualified applications to the EOP exceed space limitations, the district will establish a process that gives priority to "at-risk students."

~~The definition of an at-risk student is a student who either qualifies for a free or reduced lunch program, or meets state or federal thresholds for poverty which entitles the student for services under certain provisions of the No Child Left Behind Act.~~

Enrollment and Participation

To be eligible, ~~P~~participation in the EOP depends on your ~~child's-student's~~ acceptance by an eligible post-secondary institution to take an eligible post-secondary course. Your student will not be eligible for state financial aid. Your ~~child-student~~ will have all costs paid for by the district in the same manner as if your ~~child-student~~ was attending the public high school. The district will pay for textbooks, fees, equipment or materials, and any other cost associated with enrollment. You will be responsible for providing transportation to the eligible post-secondary institution. The district and the eligible post-secondary institution may be able to arrange transportation services, although this service may not always be available, depending on circumstances. If your ~~child-student~~ receives special education services, the district will continue to provide special education services under an individualized education program (IEP).

Your ~~child-student~~ is expected to comply with the same behavior and attendance standards as if the ~~child student~~ was attending the public high school. Failure to successfully complete an eligible post-secondary course or make satisfactory progress in the course may result in no credit received toward graduation, removal from the EOP, disciplinary action or referral to law enforcement.

Your ~~child-student~~ may participate in the EOP for no more than two years. After two years, your ~~child student~~ is no longer eligible. If your ~~child-student~~ is in grade 12 when he or she first enrolls, he/she may participate no more than the equivalent of one academic year in the EOP. If your ~~student areis~~ enrolled in high school full-time and ~~you he/she areis~~ taking a post-secondary course, ~~you he/she~~ will not be awarded credit for that course under the EOP. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

If your ~~child-student~~ intends to enroll in a course that is already offered by the district, *i.e.*, a duplicate course, your ~~child-student~~ will not be eligible to participate in the EOP. You will be notified within 20 business days after the student has submitted the list of intended courses if a specific course is denied and is considered a duplicate course. A “duplicate course” is one ~~that is similar in content and scope to another course already offered by or through the district~~ with a scope that is identical to the scope of another course. Your ~~child-student~~ should consider district-provided, educational alternative programs that offer post-secondary level courses.

If you disagree with the district’s assessment that a course is a duplicate course as determined by the district, you may appeal the decision under the procedures outlined below.

Contested Decisions/Appeal

If you disagree with the district’s determination that a course is a duplicate course, you may appeal ~~first to the superintendent Board~~. Your appeal must be in writing and contain at a minimum the following information: (1) name of student; (2) name of post-secondary course; (3) detailed description of post-secondary course; (4) name of duplicate course offered by high school; (5) detailed description of duplicate course offered by high school; and (6) reasons why you believe course is not a duplicate. You must initiate your appeal within five days of receiving notification that the post-secondary course is a duplicate. ~~The superintendent will issue a written decision within 10 days.~~

~~If dissatisfied with the superintendent’s decision, you may appeal next to the district board. Your appeal must be in writing. You must initiate your appeal within 10 days of receiving the superintendent’s determination that the post-secondary course is a duplicate. The bBoard will issue a written decision on the appeal within 30 business days of receipt of the appeal.~~

If dissatisfied with the ~~b~~Board’s decision, you may appeal the decision to the Superintendent of Public Instruction or designee ~~after exhausting local procedures or after 45 days from filing a written complaint with the district, whichever occurs first under Oregon Revised Statute (ORS) 340.030. If you appeal to the Superintendent of Public Instruction or designee, you must comply with all requirements under OAR 581-022-1940.~~

Student Notification to District

If you have questions, please call the district office. Please respond to this notice before May 15 ~~oif~~ your student ~~intendst~~ to enroll in an eligible post-secondary course during the following school year. If your student ~~decides~~ to enroll in an eligible post-secondary course, we will schedule a meeting with your advisory support team to develop an educational learning plan that addresses your student’s short-term and long-term academic and career goals. Thank you for your cooperation.

Sincerely,

Principal

9/29/11 | RS

Post-Graduate Scholar Program*

The district will provide a Post-Graduate Scholar program for students in the district via the Beyond LHS program. A “post-graduate scholar” means a student who has:

1. ~~b~~Been in grades 9 through 12 for more than a total of four school years; and
2. ~~s~~Satisfied the requirements for a high school diploma or modified diploma as provided by law.

The Post-Graduate Scholar program may allow qualified post-graduate scholars to:

1. ~~e~~Enroll in courses at a community college that are part of an approved course of study in the post-graduate scholar program in the district, in order to gain a certificate or diploma;
2. ~~e~~Enroll in the approved program courses of study for one school year after the post-graduate scholar has satisfied the requirements for a high school diploma or modified diploma in the district; and
3. ~~h~~Have the district pay the costs for such approved course of study, including tuition, fees and books.

Program Qualifications

A post-graduate scholar qualifies to participate in the program if the post-graduate scholar:

1. Has completed and submitted the Free Application for Federal Student Aid (FAFSA);
2. Has completed and submitted the Oregon Promise Application;
3. Is not eligible for a grant under the Oregon Promise Program because of failure to earn the minimum cumulative grade point average, or submitted a complete application for a grant under the Oregon Promise program by the established deadline but did not receive a grant;
4. Is not eligible for a federal aid grant that is equal to or more than the average cost of tuition and fees at a community college, as determined by the U.S. Department of Education after Consultation with the Executive Director of the Office of Student Access and Completion; and
5. Retains a legal residence within the boundaries of the district through which the post-graduate scholar satisfied the requirements for a high school diploma or modified diploma.

The district establishes the following additional requirements:

6. A minimum high school GPA of 1.50;
7. An 80 percent attendance at community college courses; and
8. Regular in-person meetings with Beyond LHS staff to monitor progress held at least twice each month.

Program Goals

The goals of the program include:

9. Increasing the high school graduation rate for underserved students to 80 percent; and,
10. Increasing the percent of students from the district attending a postsecondary education institute.

The Beyond LHS program administrator will monitor program information at the end of each grading term and measure results at the end of each year. These results will be presented to the Board upon request.

11. The district approves the following courses of study for the program.

Courses that meet the requirements for;

- (1) Associate of Arts Oregon Transfer (AAOT);
- (2) Associate of Applied Science (AAS). Students must declare a program of study focus.
- (3) Associate of Science (AS) Students must declare a program of study focus.
- (4) Approved Certificate Programs.

Other District Requirements

The district has entered into a written agreement with Linn Benton Community College.

The district will provide dedicated staff via the Beyond LHS program to provide support services to post-graduate scholars, including regular in-person meetings to monitor student progress that occur at least twice each month.

The district will ensure that a majority of the students from the district who are enrolled in courses at a community college meet at least one of the following criteria:

1. Is not a post-graduate scholar;
2. Has ~~received a modified or~~ an expanded diploma or a General Educational Development (GED) certificate;
3. Was enrolled in an alternative high school program within the preceding 12 months;
4. Is, or will be, a first-generational graduate of high schools;

5. Is, or has been, a child in a foster home;
6. Is, or has been, placed in a facility or an education program by a court;
7. Is homeless;
8. Is a parent; or
9. Was identified as eligible for free or reduced price lunches within the preceding 12 months.

A district may receive or expend moneys distributed from the State School fund for post-graduate scholars who enroll in courses at a community college, only if the post-graduate scholars are enrolled in the courses as part of a program established under this section. The post-graduate scholar will not be required to accept or use any federal grant moneys to offset costs of tuition, fees or books incurred by the post-graduate scholar at the community college.

The district will provide transportation service in existing bus routes to post-graduate scholars, and is not required to alter existing bus routes to provide such transportation.

END OF POLICY

Legal Reference(s):

[ORS 327.006 to -327.133](#)
[ORS 329.451](#)
[ORS 332.405](#)
[ORS 339.250](#)

[OAR 581-021-0576 to -0579](#)
[SB 1537 \(2016\)](#)
[SB 20 \(2017\)](#)

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (~~2015~~[2017](#)).

~~CR 4/28/16~~[4/28/17 SLRS](#)

Lebanon Community Schools

Code: JEC

Adopted: 4/15/10

Readopted: 1/20/11, 3/10/16, 4/28/16
4/27/17

Orig. Code(s): JEC

School Admission and Open Enrollment

~~The Board is committed to providing an educational program for all students living in the district. The Board believes all students living in the district who have not completed 12 years of education should regularly attend a public full-time school and be included in the available educational programs. Students, legally residing within the district's boundaries, are eligible to attend the district schools. Compulsory attendance is established by state statute with provision for exceptions under specified conditions.~~

~~State law requires a student whose sixth birthday is on or before September 1 to enroll in a public school; and recognizes a student who is age five on or before September 1 to be kindergarten age. State law considers a child to be six years of age if the sixth birthday of the child occurred on or before September 1 and a child is considered to be five years of age if the fifth birthday of the child occurred on or before September 1. The district considers a child five years of age to be eligible for kindergarten enrollment.~~

~~All new students must register in the office of the school of residence. Registration requirements include immunization records, as required by law, and proof of the student's birth date (e.g. a birth certificate, a hospital record, a baptismal record or a signed affidavit). Students admitted to any grade must show evidence of completing the prior school years.~~

~~Students enrolled in the district shall comply with Oregon laws related to age, residence, health, attendance and immunization.~~

~~Students between the ages of 5 and 19 who are not legally emancipated or wards of a public agency shall be considered resident for school purposes in the school district in which their parents or guardian reside.~~

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

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

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

~~All new students must register in the office of the school of residence. Registration requirements include proof of the student's birth date (e.g. a birth certificate, a hospital record, a baptismal record or a signed~~

~~affidavit). Students must meet state law in regards to required inoculations and other health related requirements in order to be admitted to school.~~

Students who attend a district school on an interdistrict transfer or non-resident open enrollment are considered residents of the district.

Students living in the district who have attained the age of majority are considered residents of the district.

Minor students living with a parent or guardian who resides in the district are considered residents of the district.

Students who are wards of the court and who are placed in the district are residents of the district.

The Board recognizes that the educational goals of the district can best be attained through educational programs as diverse as students' needs within a pluralistic society. Therefore, the Board encourages the development of a variety of school options through the cooperative efforts of educators, parents, students, and/or community resources.

Students have a right to attend the neighborhood school which is within the attendance boundaries of which they are also resident. The district will consider parent or guardian applications for open enrollment outside their neighborhood attendance area in accordance with district regulations. Parents may apply for more than one school by priority order.

When open enrollment applications are approved by the district, the student may continue at the transferred school until the student completes the highest level of instruction in the school; the student's parent requests that the open enrollment be rescinded; or administrators revoke the open enrollment for reasons such as erratic attendance, excessive tardiness, or other unsatisfactory performance~~until such time the student completes that level of instruction provided at that site contingent on space being available.~~

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)

[ORS 336.092](#)

[ORS 339.010](#)

[ORS 339.115](#)

[ORS 339.125](#)

[ORS 339.133](#)

[ORS 339.134](#)

[ORS 433.267](#)

[OAR 581-022-07052220](#)

Illegal Immigration and Immigration Reform Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1224, 1363, 1367 (~~2006~~2017).
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act (ESSA), 42 U.S.C. §§ 11431, 11434a (~~2015~~2017).

Cross Reference(s):

JECB - Admission of Nonresident Students

JECBD - Homeless Students

~~1/31/17~~9/28/17 | [PHRS](#)

Lebanon Community Schools

Code: **JEC-AR (1)**

Revised/Reviewed: 4/15/10; 1/20/11, 4/14/16,
10/13/16, 2/9/17

Orig. Code(s): JEC-AR (A)

Open Enrollment/School Attendance Areas

Attendance Boundaries/Assignment of Students to Schools

1. Students living within the attendance boundaries of individual schools have priority for attendance at that school.
2. Parents or guardians may make application to enroll in a school other than their attendance boundary area school.
3. The superintendent will set enrollment caps at each school.
 - a. Enrollment caps for ~~2017-2018~~2018-2019 are:
 - Cascades – 350 students
 - Green Acres – 350 students
 - Hamilton Creek – 350 students
 - Lacombe – 250 students
 - Pioneer – 400 students
 - Riverview – 400 students
 - Seven Oak – ~~600~~650 students
 - b. The cap does not apply to siblings of students currently enrolled in that school.
4. Parents choosing to send their student to a school other than the school in their attendance boundary area will be responsible for transportation to and from school unless space is available on a district bus that travels an appropriate route. Routes will not be altered to accommodate open enrolled students.

Open Enrollment Process

1. Parents desiring to enroll a student in a district school in an attendance area other than the one in which they reside must complete an “Application for Open Enrollment” form and submit it to the superintendent’s office or their attendance area school by May-June 1st. Parents may submit individual student or family applications.
2. These applications will be approved unless one of the following situations exists:
 - a. The school’s enrollment capacity has been met.
 - b. The classrooms at the student’s instructional level are full. Full is defined as follows:

Grades K-2 – 23 students;
Grades 3-8 – 28 students;

3. A letter noting the district's decision made will be mailed to the parent and the schools concerned no later than August 15th.
4. If there are more students requesting open enrollment into a school than there are spaces provided by the enrollment cap, then a lottery (See Lottery Policy JEC-AR (2)) will be used to create a rank order of students. This same process will be used in elementary schools if more students are requesting open enrollment into an instructional level than there are spaces available at that level.

To be included in this lottery, open enrollment requests must be submitted to the students' attendance area school no later than May-June 1st. This lottery will take place no later than August 14th.

If spaces are available in August as a result of students leaving the district during the summer, students will be placed according to the remaining rank order created by the lottery described above. This placement will occur prior to the first day of school.

5. Once approved an open enrollment will ordinarily remain in effect until the student completes the highest level of instruction in the school; the student's parent requests that the open enrollment be rescinded; or administrators revoke the open enrollment for reasons such as erratic attendance, excessive tardiness, or other unsatisfactory performance, as defined below:
 - Student arrives tardy on more than 10% of school days
 - Student is absent on more than 10% of attendance days
 - Student has one expulsion or more than two suspensions

If a student's open enrollment to a K-5 or K-6 feeder school is in good standing in accordance with the above definitions, then the student's open enrollment will continue to be in effect for the middle school considered boundary to that feeder school.

6. Late open enrollment applications (received after May-June 1st) will ordinarily not be approved and will only be accepted on a case by case basis, subject to school and instruction level capacity.

Lebanon Community Schools

Code: **JEC-AR (3)**

Revised/Reviewed: 4/15/10; 1/20/11, 4/14/16,
10/13/16, 2/9/17

Orig. Code(s): JEC-AR (C)

Application for Open Enrollment

Name of parent/guardian: _____ Date: _____

Telephone number: _____

Address: _____

I am requesting open enrollment for my child(ren) named below to attend:

instead of: _____ (attendance area school)

(first choice school requested)
(optional - second choice school requested):
(optional - third choice school requested):

Name(s) of student(s):	1) _____	Grade: _____
	2) _____	Grade: _____
	3) _____	Grade: _____
	4) _____	Grade: _____

Reason for request:

Would you like each student considered for open enrollment on an individual basis or would you like your students to be considered together? Mark the appropriate box below.

☐ Individual student

☐ Students together

Applications for the upcoming school year must be received by the attendance area school by **May-June 1st**. Summary of open enrollment conditions and procedures included on reverse side. The district will not pay for transportation or any excess costs.

I have read, understand and will abide by the conditions written on the back of this form.

Parent/Guardian

Date

Date Received: _____ ☐ Approved ☐ Denied ☐ Approval Pending _____

Signature of superintendent: _____

Reason for denial: _____

Application for Open Enrollment - JEC-AR (3)

1-2

Enclosure E-2

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Open Enrollment Summary

1. Parents desiring to enroll a student in a district school in an attendance area other than the one in which they reside must complete an “Application for Open Enrollment” form and submit it to the superintendent’s office or their attendance area school by May-June 1st. Parents may submit individual student or family applications.
2. These applications will be approved unless one of the following situations exists:
 - a. The school’s enrollment capacity (on May-June 1st of the previous year) has been met.
 - Cascades – 350 students
 - Green Acres – 350 students
 - Hamilton Creek – 350 students
 - Lcomb – 250 students
 - Pioneer – 400 students
 - Riverview – 400 students
 - Seven Oak – ~~600~~650 students
 - b. The classrooms at the student’s instructional level are full. Full is defined as follows:
 - Grades K-2 – 23 students;
 - Grades 3-8 – 28 students;
3. A copy of the open enrollment application form noting the district’s decision made will be mailed to the parent and the schools concerned no later than August 15th.
4. If there are more students requesting open enrollment into a school than there are spaces provided by the enrollment cap, then a lottery will be used to create a rank order of students.
5. Once approved an open enrollment will ordinarily remain in effect until the student completes the highest level of instruction in the school; the student’s parent requests that the open enrollment be rescinded; or administrators revoke the open enrollment for reasons such as erratic attendance, excessive tardiness, or other unsatisfactory performance, as defined below:
 - Student arrives tardy on more than 10% of school days
 - Student is absent on more than 10% of attendance days
 - Student has one expulsion or more than two suspensions

If a student’s open enrollment to a K-5 or K-6 feeder school is in good standing in accordance with the above definitions, then the student’s open enrollment will continue to be in effect for the middle school considered boundary to that feeder school.
6. Parents choosing to send their student to a school other than the school in their attendance boundary area will be responsible for transportation to and from school unless space is available on a district bus that travels an appropriate route. Routes will not be altered to accommodate open enrolled students.
7. Late open enrollment applications (received after May-June 1st) will ordinarily not be approved and will only be accepted on a case by case basis, subject to school and instruction level capacity.

Lebanon Community Schools

Code: JECA
Adopted: 8/4/08
Readopted: 1/20/11, 4/4/12
Orig. Code(s): JECA

Admission of Resident Students**

A ~~S~~school-age students who lives within the district attendance area between the ages of 5- and 19 shall be allowed to attend school without paying tuition.

~~Residents over age 19 who have a diploma may be admitted with the approval of the superintendent and upon payment of tuition at the rate established by the Board.~~ A ~~S~~students who turns 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.

~~The Board may admit~~ an otherwise eligible students who ~~are-is~~ not receiving special education and who ~~have-has~~ not yet attained 21 years of age prior to the beginning of the current school year if ~~they/he/she are-is~~ shown to be in need of additional education in order to receive a diploma or a modified diploma. ~~These~~This students may attend school without paying tuition for the remainder of the school year.

~~The Board shall admit~~ an otherwise eligible students who ~~have-has~~ not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:

1. ~~Has not yet received a regular high school diploma~~ or a modified diploma; or
2. ~~Has received a modified diploma~~, an extended diploma or an alternative certificate.

A student with disabilities shall be considered a resident in which the child's parent or guardian resides under criteria identified in Oregon Revised Statute (ORS) 339.134.

~~SA~~ students with disabilities voluntarily placed outside the home by ~~their~~ his/her parent or guardian may continue to attend the school the student was attending prior to the placement as a district resident when the student's parent or guardian and school staff can demonstrate it is in the student's best interest.

~~The superintendent or designee~~Board may, based on district criteria, deny regular school admission to a students who ~~have-has~~ become a residents and who ~~are-is~~ under expulsion from another district for reasons other than a weapons/drug policy violation.

~~The Board shall deny for at least one calendar year from the date of the expulsion regular school admission to~~ a students who ~~has-ve~~ become a residents and who ~~are-is~~ under expulsion from another district for a weapon/drug policy violation.

—The ~~superintendent or designee Board will~~ may, based on district criteria, ~~not~~ provide alternative programs of instruction to a ~~students~~ expelled for a weapons policy violation.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)

[ORS 327.006](#)

[ORS 339.115](#)

[ORS 339.133](#)

[ORS 339.134](#)

[ORS 433.267](#)

HR~~2/16/12~~9/28/17 | RS

GRADUATION REQUIREMENTS

Policy Implications

- IKF - Graduation Requirements (Required; Versions 1 and 2)
- IKF-AR - Graduation Requirements (Required; accompanies only Version 2 of the policy)
- IKFB - Graduation Exercises (Optional)

Summary

House Bill (HB) 3267, passed by the 2017 Oregon Legislature, directs districts and public charter schools to give a waiver for any graduation requirements above the state's requirements, if the student at anytime from grade 9 to 12 is, or was a foster child, homeless, a runaway, a child in a military family, a child of a migrant worker or enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

Senate Bill 20, also passed by the 2017 Legislature, adds that a student may also have the option to participate in a high school graduation ceremony with the student's class, if the student "qualifies to receive" a modified diploma, an extended diploma or an alternative certificate, in addition to the previous allowance for a student to participate who "receives" the same.

Lastly, HB 2220 removes certain exceptions for a person, who served in the U.S. Armed Forces and was discharged or released under honorable conditions, to receive a high school diploma upon request, subject to state law.

The effective date for these amendments is July 1, 2017.

Legal Reference

See revisions in the sample policy

Local District Responsibility

If the district has adopted the required policy IKF - Graduation Requirements, review the new language and adopt. Version 1 of the policy IKF, does not require an administrative regulation; all the required language for the district's graduation requirements is included in the policy. Version 2 of policy IKF requires an accompanying administrative regulation to assure all the language is included for a district's graduation requirements (See IKF-AR).

LCSD Commentary

Community service is currently the only requirement Lebanon High School has beyond the state requirements. LHS administration has already been granting waivers for that requirement as necessary based on individual student circumstance, and they will incorporate the new group of students eligible for waivers. The new requirement for students and parents to be notified by grade five of graduation and diploma requirements will be met through parent-teacher conferences and/or report card mailings at grade five and higher.

Lebanon High School administrators have reviewed these changes.

Lebanon Community Schools

Code: **IKF**

Adopted: 5/20/10

Readopted: 12/16/10, 5/19/11, 12/5/13,
3/10/16, 6/9/16, 10/12/17

Graduation Requirements** (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 he/she 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 school².

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 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. Are on track to meet all other graduation requirements; and

¹As defined in ORS 30.297.

²For a high school diploma awarded on or after January 1, 2018.

2. Are unable to demonstrate proficiency in the Essential Skills in English.

The district will 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:

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

The district will develop procedures to provide assessment options as described in the *Essential Skills and Local Performance Assessment 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, who has the documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers, or of a medical condition that creates a barrier to achievements, 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.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of 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 who is emancipated or has reached the age of 18 at the time the modified diploma or the extended diploma is awarded may sign the consent.

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 an extended diploma has been established, the district will annually provide to the parents or guardians of the student, information about

³This criteria does not apply to students seeking a diploma in 2017-2018.

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 ~~will~~shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives ~~a modified diploma~~, an extended diploma or an alternative certificate shall have access to individually designed instructional hours, hours of transition services and hours of other 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, ~~unless reduced as determined~~ by the individualized education program (IEP) team.

A student who qualifies to receive a modified diploma but has not yet been awarded the modified diploma shall continue to have access to individually designed instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.⁴

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 ~~alternate~~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 by grade five 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 ~~Smarter Balanced or alternate Oregon Extended Assessment 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, upon request and pursuant to Oregon law (ORS 332.114), to a person or a representative of a deceased person who served in the U.S. Armed Forces⁵;

⁴A student who received a modified diploma prior to July 1, 2018 shall continue to have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

⁵The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
 - a. World War I;
 - b. World War II;
 - c. The Korean Conflict; or

as specified in Oregon law, if and the person was discharged or released under honorable conditions ~~and has received either a General Educational Development, a post-secondary degree or has received a minimum score on the Armed Services Vocational Aptitude Battery.~~

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 329.095	ORS 339.505	OAR 581-022-11342020
ORS 329.451	ORS 343.295	OAR 581-022-11332025
ORS 329.479	OAR 581-022-1910	OAR 581-022-11342030
ORS 332.107		OAR 581-022-11352115
ORS 332.114	OAR 581-022-06152000	OAR 581-022-12102120
ORS 338.115	OAR 581-022-06172010	OAR 581-022-1215
ORS 339.115	OAR 581-022-11302015	OAR 581-022-13502505

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION (FEBRUARY 4, 2016).
Essential Skills and Local Performance Assessment Manual, published by the OREGON DEPARTMENT OF EDUCATION (MARCH 17, 2016)

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- d. The Vietnam War;
 2. Served in the Armed Forces of the U.S. and was physically present in:
 - a. Operation Urgent Fury (Grenada);
 - b. Operation Just Cause (Panama);
 - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
 - d. Operation Restore Hope (Somalia);
 - e. Operation Enduring Freedom (Afghanistan); or
 - f. Operation Iraqi Freedom (Iraq);
 3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.

Graduation Requirements

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits depending upon when the student first enrolled as a freshman according to the following table which include at least:

Subject	Student first enrolled in grade nine during 2010-11 school year or first enrolled in grade nine in any subsequent years (Graduates of 2014 and beyond)
English	4 (one unit in written comprehension)
Math	3 (at Algebra I level and higher)
Science	3
Social Studies	3
Health	1
PE	1
Career Technical Ed, The Arts or World Language (in any one or combination thereof)	3
Electives	6
Total credits required to graduate:	24
Essential Skills required:	Read and comprehend a variety of text, write clearly and accurately, apply math.
	Enrolled in grade nine during 2011-12 school year or first enrolled in grade nine in any subsequent school year (Graduates of 2015 and beyond): Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
Other graduation requirements:	Develop an education plan and build an education profile
	Demonstrate extended application through a collection of evidence
	Participate in career related learning experiences

1. Four credits of English (shall include the equivalent of one unit in written composition);
2. Three credits of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);

3. Three credits of science;
4. Three credits of social sciences (including history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and technical education, the arts or world language (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credit is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-~~4434~~2025.

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

1. Demonstrate proficiency in the Essential Skills of Reading, Writing and Apply Mathematics;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences outlined in the education plan.

Essential Skills Appeal

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

Oregon University System High School Course Requirements for Fall 2012 (Informational Only)

Applicants must satisfactorily (grade of C- or above) complete at least 14 units¹ (one year equal to one unit) of college preparatory work in the following areas. Graduates of Oregon high schools may also use the Proficiency-based Admission Standards System (PASS) option to substitute for English, mathematics, science, social science and second language subject requirements.

English	4 units
Mathematics	3 units
Science	2 units

¹ Minimum requirements for admission to UO include these 14 units. For automatic admission, students must complete two additional approved units in any of the five subject requirements.

Social Studies	3 units
Second Language	2 units

Source: www.ous.edu/stucoun/prospstu/files/Admission%20policy%202011-12%Board%20Final.pdf

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a high school diploma even with reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria listed below:

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

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

Subject	Modified Diploma Requirements
English	3
Math	2
Science	2
Social Studies	2
Health	1
PE	1
Career Technical Ed, The Arts or World Language	1
Electives	12
Total credits required for modified diploma:	24
Essential Skills required:	Read and comprehend a variety of text, write clearly and accurately, apply math.

Essential Skills required:	Enrolled in grade nine during 2011-12 school year or first enrolled in grade nine in any subsequent school year (Graduates of 2015 and beyond): Read and comprehend a variety of text, write clearly and accurately, apply math, any additional Essential Skills adopted by the State Board of Education.
Other graduation requirements:	Develop an education plan and build an education profile.
	Demonstrate extended application through a collection of evidence.

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

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

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

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

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

3. For a student on an individualized education program (IEP), any modifications to work samples must be consistent with the requirements established in the IEP. Modifications are changes to the achievement level, construct or measured outcome of an assessment. This means that IEP or school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.
4. For a student not on an IEP, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

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

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

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

Extended Diploma

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

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;
 - f. One credit of physical education;
 - g. One credit of the arts or a world language.
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma or an extended diploma if the students meet minimum credit requirements established by the district. Alternative certificates will be awarded based on individual student needs and achievement.

Assessment

Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form² and submitting the form to the district.

²www.ode.state.or.us; or navigate to Teaching & Learning > Testing - Student Assessment > Smarter Balanced

Lebanon Community Schools

Code: **IKFB**

Adopted: 8/7/06

Readopted: 12/16/10, 12/15/11

Graduation Exercises

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

Accordingly, appropriate graduation programs may be planned by the high school administration in consultation with senior class officers and advisors for the graduation date selected by the Board.

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

-Only students who have successfully completed the district requirements for a high school diploma, a certificate of accomplishment, qualified to receive or has receives a modified diploma, an extended diploma, ~~or~~ an alternate-alternative certificate, or an honorary diploma may participate in the graduation ceremony unless students are working under an approved delayed graduation plan.

To participate in the district graduation ceremony a student must have been enrolled in the district for a minimum of the last 30 calendar days of the final semester necessary to complete the district requirements or gained the final necessary credits through a district designated alternative program.

Students must be in good behavioral conduct standing with the district to participate in the graduation ceremony.

END OF POLICY

Legal Reference(s):

~~ORS 329.035~~

ORS 329.451

~~ORS 329.465~~

ORS 332.105

ORS 332.107

ORS 332.114

ORS 339.115

ORS 339.505

ORS 343.295

OAR 581-021-0071

OAR 581-022-~~1350~~2000

OAR 581-022-2015

OAR 581-022-2010

OAR 581-022-2020

OAR 581-022-~~1350~~2505

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (~~2006~~2017); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2006~~2017).

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

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

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

Graduation Exercises - IKFB

1-2

Enclosure E-2

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

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TOBACCO

Policy Implications

- JFCG/JFCH/JFCI - Use of Tobacco Products, Alcohol, Drugs and Inhalant Delivery Systems (Required)
- JFCG-AR - Discipline for Use, Possession, Distribution or Sale of Tobacco Products or Inhalant Delivery Systems (Versions 1 or 2) (Required)

Summary

The 2017 Legislature passed Senate Bill 754 raising the minimum age for selling to or distributing of tobacco products or inhalant delivery systems to persons, from 18 to 21 years of age, and prohibiting the possession of tobacco products or inhalant delivery systems for persons under age 21 on district grounds, in a district facility or while at a district-sponsored activity. The bill also added to the definition of “facility”, that already includes a public or private school, youth correction facility or juvenile detention facility, to include a college, community college, university, career school and technical education school.

The edits reflected in the two versions of JFCG-AR are effected by Oregon Revised Statute 339.250, which limits the use of out-of-school suspension and expulsion.

Legal Reference

Local District Responsibility

It is recommended that the Board review the recommended revisions of this required policy and readopt, and review the recommended revisions for administrative regulation JFCG-AR and revise accordingly.

LCSD Commentary

We previously had separate policies governing tobacco, alcohol, and drug/substance abuse. This is now combined all in one policy so we would like to eliminate the separate policies JFCH: Alcohol and JFCI: Substance Abuse as they would be redundant when the combined JFCG/JFCH/JFCI is adopted. The District's existing policy JFCG/KGC/GBK: Tobacco-Free Environment governs much more than only student tobacco offenses, and OSBA has recommended continuing it even though there is some overlap.

JFCG-AR: Discipline for Use, Possession, Distribution or Sale of Tobacco Products of Inhalant Delivery Systems is recommended for adoption. It provides flexibility for school administrators to determine what the proper discipline may be for a student depending on the severity of the occurrence even at first offense, while still maintaining the new recommendation that out-of-school suspension or expulsion not be used for tobacco related offenses. We typically treat a distribution or sale offense much more severely than use or possession.

Lebanon High School administrators have reviewed these changes.

Lebanon Community Schools

Code: **JFCG/JFCH/JFCI**
Adopted:

Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems**

NEW

Student substance abuse, possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any district property or grounds, including parking lots, or while participating in school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near district grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on district grounds, at school-sponsored activities or otherwise while the student was under the jurisdiction of the school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

A referral to community resources and/or cessation programs designed to help the student overcome tobacco product, inhalant delivery system, alcohol or unlawful drug use may also be made. The cost of such programs are the individual responsibility of the parent and the private health care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all district grounds, including parking lots, at school-sponsored activities and in district vehicles.

Any person under age 21 possessing a tobacco product or inhalant delivery system on district property, in a district facility or while attending a district-sponsored activity is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 21 years of age is in violation of state law and is subject to a court-imposed fine.

An “unlawful drug” is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulation.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of district property is a Class A felony, as provided by ORS 475.904.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 161.605](#)
[ORS 161.625](#)
[ORS 163.575](#)
[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.883](#)
[ORS 431.840](#)
[ORS 431.845](#)
[ORS 431A.175](#)
[ORS 433.835 to -433.990](#)
[ORS Chapter 475](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)
[OAR 581-022-2045](#)

[OAR 581-053-0230\(9\)\(s\)](#)
[OAR 581-053-0330\(1\)\(m\)-\(o\)](#)
[OAR 581-053-0430\(12\)-\(14\)](#)
[OAR 581-053-0531\(11\)-\(13\)](#)
[OAR 581-053-0630](#)
[OAR 584-020-0040](#)

SB 754 (2017)

Controlled Substances Act, 21 U.S.C. § 812 (2017); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2017).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2017).

R9/28/17 | PH

Lebanon Community Schools

Code: **JFCH**
Adopted: 8/6/07
Readopted: 1/20/11
Orig. Code(s): JFCH

Alcohol

Consumption, possession or sale of any alcoholic beverage on or about district premises or at any district-sponsored activity is prohibited.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise alcohol products are prohibited on district grounds, at school-sponsored activities or in district vehicles. Alcohol advertising is prohibited in all school-sponsored publications and at all school-sponsored events. District acceptance of gifts or funds from the alcohol industry is similarly prohibited.

Violation of this policy may result in suspension or expulsion. Violations occurring at times other than during school hours or school activities on district property may be referred to the proper law enforcement agencies.

District administrators acting on reasonable suspicion may request that students participate in a Breathalyzer screening for alcohol at school or prior to or during a school sponsored event. If a student refuses, he/she may be subject to school discipline and or referral to law enforcement officials.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS 336.227](#)

[ORS 339.240](#)
[ORS 339.250](#)
[OAR 581-021](#)-0050 to -0075

[OAR 581-021](#)-0110
[OAR 581-022](#)-0413
[OAR 581-053](#)-0015
[OAR 581-053](#)-0545(4)(c)(R)-(T)
[OAR 581-053](#)-0550(5)(q)-(s)

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Cross Reference(s):

JFCI - Substance/Drug Abuse

Lebanon Community Schools

Code: **JFCI**
Adopted: 2/7/00
Readopted: 1/20/11
Orig. Code(s): JFCI

Substance/Drug Abuse

Substance abuse or the possession, use, sale or supply of any unlawful drug, including paraphernalia, or any substance purported to be an unlawful drug on or about the district premises or at any district sponsored activity is prohibited.

The following definitions apply to this policy:

“Substance abuse” means the use of any substance with abuse potential which is toxic, corrosive, an irritant, a strong sensitizer, flammable, combustible generates or is used to generate pressure, if such substance or mixture of substances is used in a manner that may cause substantial personal injury or severe illness when induced by any means into the human body;

“Unlawful drug” means any drug not prescribed by a licensed medical practitioner; any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policies JHCD – Administering Noninjectable Medicines to Students, JHCDA – Administering Injectable Medicines to Students and any accompanying administrative regulations.

“Drug paraphernalia” means all equipment, products and materials of any kind which are marketed for the use or designed for the use in manufacturing, compounding, producing, processing, preparing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise inducing a controlled substance or intoxicant into the human body.

If possession or use occurred on school grounds or while participating in school-sponsored activities, students will be subject to discipline up to and including expulsion. If possession or use occurred near school grounds, disciplinary action may include removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). Appropriate health and law enforcement agencies may be involved in at least a consultative and investigative capacity. Parents will be notified at the appropriate time when a violation occurs involving their child.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise drug products are prohibited on district grounds, at school-sponsored activities or in district vehicles. Drug product advertising is prohibited in all school-sponsored publications and at all school-sponsored events. District acceptance of gifts or funds from the drug industry is similarly prohibited.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of school property is a Class A felony.

END OF POLICY

Substance/Drug Abuse - JFCI

1-2

Enclosure E-2

Page 107

Legal Reference(s):

[ORS 161.605](#)
[ORS 161.625](#)
[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.222](#)

[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS Chapter 475](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)
[OAR 581-022-0413](#)
[OAR 581-053-0015](#)
[OAR 581-053-0545\(4\)\(c\)\(R\)-\(T\)](#)
[OAR 581-053-0550\(5\)\(q\)-\(s\)](#)
[OAR 584-020-0040](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Cross Reference(s):

JFCH - Alcohol

Lebanon Community Schools

Code: **JFCG-AR**
Adopted:

Discipline for Use, Possession, Distribution or Sale of Tobacco Products or Inhalant Delivery Systems (Version 2)

NEW

The following procedures will be used for students who violate the district's policy on use, possession, distribution or sale of tobacco products or inhalant delivery systems:

First Offense

Detention, in-school suspension, and/or conference with students and parent. During detention or in-school suspension, the student will be provided with information concerning harmful effects of smoking, vaporizing or aerosolizing of inhalants and will be required to do further research on the effects of the same.

Second Offense

In-school suspension and performance of service to school or community.

Third Offense

In-school suspension and suspension from extracurricular activities for remainder of semester.

Alternative to Discipline

As an alternative to discipline, students may be referred to a cessation and/or tobacco education class. Attendance at such classes is voluntary. Any cost related to cessation classes is the responsibility of the student and his/her parent. The district may also require the successful completion of a behavior modification plan.

Other

A referral to law enforcement and/or public health authority may be made at any time.

R9/28/17 | PH

PUBLIC RECORDS

Policy Implications

- JOA - Directory Information** (Required)
- KBA - Public Records (Highly Recommended)
- KBA-AR - Public Records (Highly Recommended)

Summary

Senate Bill (SB) 481 passed by the 2017 Legislature established time frames for public bodies to respond to a public records request. Districts must acknowledge or complete the public records request within five business days. The district acknowledgment of a public records request must confirm that the district is, is not, or is uncertain it is the custodian of the requested public records. If the public body first acknowledges the receipt of the request for public records – without completing it – the SB also imposes a time frame for completing the request.

In addition, SB 481 defined “business day” in regard to responding to a public records request. The SB makes this new Act applicable to public records requests received by a district on or after January 1, 2018.

House Bill 3464 (2017) added legislation that a “public body” shall not “..., in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws”.

Legal Reference

See the policy document for changes.

Local District Responsibility

If the district has these documents in its policy manual, review and adopt the new policy language and review the revised, highly recommended administrative regulation.

LCSD Commentary

In accordance with the suggestion from OSBA to consider limiting the information listed for students in JOA: Directory Information, we have removed several items. After discussing with the LHS registrar, it was determined that the remaining items are necessary to allow us to release information for certain types of request such as: honor roll to the newspaper, contact lists for graduation class party coordinators, etc.

The changes to KBA: Public Records and the related AR more specifically define the process for complying with public records requests. This process is handled through the superintendent’s office and there is very little impact to how requests were previously completed. The new clearly outlined procedure has been reviewed by staff.

Lebanon Community Schools

Code: **JOA**

Adopted: 8/20/09

Readopted: 1/20/11, 9/20/12

Orig. Code(s): JOA

Directory Information**

“Directory information” means those items of personally identifiable information contained in a student education record which is not generally considered harmful or an invasion of privacy if released. The following categories are designated as directory information. The following directory information¹ may be released to the public through appropriate procedures:

1. Student’s name;
2. Student’s address;
- ~~3. Student’s telephone listing;~~
4. Student’s electronic address;
5. Student’s photograph;
- ~~6. Date and place of birth;~~
- ~~7. Major field of study;~~
8. Participation in officially recognized sports and activities;
9. Weight and height of athletic team members;
- ~~10. Dates of attendance;~~
11. Grade level
12. Degrees, honors or awards received;
- ~~13. Most recent previous school or program attended.~~

Public Notice

The district will give annual public notice to parents of students in attendance and students 18 years of age or emancipated. The notice shall identify the types of information considered to be directory information, the district’s option to release such information and the requirement that the district must, by law, release

¹[For the health, safety and welfare of students, the district may want to consider limiting this list. Consider deleting #2, 3, 4, 6, 7, 10, 11, 12 and/or 13; recommend deleting the word ‘degrees’ in #12 if kept.]

secondary students' names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents or eligible students request the district withhold this information. Such notice will be given prior to release of directory information.

Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the principal by the parent, student 18 years of age or emancipated student within 15 days of annual public notice. A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their name, identifier, institutional email address in a class in which the student is enrolled¹ or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.

At no point will a student's Social Security Number or student identification number be considered directory information. The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 336.187](#)

[OAR 581-021-0220 to -0430](#)
[OAR 581-022-1660](#)
[HB 3464 \(2017\)](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (~~2006~~2017).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (~~2011~~2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (~~2011~~2017).
~~No Child Left Behind Act of 2001, 20 U.S.C. § 7908 (2006).~~
Every Student Succeeds Act of 2015, 20 U.S.C. § 7908 (2017).

~~R5/23/129/28/17~~ | [LFSL](#)

Lebanon Community Schools

Code: **KBA**
Adopted: 8/4/03
Readopted: 1/20/11, 12/15/11, 12/5/13

Public Records**

“Public record” means any information that:

1. Is prepared, owned, used or retained by the district;
2. Is related to an activity, transaction or function of the district; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the district.

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems, or spoken communication that is not recorded.

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the superintendent's office.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The Board's official minutes, its written policies and its financial records will be available at the superintendent's office for inspection by any citizen desiring to examine them during hours when the superintendent's office is open. All such information will be made available to individuals with disabilities in any appropriate format upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. Each principal is authorized to use all means available to keep parents and others of his/her particular school's community informed about the school's program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the superintendent or any other person designated as custodian for district records – if such disclosure would be contrary to the public interest, as described in state law.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

~~If a copy of a record is requested, the district will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.~~

Employee and volunteer addresses, electronic mail addresses (other than district electronic mail addresses assigned by the district to district employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the district are exempt from public disclosure pursuant to Oregon Revised Statute (ORS) 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. District electronic mail addresses assigned by the district to district employees are not exempt.

~~Additionally, t~~The district will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

~~Upon receipt of a request, the district will respond as soon as practicable and without unreasonable delay. The response must acknowledge the receipt of the request and one of the following:~~

- ~~4. A statement that the district does not possess, or is not the custodian of, the public record;~~
- ~~5. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505;~~
- ~~6. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records;~~
- ~~7. A statement that the district is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the district within a reasonable time;~~
- ~~8. A statement that the district is uncertain whether the district possesses the public record and that the district will search for the record and make an appropriate response as soon as practicable;~~
- ~~9. A statement that state or federal law prohibits the district from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or~~

~~other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the district.~~

~~The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request.~~

~~The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making copies of public records for the public. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.~~

~~Requests for copies of documents shall be in writing and will be presented to the [superintendent's office].~~

The district shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166, Division 400.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-400](#)

[HB 3464 \(2017\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 [\(2017\)](#); 29 C.F.R. Part 1630 [\(20062017\)](#); 28 C.F.R. Part 35 [\(20062017\)](#).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual* [\(2017\)](#).

Americans with Disabilities Act Amendments Act of 2008.

HR ~~10/24/13~~ [9/28/17](#) | [PHRS](#)

Lebanon Community Schools

Code: **KBA-AR (1)**
Revised/Reviewed: 6/20/05; 1/20/11
Orig. Code(s): KBA-AR

Public Records

In compliance with Oregon Law the following guidelines apply to the dissemination and inspection of the public records of the district.

- ~~1. All requests for information must be made through the superintendent's office located at 485 S. 5th St. Lebanon, OR 97355.~~
1. ~~All~~ A public records requests ~~are to shall~~ be submitted in writing ~~through the superintendent's office at 485 S. 5th Street, Lebanon, OR 97355.~~ The district's form Request for Inspection or Copy of Public Records is available on the district web site.
2. ~~Upon receipt of a written request, the district shall respond within five business days¹ acknowledging receipt of the request or completing² the district's response to the request. If the district provides an acknowledgment of the request, it must:~~
 - ~~a. Confirm that the district is the custodian of the requested record;~~
 - ~~a-b. Inform the requester that the district is not the custodian of the requested record; or~~
 - ~~b-c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.~~
3. ~~If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:~~
 - ~~a. Complete its response to the public records request. If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or~~
 - ~~e-b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.~~
4. ~~The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:~~

¹"Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

²The district response to a public records request will be considered complete pursuant to criteria in Oregon law (ORS 192.410-192.505).

- a. The staff or volunteers³ necessary to complete a response to the public records request are unavailable;
- b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the district.

The district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

~~2.5.~~ The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification.

~~3.6.~~ If a copy of a public record is requested, the district will provide a single certified copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be provided in the form the record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.

~~4.7.~~ Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

~~8.~~ Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the district. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of [\$.25 per page]. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date he/she was informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

~~5.9.~~ The district reserves the right to restrict the inspection of some public records to the district's facilities.

~~6.~~ The district reserves the right to review the request and respond in a timely manner.

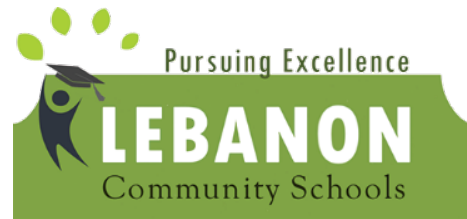
³Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

- ~~7. The district will restrict the inspection of all original public records to the normal office hours of the applicable office or department and to the district's facilities as designated by the records custodian.~~
- ~~8. The district may disclose material otherwise exempt from public disclosure upon court order, upon request from any law enforcement agency, or with the written consent of the applicable employee or volunteer.~~
- ~~9. Fees intended to reasonably reimburse the district for the actual cost of making copies of public records will be charged to the individual(s) or organization(s) making the request. These fees may include both materials cost and/or charges for employee time. The fee for printed hard copies is 10 cents per page, subject to change. There will be no charge for inspections only, or for auxiliary aids and services provided for qualified persons with disabilities. Fees are due and payable at the time of delivery of the copy of the public records.~~
- ~~10. There is no obligation for the district to synthesize or compile information into a specific format from a single or multiple source in response to a request for public records. The request must be for records as they exist at the time of the request.~~

HR9/28/17 | RS

SECOND READING

MEMORANDUM



To: Board of Directors

From: Jennifer Meckley, Director of Human Resources and Community Relations

Nicole Hundley, Executive Secretary

Date: November 9, 2017

Re: Policy Recommendations

OSBA recently sent us a higher amount of policy revisions than usual. In order to best process these changes, we are bringing the suggested revisions to the Board in smaller groups organized by type. The District supports OSBA's recommendations on the policy revisions listed in the packet. Additional explanations on the suggested changes from OSBA are included before each policy revision group along with additional commentary from the District when necessary.

ACCIDENT REPORTING

Policy Implications

- EBBB - Injury/Illness Reports (Required)
- JHF - Student Safety (Highly Recommended)

Summary

The Occupational Safety and Health Administration (OSHA) revised reporting rules resulting in the removal of “elementary and secondary schools,” “other schools of instruction” and “educational support services” from exempt status in regards to filling out the OSHA 300 injury tracking log.

Legal Reference

Revision to OAR 437-001-0700

Local District Responsibility

Consider the revised language in policy EBBB and adopt. If the district has highly recommended policy JHF, also consider the revised language in policy JHF and adopt if the board feels it's in the best interest of the district.

LCSD Commentary

Current District practices are not changed as a result of this policy revision.

The District does not currently have JHF: Student Safety, and the Board should determine if they would like to adopt this policy. The sample policy provided by OSBA is included for reference.

Lebanon Community Schools

Code: **EBBB**
Adopted: 8/5/02
Readopted: 5/6/10, 12/5/13, 10/12/17
Orig. Code(s): EBBB

Injury/Illness Reports

All injuries/illnesses sustained by the employee while in the actual performance of the duty of the employee occurring on district premises, in district vehicles, at a district-sponsored activity or involving staff members who may be elsewhere on district business will be reported immediately to a supervisor. All accidents involving students, visiting public or district property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the District's safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related¹ illness or injury to an employee resulting in overnight hospitalization for medical treatment² other than first aid, the District's safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA). ~~A-This~~ report will be made within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes³ shall be reported to OSHA within eight hours.

ALL injuries/illnesses sustained by ~~the-an~~ employee, while in the actual performance of the duty of the employee, or by a student or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

~~Monthly records will be maintained. An analysis of the data and trends will be made at least annually.~~

The ~~Board will receive~~ District safety officer will maintain records and reports on serious injuries/illnesses, including accidents involving district property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the district, as well as on the measures being taken to prevent such injuries/illnesses in the future.

The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually. Such reports will be submitted to the Superintendent for review annually⁴.

END OF POLICY

Legal Reference(s):

¹An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

²Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health-care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

³A "catastrophe" is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.

⁴Annual reporting is required, but may occur more often.

| [ORS 339.309](#)
| [OAR 437-001-0015](#)
| [OAR 437-001-0700](#)
| [OAR 437-001-0760](#)
| [OAR 581-022-1420](#) [2225](#)
| ~~HB 3045 (2013)~~
| ~~R6/27/17~~ [28/17](#) | [PHRS](#)

COMMUNICABLE DISEASE

Policy Implications

GBEB - Communicable Disease - Staff (Highly Recommended)

GBEB/JHCC-AR - Communicable Disease (Recommend delete and replace with GBEB-AR)

GBEB-AR - Communicable Disease - Staff (New; Highly Recommended)

JHCC - Communicable Disease - Students (Now Required)

JHCC-AR - Procedures for Dealing with Students Having HIV, AIDS or HBV (Previously version 1; Recommend delete)

JHCC/GBEB-AR - Communicable Disease (Previously Version 2; Recommend delete/replace with New JHCC-AR)

JHCC-AR - Communicable Disease - Students (New; Required)

Summary

In working with the Oregon Health Authority (OHA) and the Oregon Department of Education (ODE), and the revision of the Communicable Disease Guide published by OHA and ODE, OSBA has revised the Communicable Disease policy and separated the administrative regulation; one for students and one for staff. Please note the staff policy is highly recommended, and the student policy is now designated as required, as required by Oregon law.

Legal Reference

Oregon Department of Education and Oregon Health Authority, Communicable Disease Guidance (2017).

Local District Responsibility

Based on Oregon law, policy GBEB is still highly recommended for the staff section, however policy JHCC has been designated as required for the student section. Similarly, since OSBA previously had a combined administrative regulation (AR) to cover both policies, the AR was separated and now the AR for policy JHCC is required, and the AR for GBEB is still highly recommended. It is recommended the district review the revisions to policy for adoption; and consider adoption of JHCC-AR and review of GBEB-AR.

LCSD Commentary

We did not previously have the staff version GBEB, but have presented it for Board consideration to adopt now that it is separated from the Student version (JHCC) and is highly recommended by OSBA. District nursing staff have reviewed the policy changes and support the new language.

Lebanon Community Schools

Code: **GBEB-AR**
Adopted:

NEW***

Communicable Diseases - Staff

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to chickenpox, diphtheria, hepatitis A, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and tuberculosis disease, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by Board policy¹ or by the local health administrator after determining that it presents a significant public health risk in the school setting.
2. “Susceptible” means being at risk of contracting a restrictable disease by virtue of being in one or more categories described in law.
3. “Reportable diseases” means a human reportable disease, infection, microorganism or condition as specified in OAR Chapter 333, Division 18.

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease unless authorized to do so under Oregon law.
2. When an administrator has reason to suspect that an employee has or has been exposed to any restrictable disease that requires exclusion, the administrator shall request assistance from the health department in determining if the employee should be sent home. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
4. An administrator will exclude a susceptible employee that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public’s health, or the local health officer states the disease is no longer

¹“OAR 333-019-0010(7) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”

communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.

5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department or by the district through policy adopted by the Board.
7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. [District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance.]
4. An administrator shall determine other persons with a legitimate educational interest who may be informed of the communicable nature of an individual student's disease, or an employee's communicable disease, within guidelines allowed by law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually [by the school health nurse] to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

HR9/28/17 | PH

Lebanon Community Schools

Code: **GBEB**
Adopted:

NEW***

Communicable Diseases - Staff

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employees who knows that he or she has or has been exposed to any restrictable disease, may not attend work unless authorized by Oregon law. When an administrator has reason to suspect that any employee has or has been exposed to any restrictable disease and exclusion is required, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all other measures adopted by the district and with all rules adopted by Oregon Health Authority, Public Health Division, and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.

The district shall protect the confidentiality of an employee's health condition/ and record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

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

END OF POLICY

Legal Reference(s):

[ORS 431.150 to -431.157](#)
[ORS 433.001 to -433.526](#)
[OAR 333-018](#)

[OAR 333-019-0010](#)
[OAR 333-019-0014](#)
[OAR 437-002-0360](#)

[OAR 437-002-0377](#)
[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2017).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

HR9/28/17 | PH

Lebanon Community Schools

Code: JHCC
Adopted: 6/15/98
Readopted: 1/20/11
Orig. Code(s): JHCC

Communicable Diseases - Students

The district shall provide reasonable protection ~~for students~~ against the risk of exposure to communicable disease for students. ~~The district will follow the Oregon Department of Education and the state and local health authorities' rules and regulations pertaining to communicable diseases.~~

Reasonable Protection from communicable disease is generally ~~shall be attained~~ through immunization, exclusion or other measures as provided ~~for in by~~ Oregon ~~Revised Statutes and rules~~ law, by of the County local Hhealth Ddepartment. Services ~~generally will not be provided to students excluded under this policy unless otherwise as~~ required by law.

~~Where the district knows~~ When an administrator has reason to suspect that a student ~~is infected by any communicable has or has been exposed to any restrictable~~ disease for which the student ~~would not is required to be excluded under this policy~~, the ~~school administrator~~ involved shall ~~exclude the student from school and if the disease is a reportable disease, will report the occurrence to the local health department. The administrator will also~~ take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of ~~the students and others~~.

In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The district may, for the protection of both the ~~infected~~ student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. ~~A student shall continue in the alternative setting, if provided, until such time that:~~

~~—— The district determines that the student presents no unreasonable risk of infection to the other students and bears no unreasonable risk of opportunistic infections; or~~

~~—— The student is ordered to be returned to the classroom by a court or other authority of competent jurisdiction.~~

The district shall protect the confidentiality of each student's health condition ~~and~~ record to the extent possible and consistent with ~~the overall intent of this policy~~ federal and state law.

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

END OF POLICY

Legal Reference(s):

ORS 433.001 to -433.526
OAR 333-018
OAR 333-019-0010
OAR 333-019-0014
OAR 437-002-0360
OAR 437-002-0377
OAR 581-022-07052220

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2017).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2017).

Cross Reference(s):

EBC/EBCA - Emergency Procedures and Disaster Plans

R9/28/17 | PH

Procedures for Dealing with Students Having HIV, AIDS or HBV

Although HIV, AIDS and HBV¹ are serious illnesses, the risk of contracting the disease in a school setting is extremely low. HIV and HBV are not spread from one person to another by casual social contact. Spread occurs when a body fluid such as blood or semen is introduced through broken skin or onto the mucous membranes of the eye, mouth, vagina or rectum. Specific methods for the spread of HIV or HBV include sexual contact, sharing of intravenous needles and transfusion of contaminated blood or blood products.

If any risk of contagion in the school setting exists, it would be limited to situations where open skin lesions or mucous membranes would be exposed to blood from an infected person. One example is a teacher providing first aid for a bleeding injury and getting blood into an open sore on his/her hand. Another example is a student exposing other students by biting, spitting or scratching.

HIV, AIDS or HBV students may be at increased risk of serious illness if exposed to certain infections such as chicken pox, measles, tuberculosis and herpes simplex.

Basic Assumptions

Any procedure must be based on a set of assumptions that give credibility to the process. The following are among the assumptions that underlie this procedure:

1. All students in Oregon have a constitutional right to a free public education;
2. Because of the ways that the disease is transmitted, most students with an HIV, AIDS and/or HBV diagnosis pose no health risk if appropriate procedures are followed;
3. As a general rule, an infected student is entitled to remain in a regular classroom setting, be eligible for all rights, privileges and services provided by law and by Board policy;
4. Decisions regarding educational programs and school attendance will be made on a case-by-case basis, taking into consideration all available information on the immediate case;
5. Confidentiality shall be maintained consistent with state and federal law.

¹HIV - Human Immunodeficiency Virus
AIDS - Acquired Immune Deficiency Syndrome
HBV - Hepatitis B Virus

NEW

Communicable Diseases – Student

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to chickenpox, diphtheria, hepatitis A, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and tuberculosis disease, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by Board policy¹ or by the local health administrator, after determining that it presents a significant public health risk in the school setting.
2. “Susceptible” means being at risk of contracting a restrictable disease by virtue of being in one or more categories described in law.
3. “Reportable diseases” means a human reportable disease, infection, microorganism or condition as specified in OAR Chapter 333, Division 18.

Restrictable Diseases

1. An administrator that has reason to suspect that a student has or has been exposed to any restrictable disease for which the student is required to be excluded, shall exclude that student from school and send him/her home. If the disease is reportable, the administrator will report the occurrence to the local health department.
2. The student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.
3. An administrator will exclude a susceptible student that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not

¹“OAR 333-019-0010(7) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”

necessary to protect the public's health, or the local health officer states the diseases is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.

4. The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local health officer states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may also be removed by a school nurse or health care provider.
5. More stringent exclusion standards for students from school may be adopted by the local health department or by the district through Board adopted policy.
6. A disease is considered to be a restrictable disease if it is listed in OAR 333-019-0010, or it has been designated to be a restrictable disease through Board policy or by the local health administrator, after determining that it presents a significant public health risk in the school setting.
7. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.
3. An administrator shall determine other persons with a legitimate educational interest who may be informed of the communicable nature of an individual student's disease, or an employee's communicable disease, within guidelines allowed by law.

Education

1. The administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the impact on the educational needs of a student diagnosed with a restrictable disease or exposed to a restrictable disease.
2. The administrator or designee shall, utilizing information obtained above, determine an educational program for such a student and implement the program in an appropriate (i.e., regular or alternative) setting.

3. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually by a district health nurse to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

R9/28/17 | PH

DRUG AND ALCOHOL TESTING – TRANSPORTATION PERSONNEL

Policy Implications

GBEDA-AR - Drug and Alcohol Testing – Transportation Personnel (Conditionally Required)

Summary

The Federal Motor Carrier Safety Administration (FMCSA) reduced the minimum annual percentage rate for random testing on controlled substances of drivers with a commercial drivers license (CDL), reducing the current rate of 50 percent of the average number of driver positions to 25 percent of the average number of driver positions.

Legal Reference

49 C.F.R. 382.305

Local District Responsibility

If the district has this conditionally required administrative regulation GBEDA-AR – Drug and Alcohol Testing – Transportation Personnel in its policy manual, review the new language and adopt. This administration regulation is required to be adopted by the board and is directed in statute.

LCSD Commentary

The District previously used a version of GBEDA that the OSBA discontinued. New proposed language is included for Board adoption, along with the recommended changes to GBEDA-AR. District practices are not impacted by these revisions.

Lebanon Community Schools

Code: **GBEDA**

Adopted: 8/5/02

Readopted: 9/16/10, 12/5/13

Orig. Code(s): GBEDA

Drug and Alcohol Testing - Transportation Personnel * (Version 1)

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the district shall establish a drug and alcohol misuse prevention program. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.

The district's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991.

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

~~The district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.~~

~~Accordingly, all employees subject to commercial driver license (CDL) requirements shall be prohibited from:~~

- ~~1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;~~
- ~~2. The use of alcohol including:
 - ~~a. While on duty;~~
 - ~~b. Eight hours before driving, in accordance with Oregon Administrative Rules;~~
 - ~~c. Eight hours following an accident;~~
 - ~~d. Consumption resulting in prohibited levels of alcohol in the system.~~~~

~~"Drugs" as used in this policy refer to controlled substances covered by OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).~~

~~All covered individuals offered employment with the district and district employees transferring to positions subject to OTETA shall be required to submit to pre-employment drug testing. Additionally,~~

~~covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return to duty and follow up testing may also be required.~~

~~Pre-employment drug testing costs will be paid for by the district. All drug and alcohol testing of district employees, including reasonable suspicion, random, post-accident, return to duty and follow up testing costs, as applicable, will be paid for by the district. The district will comply with collective bargaining agreement provisions.~~

~~All offers of employment or transfer to covered positions with the district will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred¹. The offer of employment or transfer will be immediately withdrawn.~~

~~An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.~~

~~Covered employees who, under the district's reasonable suspicion, random, post-accident, return to duty or follow up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) regulations.~~

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)
[ORS 825.415](#)
[ORS 825.418](#)
[OR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)
[OAR 581-053-0531\(12\),\(13\)](#)

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

~~SB 193 (2013)~~

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 ([2017](#)); 49 C.F.R. Parts 40, 382, 391-395 ([20062017](#)).

~~CR 10/24/139/28/17~~ | RS

¹~~The district may elect to allow an individual who tests positive for drugs to reapply for district employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs. A district employee considered for transfer to an OTETA-covered position who tests positive for drugs will be subject to all district policies and regulations including the district's Drug Free Workplace policy.~~

Drug and Alcohol Testing - Transportation Personnel *

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

1. Program Coordinator

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

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol

concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;

- (11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration.
-
- b. Ensure that employees sign statements certifying that they have received the materials;
 - c. Ensure that ~~{administrators}~~ {supervisors} or their designee, -designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
 - d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
 - e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
 - f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
 - g. Ensure selection of a laboratory certified by the Department of Health and Human Services (DHHS) to conduct drug specimen analysis;
 - h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
 - i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
 - j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
 - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
 - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
 - (5) Documentation of training given to employees.
 - k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
 - l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;

- m. Ensure compliance with stand-down prohibitions as set forth by the OTETA. “Stand-down” means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the Federal Motor Carrier Safety Administration (FMCSA) below:
 - (1) The district may seek a waiver of the prohibition against standing down an employee;
 - (2) Requests which include all required information will be submitted to FMCSA for approval.

2. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug and alcohol test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug and alcohol testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee’s successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years before the driver is used for the first time. The district will provide the driver’s written permission for release of information to the previous employers;
- d. Release of such information may be by telephone, letters or any other method that ensures confidentiality. The district will maintain a written, confidential record of each past employer contacted;
- e. The district will not use a driver with a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer unless the driver is in compliance with the SAP’s treatment program and the OTETA’s return-to-duty test requirements;
- f. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample shall be tested for the presence of alcohol;
- g. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- h. Pre-employment drug and alcohol testing will be paid for by the district;
- i. Tests must indicate negative drug test results and a breath alcohol content level below a 0.02. Individuals who fail to meet such drug and alcohol requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- j. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff;

- k. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
- l. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
- m. The individual may request a screening of the split specimen at his/her own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.

3. Post-accident Testing

The district shall conduct post-accident testing as follows:

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

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

4. Random Testing

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

- a. Not less than ~~50-25~~ percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.

(1) The district will meet minimum testing rates.

- b. The testing rate may be adjusted by FMCSA based on industry wide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, ~~All~~ employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Computerized system¹:

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

OR

Manual system:

- ~~(1) Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used;~~
- ~~(2) Cards will be placed into a container from which the required number will be drawn;~~
- ~~(3) The individual selected by the district to do the drawing will be unbiased;~~
- ~~(4) All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.~~

- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year" ;

¹The computerized system, when it can be utilized by the district, is the preferred selection method, under FMCSA guidance.

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

5. Reasonable Suspicion Testing

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

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

6. Referrals, Evaluation and Treatment

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

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by ~~a~~ SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;

f. SAPs, as referred to in these administrative regulations, means:

- (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
- (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
- (3) Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). This does not include state-certified counselors.

7. Return-to-Duty Testing

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

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

8. Follow-up Testing

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

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced²;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (1) At least 6 tests in the first 12 months following the driver's return to duty;
 - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if he/she determines the testing is no longer needed.

9. Drug and Alcohol Testing Procedures

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

- a. Drugs
 - (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);

²A follow-up test shall not also serve as a random test, and vice versa.

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

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by:

A qualified breath alcohol technician using evidential breath testing devices.

OR

~~A qualified screening test technician using an alcohol screening device other than an evidential breath testing device.~~

- (4) Testing may be conducted at a DHHS certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;

- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

10. Positive Test Result

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

11. Record Keeping/Record Reporting

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

a. Records related to the collection process:

- (1) Documents relating to the random selection process;
- (2) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (3) Documents generated in connection with decisions on post-accident testing;
- (4) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
- (5) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes.

If alcohol testing is provided directly by the district, include the following additional record-keeping requirements.

- (6) Collection logbooks, if used;
- (7) Calibration documentation for evidential testing devices;
- (8) Documentation of breath alcohol or screening test technician training.

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

- (1) The district's copy of the alcohol testing form, including the test results;

- (2) The district's copy of the controlled substance test custody and control form;
 - (3) Documents sent by the MRO to the district;
 - (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 - (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
- c. Records related to evaluations as follows:
- (1) Records pertaining to a determination by ~~a~~ SAP concerning his/her evaluation of a covered employee who tested positive for drugs, or failed an alcohol test or refused to test;
 - (2) Records concerning a driver's compliance with recommendations of the SAP.
- d. Records related to education and training as follows:
- (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
 - (2) Driver's signed receipt of education materials;
 - (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
 - (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
- e. Records related to alcohol and drug testing as follows:
- (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
 - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
 - (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.

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

(1) Five Years:

- (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
- (b) Records of verified positive drug testing results;
- (c) Documentation of refusals to take required drug and/or alcohol tests;
- (d) Drug testing custody and control forms;
- (e) Employee evaluation and referrals;
- (f) A copy of each annual calendar year report summary.
- (g) Equipment calibration documentation as applicable (See 10. a. (6), (7) and (8)).

(2) Two Years:

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

(3) One Year:

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

(4) Indefinite Period:

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

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

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413(a)(1))³;

³Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

(5) The district will provide access to any drug and alcohol collection and/or testing facility maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).

R10/24/139/28/17 | RS

LICENSING

Policy Implications

GCA - License Requirements (Optional)

Summary

Senate Bill 205 was passed in the 2017 Legislature and allows a district, **if it so chooses**, to employ an applicant for a position in the district (this includes but is not limited to substitute teachers), who has a teaching license application pending with the Teacher Standards and Practices Commission (TSPC). The applicant must have met other specific criteria as required by law, then may be employed to teach in an Oregon public school for 90 calendar days after the date of the submission of the teaching license application to the TSPC. For these employees, the district must verify that the employee is properly licensed on the 91st day after the date of submission of the application.

This new law is effective now (for the 2017-2018 school year). The district may still choose to require licensure as a condition of employment.

Legal Reference

ORS 339.374

OAR 584-050-0035

OAR 584-200-0020

Local District Responsibility

If the district has this optional policy, it is recommended for the board to review and consider whether to adopt the optional language resulting from SB 205, and readopt this policy as appropriate.

LCSD Commentary

The District recommends continuing to require licensure as a condition of employment. We can usually obtain an emergency license in two days for any staff that we determine are best to employ if they do not already have a license. All other suggested revisions from OSBA are included.

Lebanon Community Schools

Code: GCA
Adopted: 8/18/03
Readopted: 9/16/10, 12/15/11
Orig. Code(s): GCA

License Requirements

The Board, in adhering to Oregon Revised Statutes, shall require all applicants selected for employment for positions that require licensing to hold an valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. ~~Those offered employment in the district must submit a copy of their teaching license to the personnel office. The district must be able to verify the current license of applicants offered employment before the Board will consider approving their employment.~~ Applicants not presenting their license prior to the beginning of school or the first day employment is to begin will not be employed until such license is presented. In addition, any employee whose license lapses shall be subject to forfeiture of pay or discipline up to and including dismissal.

~~The district requires licensed staff to submit copies of all current licenses and endorsements to the personnel office. The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the Human Resources office. The district may require the employee to maintain a license and/or an endorsement currently held for future district assignment. All licensed staff (except speech and language pathologist for the Oregon Board of Examiners License) are responsible for all licensure fees associated with their employment.~~

~~Subject to any applicable collective bargaining agreement, a district required to forfeit any State School Fund moneys is entitled to recover one half of the amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Recovery shall not exceed one half of the amount forfeited that is attributable to the particular licensed person.~~

END OF POLICY

Legal Reference(s):

ORS 339.374
ORS 342.120 - 342.203

OAR 584-050-0035
OAR 584-200-0020
OAR Chapter 584

9/28/17 | PH

CRIMINAL RECORDS CHECK FOR VOLUNTEERS

Policy Implications

GCDA/GDDA - Criminal Records Check and Fingerprinting (Required)

GCDA/GDDA - Criminal Records Check/Fingerprinting (Version 2 – Recommend delete/replace with revised/updated version)

GCDA/GDDA-AR - Criminal Records Check and Fingerprinting (Required)

IICC - Volunteers (Conditionally Required - recommended revision)

IICC - Volunteers (Version 2 - recommend delete/replace with revised/updated version)

IICC - Volunteers (Version 3 - recommend delete/replace with revised/updated version)

IICC-AR - Volunteers (Recommend Delete)

Summary

The 2017 Legislature passed House Bill (HB) 2992 which requires districts to adopt policy that requires a background check for a volunteer if that volunteer is to have direct, unsupervised contact with students. This requirement is effective on January 1, 2018, however the district may implement this requirement at any time prior to January 1.

Legal Reference

See revisions in policy

Local District Responsibility

The district should determine if it will allow volunteers to have direct, unsupervised contact with students. It is recommended that the Board review the new, proposed language, determine which language is in the best interest of the district (choose which bracketed language), and make recommended revisions to required policy GCDA/GDDA and readopt. It is recommended that the administration review the recommended revisions to the required administrative regulation, make the same determination for the AR and other bracketed language, revise accordingly and submit to the Board for review.

If the district has policy IICC - Volunteers, it is recommended that the Board review the recommended revisions and readopt with revised language, and if not, consider if adopting the policy would be in the best interest of the district. Other versions of policy IICC previously available from OSBA are recommended for replacement with the version included herein.

The district should match policy language in policy IICC on the requirement for background checks for volunteers to that in policy GCDA/GDDA.

LCSD Commentary

The District already requires that ALL volunteers, regardless of student contact, have background checks. There is no change to District practice with these revisions.

Lebanon Community Schools

Code: GCDA/GDDA
Adopted: 08/04/08
Readopted: 09/16/10, 11/15/12, 3/10/16

ALL NEW LANGUAGE – ADOPTING NEW VERSION

Criminal Records Checks/ and Fingerprinting* ~~(Version 2)~~

In a continuing effort to further 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 to undergo a criminal records check and/or fingerprinting. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall have criminal records checks and/or fingerprinting 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 state law, a criminal records check and/or fingerprinting shall be required of the following individual or individuals (subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting):

1. All district contractors and/or their employees, whether employed part-time or full-time, considered by the district to have unsupervised access to students;
2. All contractors and/or 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. Any community college faculty member providing instruction at the site of an early childhood education program or 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. Any individual who is an employee of a public charter school and not requiring licensure; and
5. Any individual considered for volunteer service with the district.

The identity of an individual requiring fingerprinting will be provided by the district to the authorized fingerprinter for verification.

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

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

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

A subject individual who has failed to disclose the presence of convictions that would not otherwise prohibit his/her employment with the district as provided by law, may 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.

An individual who knowingly made a false statement as to the conviction of any crime on district volunteer forms, as determined by the district, may result in immediate termination from the ability to volunteer in the district.

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

An individual eligible may appeal a determination that prevents his/her employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be so notified in writing by the ODE.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 332.107](#)

[ORS 336.631](#)
[ORS 342.143](#)
[ORS 342.223](#)

[OAR 414-061-0010 to -0030](#)

[OAR 581-021-0500](#)
[OAR 581-022-17302430](#)
[OAR 584-036-0062](#)
[OAR 584-050-0012](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2017).

R1/14/169/28/17 | PH

Criminal Records Checks/Fingerprinting

Subject Individual Requirements

1. Any individual newly hired, full-time or part-time, and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting.
2. ~~Any individuals~~ 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 such checks a nationwide criminal records check and fingerprinting with TSPC.

~~Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., will generally be met by the individual as a part of the licensing process and in accordance with rules established by the Teacher Standards and Practices Commission (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 a nationwide criminal records check and fingerprinting with TSPC.
4. Any district contractor¹, whether part-time or full-time, or an employee of a district contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students shall be required to undergo 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. Any community college faculty member providing instruction at the site of an early childhood education program or 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, shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any individual who is an employee of a public charter school not requiring licensure shall be required to undergo a nationwide criminal records check and fingerprinting.
8. Any ~~person-individual~~ authorized by the district for volunteer service into a position having direct, unsupervised contact with students ~~will~~ shall be required to undergo an Oregon criminal records check.

¹Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

8-9. Any individual authorized by the district for volunteer service that does not have direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

Exceptions

An exception will be made to criminal records checks and fingerprinting if the district has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. A newly hired employee is not subject to fingerprinting if the district has on file evidence that the newly hired employee previously and successfully completed an Oregon and a FBI criminal records check for a previous employer that was a school district.

Evidence 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 ~~Oregon Department of Education (ODE)~~ or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available~~;~~.
2. Additional ~~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 ~~shall be maintained~~.

Notification

1. The district will provide notification to individuals subject to criminal records checks and/or fingerprinting of the following:
 - a. Such criminal records checks and/or fingerprinting are required by law and/or Board policy;
 - b. Any action resulting from ~~those such~~ checks that may impact employment or contract may be appealed as a contested case;
 - 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 checks and/or fingerprinting ~~or falsely stating on district employment applications, contracts or ODE fingerprint forms as to conviction of a crime~~ shall result in immediate termination from employment, ~~or~~ contract status, or the ability to volunteer in the district;
 - d.e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, ODE forms or district volunteer forms (written or electronic) may result in immediate termination from employment, contract status or the ability to volunteer in the district.
2. The district will provide written notice through such means as employment applications, ~~and~~ contracts or volunteer forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall, ~~as part of the application process,~~ complete the appropriate forms or requirements as ~~provided approved~~ by ODE (information available through the district).
2. If the individual is subject to fingerprinting per state law, he/she will be required by the district, and is responsible to report within three working days to an authorized fingerprinter for fingerprinting as directed by the district.

Fingerprints 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 individuals subject to fingerprinting shall be subject ~~to fingerprinting~~ only after acceptance of an offer of employment or contract.

- ~~2. The individual is responsible for obtaining two fingerprint card[s] from an Oregon district, education service district, an Oregon-approved teacher education institution, ODE or TSPC.~~
- ~~3. The individual is responsible for submitting to the authorized fingerprinter two fingerprint cards and an 8 1/2" x 11" or larger envelope with postage affixed and addressed to the district human resource office.~~
- 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 ~~and require that the individual submit a photo ID (driver's license or other) containing the individual's name and picture in order to verify the identity of the individual intended to be fingerprinted.~~
4. The authorized fingerprinter will ~~return the fingerprint cards to the district in the envelope provided~~ obtain the necessary identification and fingerprinting and notify the ODE with the results. The Fingerprint Criminal History Verification form and fingerprint cards will be sent to the ODE. The ODE will notify the district of said results and any subject individual it believes has knowingly made a false statement as to conviction of a crime prohibiting employment or contract.
5. A copy of the required form to authorize fingerprinting, and the results of such, will be kept in the employee's personnel file.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including contractors² and their employees, ~~and volunteers~~ shall be paid by the individual.
2. Fees are payable prior to beginning employment, volunteer service or contract.
3. An individual offered employment in the district may 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, in accordance with Oregon law. The district may withhold such fees only upon the request of the individual.
- 3.4. Fees associated with required criminal records checks for volunteers shall be paid by the individual.

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

²Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

1. Any individual required to submit to a criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from ~~consideration as a district volunteer and~~ employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent ~~immediately~~ upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification ~~by from~~ the Superintendent of Public Instruction or his/her designee ~~or the State Board of Education~~ that the employee has ~~made a false statement as to conviction of a crime or~~ conviction of any crimes prohibiting employment with the district as specified in law.
2. Any 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 his/her designee that the employee has knowingly made a false statement as to the conviction of any crime.
- 3.3. 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 have direct, unsupervised contact with students that refuses to submit to a required, criminal records check to acquire or maintain a volunteer status in the district in accordance with law and/or Board policy will be denied the ability to volunteer in the district.
5. If the district has completed a required criminal records check and the district has been notified by the Superintendent of Public Instruction that the individual knowingly made a false statement on an ODE form as to conviction of any crime that may otherwise prevent a volunteer status in the district, 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

~~All appeals regarding a determination which prevents his/her employment or eligibility to contract with the district will be directed to the Superintendent of Public Instruction. An individual eligible to may appeal a determination that prevents his/her employment or eligibility to contract with the district, to the Superintendent of Public Instruction as a contested case and will be so notified in writing by the ODE.~~

R4/28/169/28/17 | RSPH

Lebanon Community Schools

Code: **IICC**
Adopted: 6/15/98
Readopted: 12/16/10
Orig. Code(s): IICC

Volunteers

Citizens Community patrons who voluntarily contribute their time and talents to the improvement and enrichment of the public schools instructional and other programs are valuable assets. The Board encourages constructive participation of groups and individuals in the school to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

Nonexempt employees¹ may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services as the employee's² regularly assigned duties. In the event a nonexempt employee volunteers to perform services for the district that are the same or similar as the employee's regularly assigned duties, the Board recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided.³

Any person authorized by the district for volunteer service into a position shall be required to undergo an Oregon criminal records check. Any person authorized by the district for volunteer service that will not have direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

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

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

~~Certain categories of volunteers or individual volunteers may be subject to criminal history records checks. The superintendent will develop administrative regulations as necessary to implement this policy. Any person authorized by the district for volunteer will be required to undergo an Oregon criminal records check.~~

~~Nonexempt employees⁴ may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services as the employee's⁵ regularly~~

¹There are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50 percent of the employee's time.

²Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.

³Districts should review with legal counsel the use of nonexempt employees in extracurricular activity positions such as coaching and as advisors for cheerleading and other district-sponsored activities for FLSA district impact.

⁴There are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50 percent of the employee's time.

⁵Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.

~~assigned duties. In the event a nonexempt employee volunteers to perform services for the district that are the same or similar as the employee's regularly assigned duties, the Board recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided.⁶~~

END OF POLICY

Legal Reference(s):

[ORS Chapter 243](#)
[ORS 326.607](#)
[ORS 332.107](#)
[OAR 839-020-0005](#)

Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206-207 (~~2006~~[2017](#)).

Cross Reference(s):

GCDA/GDDA - Criminal Records Checks/Fingerprinting

[CR9/28/17 | PH](#)

~~⁶Districts should review with legal counsel the use of nonexempt employees in extracurricular activity positions such as coaching and as advisors for cheerleading and other district sponsored activities for FLSA district impact.~~

Lebanon Community Schools

Code: **IICC-AR**
Revised/Reviewed: 2/1/05; 4/7/11
Orig. Code(s): IICC-AR

Volunteers

Volunteers will be subject to the following requirements.

Authority

All volunteers are subject to the authority and direction of any district employee and are subject to all district policies, rules and regulations.

Application

Prior to performing any volunteer activities, each volunteer will be required to complete a Volunteer Application form and have it approved by the building principal or area supervisor. Once approved an annual reapplication and approval must be completed each September. All volunteers are subject to administrative approval. There is no right to volunteer or to perform any specific tasks at any specific site.

Note: Additional requirements exist for volunteer drivers during field trips or other school sponsored activities.

Criminal History Records Check

The volunteer application will include completion of a Criminal History Record form. The principal or area supervisor shall review all criminal history record forms when submitted as part of the volunteer approval process.

Any confirmed criminal record or falsification of any answer on the volunteer application or criminal history record form may subject the individual to termination as a volunteer.

Nonexempt Employees

Non-exempt district employees may not volunteer to perform services on behalf of the district unless they are considered "bona fide volunteers". An employee is a bona fide volunteer if:

1. The employee's services are offered freely and without pressure or coercion, direct or implied, from the district; and
2. The employee does not engage in the same or similar type of volunteer services as performed in the regular job.

As provided by law, non-exempt employees will not be permitted to volunteer to perform their regular work duties or the same type of duties off the clock and without compensation. The requirements of the Fair Labor Standards Act (FLSA) cannot be waived by the employee or the district. Non-exempt employees who volunteer to perform duties for the district will be required to complete the district's Non-Exempt Employee Volunteer Agreement form verifying that they are volunteering to perform services and such services are not performed in the course of their regular employment.

Non-exempt employees will not be hired or placed in any paid extra-duty positions.

Extra-Duty Volunteers

Volunteer coaches or student activity advisors shall be subject to all district and school regulations regarding volunteers. In addition, those individuals volunteering for a program or activity governed by the Oregon School Activities Association (OSAA) will complete an OSAA Activities Volunteer Agreement form and abide by all OSAA rules and requirements.

Once an individual begins volunteering in an extra-duty position, there will be no expectation or guarantee of retroactive hiring or extra-duty pay for the remainder of the activity.

DELETED

**Lebanon Community Schools
VOLUNTEER APPLICATION**

Name (Please print): _____

Address: _____
 Street City State Zip

Phone: _____
 Home Work Other

Occupation: _____

Current Relatives Employed by LCSD: _____

Children Currently Enrolled in LCSD (Names and Schools): _____

I wish to offer my services as a volunteer for the following school(s) or program(s): _____

I would like to volunteer as (Be as specific as possible): _____

I have the following knowledge, skills, interests, materials, etc. to share with students: _____

I understand that I must have the approval of the principal or area supervisor to perform volunteer activities and that approval may be withdrawn at any time for any reason.

I understand that I must complete and submit a Criminal History Record form which may be submitted to Oregon Department of Education or Oregon State Police for a check.

I understand that the Volunteer Application form and Criminal History Record form must be completed and approved annually in order to continue to volunteer.

Volunteer Candidate Signature

Date

For District Use Only

☐ Approved ☐ Not Approved Comments: _____

Principal or Area Supervisor Signature

Date

Lebanon Community Schools
NONEXEMPT EMPLOYEE VOLUNTEER AGREEMENT

I hereby volunteer my time and service of my own free will for Lebanon Community School District. My time and service in a volunteer capacity are given without promise, expectation, or receipt of any form of compensation, benefits, or other remuneration for this service.

I understand and agree that my volunteer participation is not being performed in the course and scope of my regular employment and that my participation in this activity is not in any way required. I further acknowledge and agree that my volunteer services are not closely related to my duties and responsibilities as an employee.

I understand that my participation as a volunteer may be terminated at any time and that I may withdraw from participation at any time for any reason and that my withdrawal will not affect my continued employment with the district.

This agreement will continue in force until terminated.

Volunteer Name (Please Print): _____

Volunteer Signature Date

Authorized School or District Administrator Signature Date

**Lebanon Community Schools
OSAA ACTIVITIES VOLUNTEER AGREEMENT**

As a volunteer for a Lebanon Community School District sponsored program or activity governed by Oregon School Activities Association (OSAA) policies, rules, or regulations, I hereby agree to the following:

I understand and agree that my volunteer participation is not in any way required by the school district or school or any person representing the district or school. I understand that my participation as a volunteer may be terminated at any time and that I may withdraw from participation at any time for any reason.

I understand and agree that I will conduct myself in a manner that is consistent with the letter and spirit of district and OSAA policies, rules, and regulations, and the fundamental values of sportsmanship.

I understand and agree that if I am found to have violated OSAA policies, rules, or regulations, I am subject to dismissal as a volunteer or such other sanctions as may be deemed appropriate. In addition, I understand and agree that I will be required to remunerate the district in the event of a fine or fines assessed by the OSAA as a result of my actions.

This agreement will continue in force until terminated.

Volunteer Name (Please Print): _____

Volunteer Signature Date

Authorized School or District Administrator Signature Date

CRIMINAL HISTORY VERIFICATION OF APPLICANTS

Fingerprinting and/or criminal history verification are required by law and District policy. Any action taken as a result of verification checks may be appealed as a contested case to the State Department of Education. Any false response on criminal history forms or in any employment application materials shall prohibit your employment or subject you to immediate dismissal from employment by the District. If you accept employment with the District (but are not required to be fingerprinted) you will be responsible to pay the Criminal History Verification form processing fee of \$6.00.

Please type or print clearly.

As appears on drivers' license/social security card

Name: _____ Date of Birth _____ Sex _____

Last/First/Full Middle

MM/DD/YY

List Other Names Previously Used (i.e. maiden, divorced, nicknames): _____

Social Security No: _____ Driver License/Identification Card No: _____

Providing your social security number on this form is voluntary. If you choose not to disclose the social security number, this will not be a basis for denial of employment or any rights, services or benefits to which you are otherwise entitled. If you do provide the number the Oregon State Police will use it as an additional identifier to search for any criminal record you may have. Your social security number will be used as stated above. State and federal laws protect the privacy of your records.

Address: _____

Full Street Address and/or P.O. Box

City: _____ State: _____ Zip + 4 _____

A. Have you **EVER** been convicted of a sex-related crime? [] Yes [] No

If yes, was the conviction in Oregon or another state? (Please specify if another state.) State: _____

If yes, did the crime involve force or minors? [] Yes [] No

B. Have you **EVER** been convicted of a crime involving violence or threat of violence? [] Yes [] No

If yes, was the conviction in Oregon or another State? (Please specify if another state.) State: _____

C. Have you **EVER** been convicted of a crime involving criminal activity in drugs or alcoholic beverages? [] Yes [] No

If yes, was the conviction in Oregon or another state? (Please specify if another state.) State: _____

D. Have you **EVER** been convicted of any other crime except a minor traffic violation?
(Includes Traffic Crimes) [] Yes [] No

E. Have you been arrested within the last three years for a crime for which there
has not yet been an acquittal or dismissal? [] Yes [] No

Advisory: A check of the applicant's criminal history will be made by Criminal Information Services, Inc. (CRIS) to verify the responses to the preceding questions. I hereby grant Criminal Information Services, Inc. (CRIS) permission to check civil and/or criminal records to verify any statement made on this form.

Regardless of whether the applicant grants consent, CRIS will conduct a criminal offender record check of applicants for the position of school bus driver, volunteer, or other prospective school employees working with or around children. The applicant is entitled to review his/her criminal history for inaccurate or incomplete information. Discrimination by an employer on the basis of arrest records alone may violate federal civil rights law. The applicant may obtain further information concerning the applicant's rights by contacting the Bureau of Labor and Industries, Civil Rights Division, State Office Building, Suite 1070, Portland, Oregon 97232, telephone 503-731-4075.

I acknowledge reading and the receipt of this notice.

Applicant's Signature: _____ Date: _____

Volunteers - IICC-AR

6-6

Enclosure E-2

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COMPULSORY ATTENDANCE EXEMPTIONS

Policy Implications

JEA - Compulsory Attendance (Highly Recommended)

Summary

The 2017 Legislature passed House Bill (HB) 3029 and 3409 and Senate Bill (SB) 20, adding new or revising exemptions to the compulsory attendance law.

The HB 3029 exemption allows a parent or guardian to delay the attendance of their child if the child's sixth birthday occurs on or before September 1 immediately preceding the beginning of the current school year. The parent or guardian must submit written notification to the child's resident district that they intend to delay enrollment for one year for the purpose of better meeting the child's cognitive, social or physical development, as determined by the parent or guardian.

HB 3409 revised the compulsory attendance exemptions, which now exempts children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.

SB 20 revised the compulsory attendance exemption to also include a student who has received a modified diploma, in addition to the previous exemption for a student who has received a high school diploma.

Legal Reference

None

Local District Responsibility

If the district has this highly recommended policy, the Board should review the recommended language and readopt. If the district does not have this highly recommended policy, review the policy and adopt if the Board determines it is in the best interest of the district.

There are no recommended changes for the accompanying administrative regulation, therefore it has not been included in this update.

LCSD Commentary

As these are the result of revisions to the exemption in compulsory attendance law, we recommend the revision as provided by OSBA.

Lebanon Community Schools

Code: **JEA**
Adopted: 9/5/00
Readopted: 1/20/11, 4/4/13, 3/10/16,
10/12/17
Orig. Code(s): JEA

Compulsory Attendance**

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

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

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

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

The district will develop procedures for issuing a citation.

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

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

Exemptions from Compulsory School Attendance

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

1. Students being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Students proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
- ~~2.3.~~ Students who have received a high school diploma or a modified diploma.
- ~~3.4.~~ Students being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.

Compulsory Attendance** - JEA

1-3

Enclosure E-2

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4.5. Students being educated in the home by a parent or guardian:

- a. When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the Linn-Benton-Lincoln Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, school districts of home-schooled students who reside in their district;
- b. Each student being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10:
 - (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;
 - (2) If the student never attended public or private school, the first examination shall be administered prior to the end of grade 3;
 - (3) Procedures for home-schooled students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029.
- c. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;
- d. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education;
- e. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;
- f. All costs for the test instrument, administration and scoring are the responsibility of the parent;
- g. In the event the ESD superintendent finds that the student is not showing satisfactory educational progress, the ESD superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.

6. Children whose sixth birthday occurred on or before September 1 immediately proceeding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.

7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.

5.8. Students excluded from attendance as provided by law.

6.9. An exemption may be granted to the parent or guardian of any student 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.

~~7.10.~~ An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

END OF POLICY

Legal Reference(s):

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

[ORS 339.990](#)
[ORS 807.065](#)
[ORS 807.066](#)
[OAR 581-021-0026](#)

[OAR 581-021-0029](#)
[OAR 581-021-0071](#)
[OAR 581-021-0077](#)
SB 321 (2015)

HR~~6/27/17~~[9/28/17](#) | PH

MEDICATIONS

Policy Implications

JHCD - Nonprescription Medication - Repeal (Rescind)/Replace

JHCDA - Prescription Medication - Repeal (Rescind)/Replace

JHCD/JHCDA - Medications**/* (New-Required)

JHCD/JHCDA-AR - Medications**/* (Required)

Summary

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-021-0037 “Administration of Medication to Students”. As a result, OSBA has chosen to combine the nonprescription and prescription medication policies into one double-coded policy which reflects the adopted revisions. The major changes include, but are not limited to, a new definition of medication; requirement that nonprescription medication not approved by the Food and Drug Administration (FDA) will require a prescriber’s written note; replaces and expands the term “physician” to “prescriber,”; replaces “designated school employee” with “designated personnel”; and removed the district’s responsibility at before-school and after-school activities on school property, except for the administration of treatment for a life-threatening food allergy and adrenal insufficiency, as required in statute.

Legal Reference

See policy document for changes.

Local District Responsibility

It is recommended that the Board repeal and replace Board policies JHCD – Nonprescription Medication and JHCDA - Prescription Medication with the new, required double-coded policy JHCD/JHCDA - Medications**/*, and review and adopt the recommended revisions to the required administrative regulation. The administrative regulation is required to be adopted per statute.

LCSD Commentary

District nursing staff have reviewed the policy changes and support the new language.

Nonprescription Medication**/*

The district recognizes that administering of nonprescription medication to students and/or self-medication may be necessary when the failure to take such medication during school hours, would prevent the student from attending school. Consequently, students may be permitted to take nonprescription medication at school.

The district reserves the right to reject a request to administer or allow self administration of a nonprescription medication when such medication is not necessary for the student to remain in school.

A request to the district to allow a student to self medicate with a nonprescription medication shall include written permission and instruction from a parent or guardian, and shall include an assurance from the parent or guardian that the student has received appropriate instruction for its use.

A request to the district to administer a nonprescription medication shall include written permission and instruction from a parent or guardian.

The district shall designate staff authorized to administer medication to students. Training shall be provided as required by law.

Nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district regulations governing administering noninjectable or injectable, or prescription or nonprescription medicines to students, including procedures for the disposal of sharps and glass.

This policy and administrative regulation shall not prohibit, in any way, the administration of recognized first aid to students by district employees in accordance with established state law, Board policy and procedures.

The superintendent shall develop administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and for the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 109.640](#)
[ORS 339.866](#) to -339.871
[ORS 433.800](#) to -433.830

[OAR 166-400-0010\(17\)](#)
[OAR 166-400-0060\(29\)](#)
[OAR 581-021-0037](#)
[OAR 581-022-0705](#)

Prescription Medication/***

The district recognizes that the administration of prescription medication to students and/or student self-medication may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of students who require regular doses or injections of medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or have a need to manage hypoglycemia, asthma or diabetes. When a licensed health care professional is not immediately available, a designated trained staff member may administer to a student, epinephrine, glucagon or other medications as prescribed and allowed by Oregon law.

When prescribed by a physician², or other licensed health care professional, students in grades K-12 will be allowed to self-administer prescription medication, including medication for asthma or severe allergy as defined by state law, and subject to age-appropriate guidelines. A written treatment plan for a student who self administers medication will be developed and signed by a physician or other Oregon licensed health care professional and kept on file. A written request and permission form signed by a parent or guardian is required and will be kept on file. If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.

The superintendent will require that an individualized health care plan is developed for every student with a known life-threatening allergy and for every student for whom the district has been given proper notice of a diagnoses of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities.

A request for the district to administer prescription medication to a student shall include the written permission of the parent or guardian and shall be accompanied by written instruction from a physician, physician assistant or nurse practitioner. A prescription label prepared by a pharmacist will be deemed sufficient to meet the requirements for a physician's order.

The district reserves the right to reject a request to administer or allow self administration of a medication when such medication is not necessary for the student to remain in school.

¹Under proper notice given to the district.

²A registered nurse who is employed by a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days-

A premeasured dose of epinephrine may be administered by designated, trained district staff to any student or other individual on school premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

A process shall be established by which, upon parent written request, a backup prescribed autoinjectable epinephrine is kept at a reasonable, secured location in the student's classroom as provided by state law.

Training shall be provided to designated staff as required by law in accordance with approved protocols as established by the Oregon Health Authority. Staff designated to receive training shall also receive bloodborne pathogens training. Current first-aid and CPR cards are strongly encouraged for designated staff.

Prescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district regulations governing administering noninjectable or injectable, or prescription or nonprescription medicines to students including procedures for the disposal of sharps and glass.

The superintendent will ensure student health management plans are developed as required by training protocols, maintained on file and pertinent health information is provided to district staff as appropriate. Such plans will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before- or after-school care programs on school-owned property and in transit to or from school or school-sponsored activities.

This policy and administrative regulation shall not prohibit, in any way, the administration of recognized first aid to students by district employees in accordance with established state law, Board policy and procedures.

END OF POLICY

Legal Reference(s):

[ORS 109.640](#)
[ORS 339.866](#) to -339.871
[ORS 433.800](#) to -433.830
[ORS 475.005](#) to -475.285
[OAR 166-400-0010](#)(17)
[OAR 166-400-0060](#)(29)
[OAR 333-055-0000](#) to -0035
[OAR 581-021-0037](#)
[OAR 581-022-0705](#)
[OAR 851-047-0030](#)
[OAR 851-047-0040](#)

R4/28/16 | PH

Lebanon Community Schools

Code: **JHCD/JHCDA**
Adopted:

NEW

Medications/***

The district recognizes that administering a medication to a student and/or permitting a student to administer a medication himself/herself, may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the district may administer or a student may be permitted to administer to himself/herself prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.

The district shall designate personnel authorized to administer medications to students. Training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE).

Current first-aid and CPR cards are strongly encouraged for designated personnel.

When a licensed health care professional is not immediately available, personnel designated by the district may administer to a student, epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.

The district reserves the right to reject a request for district personnel to administer, or to permit a student to administer to himself/herself, a medication when such medication is not necessary for the student to remain in school.

The superintendent and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy, and an individualized health care plan for every student for whom the district has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity.

A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication.

¹Under proper notice given to the district by a student or student's parent or guardian.

A request to the district to administer or allow a student to self-administer prescription medication or a nonprescription medication that is not approved by the Food and Drug Administration (FDA) shall include a signed prescription and treatment plan from a prescriber² or an Oregon licensed health care professional.

A written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law³, is required and will be kept on file.

If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.

Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a back-up prescribed autoinjectable epinephrine is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by designated personnel to any student or other individual on school premises who a staff member believes, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription and/or nonprescription medication, subject to state law.

A school administrator, school nurse, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, when that person in good faith assisted the student in self-administration of the medication, subject to state law.

A school administrator, school nurse, teacher or other district employee designated by the school administration is not liable in a criminal action or for civil damages, when that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy, who is unable to self administer the medication, subject to state law.

²A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

³Subject to ORS 109.610, 109.640 and 109.675.

The district and the members of the Board are not liable in a criminal action or for civil damages when a student or individual is unable to self-administer medication, when any person in good faith administers autoinjectable epinephrine to a student or individual, subject to state law.

The superintendent shall develop administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and the implementation of this policy.

END OF POLICY

Legal Reference(s):

ORS 109.610	ORS 433.800 to -433.830	OAR 333-055-0000 to -0035
ORS 109.640	ORS 475.005 to -475.285	OAR 581-021-0037
ORS 109.675		OAR 581-022-2220
ORS 332.107	OAR 166-400-0010(17)	OAR 851-047-0030
ORS 339.866 to -339.871	OAR 166-400-0060(29)	OAR 851-047-0040

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration in Oregon Schools: A Manual for School Personnel* (2016).

R9/28/17 | PH

~~Prescription/Nonprescription Medications~~/***

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated ~~trained staff personnel, or may be permitted to administer prescription or nonprescription medication to himself/herself. Self-medication by students will be permitted in accordance with this administrative regulation and state law.~~

1. Definitions

- a. “Medication” means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies.
- a-b. “Prescription medication” means any ~~noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician; and bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. Prescription medication does not include dietary food supplements. As per Oregon Administrative Rule (OAR) 851-047-0030 through 851-047-0040, a registered nurse may administer a subcutaneous injectable medication that under federal law requires a prescription by a prescriber.~~
- b-c. “Nonprescription medication” means ~~only Federal Drug Administration approved, nonalcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eye, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements or nonprescription sunscreen medication that under federal law does not require a prescription from a prescriber.~~
- e-d. “Adrenal crisis” means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- d-e. “Adrenal insufficiency” means adrenal insufficiency as defined in ORS 433.800.
- e-f. “Notice of a diagnosis~~is~~ of adrenal insufficiency” means written notice to the district from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s physician primary care provider that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.
- f-g. “~~Physician~~Prescriber¹” means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, ~~an nurse~~

¹A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in

- ~~practitioner with prescriptive authority licensed by the Oregon State Board of Nursing Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, or a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.~~
- ~~g. “Student self-medication” means a student must be able to administer medication to himself/herself without requiring a trained staff member to assist in the administration of the medication.~~
- ~~h. “Age-appropriate guidelines” means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from parent or guardian, administrator and in the case of a prescription medication, a physician.~~
- ~~“Training” means yearly instruction, by a qualified trainer, to be provided to designated staff on the administration of prescription and nonprescription medication, based on requirements set out in guidelines approved by the Oregon Department of Education (ODE), including discussion of applicable district policies, procedures and materials.~~
- ~~i.h. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon, or a pharmacist licensed by the State Board of Pharmacy for the state of Oregon.~~
- ~~j.i. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, or dust or insect sting.~~
- ~~k.j. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.~~
- ~~l.k. “Designated-staffpersonnel” means the staff person who is school personnel designated by the building principal to administer prescription or nonprescription medication pursuant to district policy and procedure.~~

2. Designated Staff/Training

- a. The principal will designate ~~trained staff personnel~~ authorized to administer prescription or nonprescription medication to ~~a student~~s while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in ~~a~~ before-school or after-school care programs on school-owned property and in transit to or from school or ~~a~~ school-sponsored ~~activities~~activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- b. The principal will ensure the training required by ~~Oregon~~ law ~~and Oregon Administrative Rules~~ is provided ~~to designated personnel~~. Training must be conducted by a qualified trainer. ~~Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.~~

another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days

- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency, and student confidentiality. Materials as recommended and/or approved by the ODE will be used.

~~d. Training will be provided yearly to designated staff authorized to administer medication to students.~~

e.d. A copy of the district's policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.

f.e. A statement that the designated staff member personnel has received the required training will be signed by the staff member and filed in the district office.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated ~~district staff personnel~~ to any student or other individual on school premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a school-sponsored activity, may be treated by designated staff personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal will designate staff one or more school personnel to be responsible for administering the medication to treat adrenal insufficiency;
- b. The designated staff personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health authority;
- c. The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated staff personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

5. Administering Medications to a Students

- a. A request ~~for to permit~~ designated ~~staff personnel~~ to administer medication to a student may be approved by the district and is subject to the following:

- (1) A written request for ~~the district~~ designated ~~staff personnel~~ to administer prescription medication to a student, if because of the prescribed frequency ~~for the medication or schedule~~, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, ~~in before or after school care programs on school owned property~~ and in transit to or from school or a school-sponsored activityies, must be submitted to the school office and shall include:
- (a) The written ~~signed~~ permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
- (b) The written instruction from the ~~physician, physician assistant or nurse practitioner~~ prescriber for the administration of the ~~prescription~~ medication to the student including that includes:
- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration; and
- (vi) Other special instructions from the prescriber, if any-; and
- (vi)(vii) Signature of the prescriber.

—The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.

- (2) A written request for ~~the district designated personnel~~ to administer nonprescription medication to a student must be submitted to the school office and ~~shall include~~ is subject to the following:
- (a) The nonprescription medication is necessary for the student to remain in school;
- (b) The nonprescription medication is provided in the original manufacturer's container by the parent or guardian of the student;
- ~~The written signed permission of the parent or guardian;~~
- (a)(c) The written instruction from the student's parent or guardian for the administration of the nonprescription medication ~~to the student~~ including:
- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instructions, if any-; and
- (vi)(vii) Signature of the student's parent or guardian. If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

(d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Method of administration;
- (v) Frequency of administration;
- (vi) A statement that the medication must be administered while the student is in school;
- (vii) Other special instructions, if any; and
- ~~(vii)~~(viii) Signature of the prescriber.

~~b. Medication is to be submitted in its original container;~~

~~c. Medication is to be brought to and returned from the school by the parent or designated adult;~~

b. An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;

~~d.c.~~ It is the student's parent's or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;

~~e.d.~~ It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that the school is informed in writing of any changes in medication instructions;

~~f.e.~~ In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses ~~district-administered~~ medication;

~~g.f.~~ Any error in administration of a medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent [and documentation will be made on the district's Accident/Incident Report form]. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration, or method of administration, ~~etc.~~;

~~h.g.~~ Medication shall not be administered or self-medication allowed until the necessary permission form and written instructions have been submitted as required by the district.

6. ~~Student Self-medication of a Prescription or Nonprescription Medication~~Administration of Medication by a Student to Himself/Herself

a. SA student self-medication of prescription medication by K-12 students, including a students in grade K through 12 with asthma or severe allergies, will be allowed may be permitted to

administer medication to himself/herself without assistance from designated personnel and is subject to the following:

- (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675, signed permission form and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma, diabetes and/or a severe allergy, Aa medication that is prescribed by physieian-prescriber and a written treatment plan developed by a physieian prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care programs on school-owned property and in transit to or from school or a school-sponsored activityies. The physieian prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The Principal permission for all to self-medication-administerof prescription the medicationine requests is required from a building administrator and a prescriber or registered nurse practicing in a school setting.
- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:
 - (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;
 - (b) The student's name affixed to the manufacturer's original container; and
 - ~~(d)~~(c) The permission to self-administer medication from a building administrator.
- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
 - (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
 - (b) A written order from the student's prescriber that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school;
 - (vii) Other special instructions, if any; and

~~(i)(viii)~~ Signature of the prescriber.

- ~~b. Student self-medication of nonprescription medication by K-12 students may be allowed subject to the following:~~
- ~~(1) A parent or guardian permission form and other documentation requested by the district must be submitted for self-medication of all nonprescription medications. The signed form from the parent or guardian will ensure the student has received proper instruction for use;~~
 - ~~(2) Principal permission for all self-medication of nonprescription medicine requests is required.~~
- ~~c. Students who are developmentally and/or behaviorally unable to self-medicate will be provided assistance by designated school staff. A permission form and written instructions will be required as provided in Section 5 above;~~
- ~~d. All prescription and nonprescription medication must be kept in its appropriately labeled, original container, as follows:~~
- ~~(1) Prescription labels must specify the name of the student, name of the medication, dosage, method of administration and frequency or time of administration and any other special instruction including permission for the student to self-medicate;~~
 - ~~(2) Nonprescription medication must have the student's name affixed to the original container.~~
- ~~e.b.~~ The student may have in his/her possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- ~~f.c.~~ Sharing and/or borrowing of any medication with another student is strictly prohibited;
~~Any medication required for use longer than 10 school days will be permitted only upon the written request of the parent;~~
- ~~g.d.~~ For a students who havehas been prescribed bronchodilators or epinephrine, staffthe designated personnel will request ~~from the parent or guardian~~, that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided ~~by the parent or guardian~~, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
- ~~e.~~ Upon written request from a parent ~~request or guardian~~, and with a ~~physician~~prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;
- ~~h.f.~~ A student shall not administer medication to himself/herself until the necessary permission form and written instructions have been submitted as required by the district;
- ~~g.~~ Permission ~~to self-medicate~~ for a student to administer medication to himself/herself may be revoked if the student violates the Board policy and/or ~~these~~this regulations. ~~Additionally,~~
- ~~h.~~ -A ~~students~~ may be subject to discipline, up to and including expulsion, as appropriate;~~;~~

- i. A student permitted to administer medication to himself/herself may be monitored by designated personnel to monitor the student's response to the medication.

7. Handling, ~~Storage~~, Monitoring, and Safe Storage of Medication Supplies for Administering Medication to Students

- a. Medication administered by designated staff-personnel to a student or self administered by ~~the~~ a student, must be delivered ~~by the parent~~ to the school, in its original container, accompanied by the permission form and written instructions, as required above.
- b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated staff-personnel in the presence of another district employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
- c. Designated staff-personnel will follow the written instructions of the ~~physician-prescriber~~ and the student or the student's parent or guardian and training guidelines as may be recommended by ~~the~~ ODE for administering all forms of prescription and/or nonprescription medications.
- d. Medication will be secured as follows:
 - (1) Non-refrigerated medications will be stored in a locked cabinet, drawer or box used solely for the storage of medication;
 - (2) Medications requiring refrigeration will be stored in a separate refrigerator used solely for the storage of medication;
 - (3) Access to medication storage keys will be limited to the principal and designated ~~school~~ staffpersonnel.
- e. Designated staff-personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
- f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated staffpersonnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.

8. Emergency Response

- a. Designated staff-personnel will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from district-administered medication or from student self-medication or allergic reactions. The parent or guardian, school nurse, and principal will be notified immediately.
- b. Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.
- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated ~~staff-member~~personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.

9. Disposal of Medications

- a. Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated staff personnel in a nonrecoverable fashion as follows:
 - (1) Medication ~~in capsule, tablet and liquid form~~ will be removed from ~~their~~ its original container and personal information will be ~~(destroyed any personal information);~~
 - (2) ~~Crush s~~ Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water (this applies to liquid as well); and
 - (3) ~~m~~ Mixed with an undesirable substance, such as coffee grounds, kitty litter, flour, ~~etc.~~,
 - (4) ~~p~~ Placed it in impermeable non-descriptive containers, such as e.g. empty cans or sealable bags, and placing these containers placed in the trash.

~~Flush p~~ Prescriptions will be flushed down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so;

Other medication will be disposed of in accordance with established training procedures including sharps and glass.

- b. All medication will be disposed of by designated staff personnel in the presence of another school employee and documented as described in Section 10, below.

10. ~~Documentation~~ Transcribing, Recording, and Record Keeping

- a. A medication log will be maintained for each student administered medication by the district. The medication log will include, but not be limited to:
 - (1) The name of the student, name of medication, doseage, and route of medication method of administration ~~ed~~, date, and time of administration, frequency of administration and the name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication²;
 - (4) Incidents of Emergency and minor adverse reaction incidents by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. All records relating to administration of ~~medicines~~ medications, including permissions ~~slips~~ and written instructions, will be maintained in a separate medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).

- c. Student ~~medical files~~ health information will be kept confidential. Access shall be limited to those designated ~~school staff~~ personnel authorized to administer medication to students, the student and his/her parents or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.

~~A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription and/or nonprescription medication as per state law.~~

~~A school administrator, school nurse, teacher or other district employee designated by the school administrator, are not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, when that person in good faith assisted the student in self-administration of the medication, as per state law.~~

~~A school administrator, school nurse, teacher or other district employee are not liable in a criminal action or for civil damages, when in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy, who is unable to self-administer the medication, as per state law.~~

~~A school district and the members of a school district board are not liable in a criminal action or for civil damages when a student or individual is unable to self-administer medication, when any person in good faith administers autoinjectable epinephrine to a student or individual, as per state law.~~

R4/28/169/28/17 | PH

INVESTIGATIONS ON DISTRICT PREMISES

Policy Implications

JHFE-AR(2) - Abuse of a Child Investigations Conducted on District Premises (New – Highly Recommended; replaces existing JHFE-AR(2) or JHFE/KN-AR(2) depending on which version the district selected previously)

JHFE/KN-AR(2) OR KN/JHFE-AR(2) - Abuse of a Child [or Other] Investigations Conducted on District Premises - Recommend replace with JHFE-AR(2) and KN-AR(2).

KN-AR(2) - Investigations Conducted on District Premises (Revised - Highly Recommended; replaces existing KN-AR(2) or KN/JHFE-AR(2) depending on which version the district selected previously)

Summary

Senate Bill (SB) 101 (2017) clarified that a Department of Human Services (DHS) employee or law enforcement official is not required to reveal information about an investigation of child abuse to the school as a condition of conducting an investigation on school premises. The SB also reiterated that school employees are not allowed to notify anyone regarding an investigation of abuse of a child conducted by DHS or law enforcement on school premises, the responsibility to notify parents or guardians rests with DHS and/or law enforcement. This is consistent with practices in most school districts across the state. SB 101 does not give the right to DHS employees to access students without signing forms and providing identification. At the request of DHS, we have created a form to be used for child abuse investigations.

Legal Reference

None

Local District Responsibility

It is recommended for administration to review the attached new, and revised administrative regulations (AR), and submit to the Board for review. If the district has the double-coded JHFE/KN-AR(2), the district should replace it with the attached single-coded JHFE-AR(2) in its entirety in section J; replace KN/JHFE-AR(2) with the new attached version of KN-AR(2); resulting in no double-coded AR in the manual, and having two separate forms for situations involving investigations on district property, one for child abuse and one for all other investigations.

LCSD Commentary

In order to continue to support student safety and work with DHS on these investigations, the District agrees with the revisions as provided by OSBA.

Lebanon Community Schools

Code: **JHFE/KN-AR**

Revised/Reviewed: 1/20/11

Child Abuse Investigations Conducted on School Premises

Any investigation of child abuse will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

I, _____ (Name) of _____ (Agency) declare that I have the authority to conduct this student interview based on the following:

1. ☐ Warrant (attach copy)
2. ☐ Court order (attach copy)
3. ☐ Exigent (Emergency) circumstances (briefly describe): _____

4. ☐ Parental consent

Parent or guardian's name: _____

Date consent granted: _____
5. ☐ This interview is not considered a "seizure" pursuant to *Greene v. Camreta* (9th Cir. Dec. 10, 2009).

Signature of interviewer _____ Date _____

Name of student to be interviewed _____ Date of interview _____

☐ Student not available for interview

Name of school official (administrator/
designee) receiving this form

☐ Student refused to be interviewed

This form should be placed in a separate file and not in student's educational record file.

Lebanon Community Schools

Code: **JHFE-AR(2)**

Revised/Reviewed:

NEW

Abuse of a Child Investigations Conducted on District Premises

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

The investigator shall be advised by a school administrator or a school staff member of a child's disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

I, _____ (name of investigator or worker), am directing _____ (district staff member) not to notify any person, including the parent or guardian of _____ (name of student), other than the Department of Human Services (DHS) or law enforcement agency, of this investigation and directing _____ (name of district staff member) not to disclose any information obtained during the investigation pursuant to ORS 419B.045. The DHS or law enforcement agency are responsible for notifying the parents or guardians regarding the investigation pursuant to Oregon Administrative Rule (OAR) 413-015-0420. Pursuant to ORS 419B.045, DHS will assume liability and indemnify the district and its staff for complying with this order.

Worker/Investigator Badge or ID Number

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Signature

Date

FOR COMPLETION BY DISTRICT STAFF

Name of Administrator Notified

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

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

HR9/28/17 | SL

Relations with Law Enforcement Agencies

Law Enforcement Initiated Requests

Interviews/Investigations of Students

1. Interviews or investigations by law enforcement officials not based on allegations of child abuse, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on district property, may be permitted upon request and with principal or designee approval.
2. The law enforcement official shall contact the administrator, properly identify himself/herself, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The administrator shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the administrator, important and urgent to justify interrupting school activities.
5. The administrator will attempt to notify the student's parent(s) prior to granting the interview.
6. If the parent(s) cannot be contacted, the administrator may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the administrator has been unable to contact the parent(s) then the building administrator shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. A administrator shall be present at all times during the interview unless the student's parent(s) is present and asks the administrator not to participate or the district official is otherwise prohibited from being present by law.
10. The administrator shall maintain a written record of all such interviews conducted.

Questioning of a Student Suspected of a Crime, Arrest or Taking a Student into Custody

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on district

property only with parental consent. Normally, such questioning should occur outside of school hours, off district property.

2. At no time will a student be released to an officer without one of the following:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody resulting from child abuse investigation;
 - e. Permission of the parent.
3. In all cases, other than child abuse cases, where a student is to be taken from the building by a law enforcement official, the administrator will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances.
4. Any investigation of child abuse will be directed by ~~Services to Children and Families~~ Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The administrator or designee will request ~~documentation~~ identification from the investigating official ~~demonstrating that the official has a warrant, a court order, exigent circumstances or parental consent to conduct the interview~~ and require the investigating official to fill out the appropriate form. If the investigating official does not have this ~~documentation~~ identification or refuses to fill out the form, the administrator may deny the official's request to interview the student on school property. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves child abuse, administrators and district employees shall not notify the parent.

Administrator Initiated Requests

On occasion, administrators may need, or be required to seek law enforcement assistance. Any student violation of the district's weapons policy shall be reported to the appropriate law enforcement agency. Child abuse also requires immediate referral to ~~Services to Children and Families~~ DHS or law enforcement officials. Additionally, administrators and/or designee(s) may report to law enforcement officials, other violations of law occurring on district property or at school-sponsored activities as deemed appropriate.

HR9/28/17 | SL

Student Release Form

Student: _____ Date: _____

Students may be released to a law enforcement officer only by meeting one of the following conditions (check the appropriate condition):

- ☐ Written permission from the parent/guardian;
- ☐ A court order;
- ☐ An arrest, custody by a law enforcement officer or protective custody of Services to Children and Families.

(Attach a copy of verification papers.)

I assume responsibility for the above named student, in the name of the law enforcement agency listed below and absolve the district and its employees of responsibility for the student.

Law Enforcement Agency: _____

Law Enforcement Phone #: _____

Signature of Agency Officer: _____

Accepting Administrator: _____

Lebanon Community Schools

Code: **KN-AR(2)**
Revised/Reviewed: 1/20/11, 3/21/13

~~Abuse of a Child or Other~~ Investigations Conducted on District Premises

~~Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.~~

When an administrator is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

I, _____ (Name) of _____ (Agency) declare that I have the authority to conduct this student interview based on the following:

1. ☐ Warrant (attach copy)
2. ☐ Court order (attach copy)
3. ☐ Exigent circumstances (briefly describe): _____

4. ☐ Parental consent

Parent or guardian's name: _____

Date consent granted: _____
5. ☐ This interview is not considered a "seizure" pursuant to state and federal law.

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

- ☐ Student not available for interview
- ☐ Student refused to be interviewed

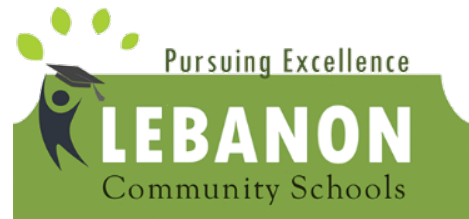
Name of school official (administrator/
designee) receiving this form

This form should be placed in a separate file and not in student's educational record file.

HR~~2/28/13~~9/28/17 | MSSL

~~Abuse of a Child or Other~~ Investigations Conducted on District Premises – KN-AR(2)

MEMORANDUM



To: Board of Directors

From: Rob Hess, Superintendent

Date: December 7, 2017

Re: Administrator Working Conditions

The leadership team needs direction from the Board on how they would like go about negotiating the next contract for the Administrator and Confidential Employee Working Conditions. Last spring, only a one-year contract was approved which will expire in June 2018.

Lebanon Community Schools

ADMINISTRATOR & CONFIDENTIAL COMPENSATION AND WORKING CONDITIONS 2017-2018

These provisions shall be in effect from July 1, 2017 through June 30, 2018. The positions covered by these provisions include:

Elementary/K-8 Assistant Principal (225 days)
Middle School Assistant Principal (225 days)
High School Associate Principal (225 days)
Elementary/K-8 Principal (225 days)
Middle School Principal (225 days)
High School Principal (240 days)
Director of Human Resource and Community Relations (260 days)
Federal Programs Administrator (225 days)
College and Career Readiness Director (225 days)
Special Education Director (225 days)
Director of Business (260 days)
Director of Classified and Employee Relations (260 days)
Director of Nutrition (260 days)
Confidential Employees (260 days)

- Executive Secretary
- Payroll Specialist
- Human Resource Specialist

1. MEMBERSHIP

The District as approved by the Superintendent shall pay memberships to state and national professional organizations related to the each administrative position.

2. CONFERENCES

Attendance at conferences related to the position shall be determined by the Superintendent and within budget limitations. Expenses to be paid by the District shall be the IRS rate for mileage and in accordance with District travel policy.

3. SICK LEAVE

All administrators shall annually receive one (1) day sick leave per month worked that shall be accumulative for an unlimited number of days. The District will accept up to 160 hours of unused accumulated sick leave transferred in from the most recent Oregon employing district.

4. PERSONAL LEAVE

A total of three (3) days of non-cumulative paid leave per year without explanation shall be granted.

5. BEREAVEMENT LEAVE

All administrators are allowed three (3) days bereavement leave per occurrence with no reduction in salary. Extensions may be granted by the Superintendent. Eligible family members will be equivalent to what is described for the licensed (Certified) staff.

In addition to these benefits, the District shall comply with the Oregon Family Leave Act (OFLA). The paid bereavement leave in this section shall run concurrently with the bereavement leave provisions under OFLA.

The definition of family members in the first stanza of this section is different under OFLA. The bereavement leave under OFLA will apply only for family members listed under the law.

6. LEAVE OF ABSENCE

A short-term leave from one (1) to thirty (30) paid or non-paid days may be granted by prior approval at the sole discretion of the Superintendent or designee. A long term unpaid leave of absence may be granted by the District Board for any reasons deemed appropriate by the Board.

7. INCLEMENT WEATHER

When the Superintendent cancels school due to inclement weather and staff does not report for duty, administrators shall not report to work unless directed by the Superintendent.

8. PERS PICKUP

The District will pay the District contribution and the administrator's contribution to PERS.

9. SERVICE ORGANIZATIONS

Administrators are encouraged to be part of the larger Lebanon community to act as representatives for their schools and the District through active participation in service organizations (e.g., Lions, Rotary, Kiwanis, etc.) Attendance and reimbursement for membership in service organization meetings is approved for interested administrators.

10. SALARY SCHEDULE

A. The following salary schedule shall be in effect for the 2017-2018 year and shall be subject to the contract year provisions detailed below.

B. **SALARY PLACEMENT:** Initial salary placement is limited to 6 years of experience.

Administrators with additional related administrative experience from other public school districts in or out of state may submit requests for placement on a higher step to the Superintendent.

A confidential employee with an Associate's Degree or higher shall receive a wage differential of \$2,000 per year above the wage rate specified in the salary schedule below.

C. Salaries of administrators and confidential employees are determined by the Superintendent using the following chart:

Position	A 0 years	B 1-2 years	C 3-4 years	D 5-6 years	E 7-8 years	F 9-10 years	Longevity 15 years
ELE/K-8 Assistant Principal	\$77,342	\$78,701	\$80,466	\$82,074	\$83,717	\$85,391	\$87,099
MS Assistant Principal	\$78,920	\$80,498	\$82,109	\$83,750	\$85,425	\$87,133	\$88,876
HS Associate Principal	\$92,327	\$94,173	\$96,057	\$97,979	\$99,937	\$101,936	\$103,975
Elementary/K-8 Principal	\$91,026	\$92,847	\$94,704	\$96,598	\$98,530	\$100,501	\$102,510
Middle School Principal	\$92,847	\$94,704	\$96,598	\$98,530	\$100,501	\$102,510	\$104,561
High School Principal	\$103,510	\$105,580	\$107,692	\$109,845	\$112,042	\$114,283	\$116,569
Director of Human Resource & Community Relations	\$103,510	\$105,580	\$107,692	\$109,845	\$112,042	\$114,283	\$116,569
Federal Programs Administrator	\$91,026	\$92,847	\$94,704	\$96,598	\$98,530	\$100,501	\$102,510
College & Career Readiness Director	\$91,026	\$92,847	\$94,704	\$96,598	\$98,530	\$100,501	\$102,510
Special Education Director	\$91,026	\$92,847	\$94,704	\$96,598	\$98,530	\$100,501	\$102,510
NON-LICENSED DIRECTORS							
Director of Business	\$94,667	\$96,561	\$98,491	\$100,462	\$102,473	\$104,520	\$106, 611
Director of Classified & Employee Relations	\$81,645	\$83,277	\$84,943	\$86,641	\$88,375	\$90,142	\$91,945
Director of Nutrition	\$68,621	\$69,993	\$71,394	\$72,822	\$74,277	\$75,763	\$77,279
CONFIDENTIALS							
Executive Secretary	\$45,277	\$46,132	\$47,055	\$47,995	\$48,955	\$49,934	\$51,876
Payroll Specialist	\$45,277	\$46,132	\$47,055	\$47,995	\$48,955	\$49,934	\$51,876
Human Resources Specialist	\$45,277	\$46,132	\$47,055	\$47,995	\$48,955	\$49,934	\$51,876

11. CONTRACT YEAR

The contract year for administrators will be July 1 - June 30. The Superintendent will annually determine the workdays and non-contract days. It is understood that payments of salary and the obligation of the District is subject to the availability of funds and any corresponding District decision to reduce the work year. Eight paid Holidays (see below) are included as part of the workdays for principals:

Memorial Day, President's Day, Thanksgiving Day, Labor Day, Christmas Day, Veteran's Day, New Year's Day, Martin Luther King, Jr. Day. All 260-day employees have two additional paid holidays: Independence Day, and the day after Thanksgiving.

12. VACATION

All 260-day employees will have 18 days of paid vacation with additional days awarded in years with more than 260 days. (For example, in years where there are 261 workdays all 260-day employees will have an additional vacation day.) Vacation days shall not accumulate beyond thirty-five (35); any vacation days in excess of thirty-five (35) shall be forfeited.

13. TRAVEL

Approved in-district and out-of-district travel will be reimbursed at the current IRS rate for travel.

14. INSURANCE PROGRAM

The District agrees to pay the amount received by the teachers or classified employees, whichever is higher, per month per full-time employee for insurance premiums for each year of this agreement. At the time of retirement, the administrator may elect to continue on the medical, dental, and vision insurance plans available through the District at the administrator's expense until age 65 or Medicare eligible.

15. TUITION

Administrators may request reimbursement of tuition for up to 50% (or vouchers upon availability) of college credit course work related to renewal or completion of their administrative license or advanced degree. In lieu of requesting 50% reimbursement, at the completion of license requirements or an advanced degree an administrator can request 20% reimbursement for the total cost each year until 100% of tuition costs have been met. Tuition reimbursement must be approved in advance of course work. Approved tuition will be reimbursed upon proof of payment and successful completion. Prior to June 30th of each year, proof of payment and successful course completion must be submitted for the 100% tuition reimbursement program.

16. PROBATIONARY PERIOD

Licensed administrators will serve a probationary period of three (3) years.

17. TRADE DAYS

Administrators whose work year is less than 260 days may trade days they work in July or during winter or spring break for days off during the school year (August through June). Permission must be granted in advance by the superintendent to trade days.

18. EVALUATION AND CONTRACTS

Administrators will be evaluated annually in accordance with District policy and regulations. An evaluation conference will be held by February 15, and a written evaluation completed by February 15 of each year. Additional evaluations may be completed at any time at the discretion of the Superintendent.

When a contract administrator's performance needs improvement (other than disciplinary matters) the administrator may be placed on an improvement plan at the discretion of the Superintendent. The time period of an improvement plan will be reasonably calculated to allow the administrator an opportunity to correct the areas of deficiency. At the end of the improvement plan, the supervisor will review the results with the administrator.

Each year by February 15th probationary administrators will receive written notice of the Superintendent's recommendation for renewal or non-renewal for the following school year. Written notice of the Superintendent's recommendation for non-extension of a contract administrator's contract will By February 15th of the second year of his/her contract.

By March 15 of the second year of a contract administrator's three (3) year contract, the Board will act to extend the contract for another year or decline to extend the contract. If the contract is not extended, it expires without further Board action at the end of its term. However, even if the Board does not extend the contract by March 15 of the second year, the Board can offer a contract extension at any time between that date and March 15 of the third or final year of the contract.

The Board will not non-renew or non-extend the administrator's contract without a cause the Board considers in good faith sufficient. An administrator whose contract is not extended by the Board may appeal that decision to the Board by providing notice to the Superintendent no later than April 15 of the same year. The Board will hear and consider the appeal in executive session unless the administrator requests that it be held in a public meeting. Notwithstanding the above, the District may take dismissal action at any time in accordance with law.

19. RETIREMENT

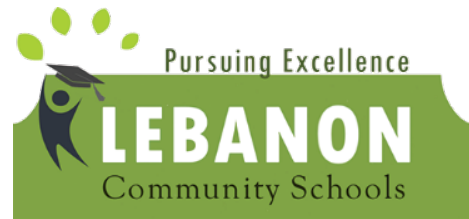
Employees with early retirement benefits will have those benefits grandfathered into their contract.

Working Conditions described above approved this **8th day of June** by the Lebanon Community School Board of Directors.

School Board Chair

Robert T. Hess, Superintendent

MEMORANDUM



To: Board of Directors

From: Rob Hess, Superintendent

Date: December 7, 2017

Re: 2020 Vision Reflection

The following 2020 Vision Reflection covers areas 11-15 of the 25 areas of focus listed in the original 2020 Vision that was published in the fall of 2010. This reflection contains the original vision of the area that the community identified, evidence of progress we have made toward the vision in the last seven years, and some suggestions for next steps.

A work session is planned for the Spring to coordinate all of the 2020 Vision Reflections with Board Goals and the Strategic Plan.

11. World Languages

Priority: Rigor/College & Career/Culture

Vision: All students have access to global languages, including exposure at the K–8 level. In addition to language acquisition, students will gain *global awareness* and an understanding of diversity through world language courses.

Evidence:

- **AP Offerings:** We have added French AP options to the opportunities we already have in Spanish, and we have seen the number of students taking a world language increase over the years. Currently over 60% of graduating seniors have taken at least two years of a world language.
- **Spanish Elective at Seven Oak:** We added this elective option during the 16-17 school year.
- **Elementary Level:** Though we have not had the resources or time to add world language instruction to the K-6 curriculum, we have seen an increase in instruction about different cultures and ways of living through our social studies curriculum. This exposure has generated increased interest in world languages.

Next Steps: We have made significant progress in this area. With all of the competing elective opportunities for students (AVID, CTE, AP) it is encouraging to see the number of students signing up for two years of world language so that they can be University Ready upon graduation. We have found a good balance in what we currently offer for our community. Our next step would be to expand world language and culture exposure at the elementary level through the curriculum and keep the invest going at the middle school level. As we continue to build a college going culture, I expect the number of students taking a world language will increase.

12. Professional-Technical Training

Priority: College & Career

Vision: Students have access to a variety of rigorous and relevant *professional-technical training* and certification opportunities. Students develop additional career preparation and soft skills such as interviewing, creating résumés and job hunting.

Evidence:

- **CTE Growth & Investment:** Over the past few years we have heavily invested in CTE programs which includes an articulated sequence of courses and programs that students can complete. This investment has resulted in a majority of our students taking CTE courses and concentrating in CTE programs. 88% of students considered CTE concentrators graduate from high school, and 82% of students considered participants graduate. In our most recent graduation data, one third of the students are program concentrators and two thirds are program participants. We currently have 10 CTE programs at LHS.

- **LBCC Collaboration:** We have built strong partnerships with LBCC down through the years, and we need to continue building this partnership so that our students can have seamless entry and opportunities into programs they offer. LBCC will be participating on our CTE Ad Hoc committee.

Next Steps: CTE expansion of programs must be balanced with CTE depth of study. If we have too many programs, the programs compete with each other for enrollment and we are not able to develop a deep programs where students have the opportunity to concentrate in an area and develop the skills it requires to pursue a career in that field. It seems like 10 to 12 programs is a good number for a school our size to try to maintain and support. CTE programs are heavily dependent on specialized staff which are often hard to recruit and retain. We need to keep assessing student interest along with community opportunity and continue building our relationship with LBCC where most of our students will go next for further training after high school. Based on the projected jobs in our area, manufacturing, construction, agriculture, computer science, education, and health occupations are all priorities for future investment.

13. **Financial Literacy**

Priority: College & Career

Vision: All students graduate financially literate in the areas of personal fiscal responsibility, including the impacts of budgeting, credit, money management, future planning and economics. Students are able to successfully manage their personal finances.

Evidence:

- **Personal Finance:** All seniors are required to learn about personal finance from local experts in the community. This opportunity has provided our graduates with a strong foundation in the areas of budgeting, credit, money management, future planning, and economics.
- **Younger Student Opportunities:** Many of our teachers and some schools have developed economic units that teach financial literacy including collaborating with community partners.

Next Steps: We need to develop an articulated, calibration of economic instruction and activities that need to occur throughout the district. We have a strong program at the high school and at some schools, but we need to see high quality and experiences in this area scaled and calibrated throughout the district.

14. **Pre-K Through 20 Connections**

Priority: Culture

Vision: Lebanon Community Schools welcomes families, creating a connection from a student's birth and maintaining that connection post-high school, supporting students through their post-secondary endeavors. Lebanon Community Schools staff and stakeholders recognize that high school graduation is not the end goal; the end goal is to create a successful citizen. The district acts as a "clearinghouse" of information and resources for families with children of all

ages; these families can come to the district as a starting point to access resources for children ages pre-K through 20 years old, whether offered through the district or through other organizations.

Evidence:

- **Pre-School Partnership:** We have developed a partnership with Boys and Girls Club that gave us the opportunity to pilot a pre-school program for high poverty families at one of our schools. This highly successful program has created a blueprint for being able to scale a high quality pre-school at an affordable price with our partners.
- **Early Learning Hub Activities:** We have become active members of the early learning hub and through our partnerships have built a variety of programs and services to support birth to pre-school age children.
- **Youth Services Team (YST):** We partner with a variety of local agencies to provide supports to youth and their families in our community. These partnerships have grown over time and are a great way to provide help and support to children and families in need.
- **Community & Family Liaisons:** We have invested resources and staff to support families enrolled in our homeless program, and we are active in community and family outreach. Staff involved in these programs look for ways to meet the needs of students and families in a variety of practical ways so their children can attend and succeed in school.

Next Steps: We see the need to continue building relationships and partnerships to support students. This would include expanding our pre-school opportunities for families and developing a clearinghouse of support for families. At year about one third of our students are mobile in, out, and between our schools. This high mobility rate has a very negative impact on learning and attendance. A clearinghouse of resources (like a Welcome Center) would help our mobile families be successful.

15. Community-Wide Character Education /Positive Behavioral Interventions & Supports

Priority: Culture

Vision: Students participate in a consistent, community-wide character education program and a reinforced *Positive Behavioral Interventions and Support* (PBIS) program that create positive citizens and provide character-building assets. The community, the district and students share a common PBIS vocabulary and desire to continuously develop and reinforce positive behaviors by students.

Evidence:

- **PBIS District-Wide:** Through PBIS, we have created universal systems and supports to build culture and teach character in our schools. These systems create common vocabulary and a host of interventions and supports to help our students learn about character and grow as citizens in a global society.

- **Character Education:** Character education in our district is school-based, and each school teaches character differently based their individual school needs. These programs have grown over the years.
- **SEL Classroom:** During the 2016-17 school year, we piloted a SEL (Social and Emotional Learning) classroom at the elementary level. This program was highly successful in providing graduating supports for younger students with severe behaviors problems to stay in the school setting. We effectively scaled an additional classroom to another school during the school year and look to continue improving the services we provide to students through this model.

Next Steps: PBIS is one of our core systems in the district. We need to keep investing in training and supports for this program so that we can continue to expand universal effectiveness in implementation throughout the district. It is our experience that when PBIS is fully implemented, we see improved school attendance. We are working a district PBIS handbook to support school efforts in this area.

Comparable District Data: *(enclosure E-5)*

Enclosed graphs compare two groups of districts to 2015-2016 General Fund Spending Comparison by Object level for the all expenditures and then by amount per student (Average Daily Membership rate - ADMr), Proficiency Scores in English Language Arts (ELA) and Mathematics, and Proficiency Rates by Low Income Status.

The two groups used in comparison to Lebanon Community School District (LCSD) with are:

- School Districts in the state that have comparable ADMr of 4,000 – 4,500 in 2015-2016 (Comparability Districts)
 - TABLES 3 -7
- Linn Benton Lincoln Education Service District (LBL ESD)
 - TABLE 1-2

TABLE 1:

This table shows the LBL ESD Districts General Funds Expenditures in 2015-2016 by the major object levels by percentage of the total spend. This allows comparison between the districts between categories (such as payroll & payroll costs). Santiam Canyon's large Purchased Services amount due to the online charter school.

TABLE 2:

This table shows the LBL ESD Districts General Funds Expenditures in 2015-2016 by the major object levels by the amount spent per student (ADMr). The gray vertical line reflects the average spend in this group, \$10,074.

TABLE 3:

This table shows the 5 districts (that compare to LCSD in ADMr) Districts General Funds Expenditures in 2015-2016 by the major object levels by percentage of the total spend. This allows comparison between the districts between categories (such as payroll & payroll costs).

TABLE 4:

This table shows the 5 districts (that compare to LCSD in ADMr) General Funds Expenditures in 2015-2016 by the major object levels by the amount spent per student (ADMr). The gray vertical line reflects the average spend in this group, \$8,997. Same as Table 1, except the districts reflected.

TABLE 5:

This table shows the 5 districts (that compare to LCSD in ADMr) performance levels for all grades for 2014- 2015 and 2015-2016 in the area of ELA. It is interesting to compare expenditure per student and the performance levels. There are many factors that impact this area.

TABLE 6:

This table shows the 5 districts (that compare to LCSD in ADMr) performance levels for all grades for 2014- 2015 and 2015-2016 in the area of Mathematics. It is interesting to compare expenditure per student and the performance levels. There are many factors that impact this area.

TABLE 7:

This table shows the 5 districts (that compare to LCSD in ADMr) average performance level for all grades and the low income percentage. It is interesting to compare expenditure per student, the performance level, and the low income status.

Table 1

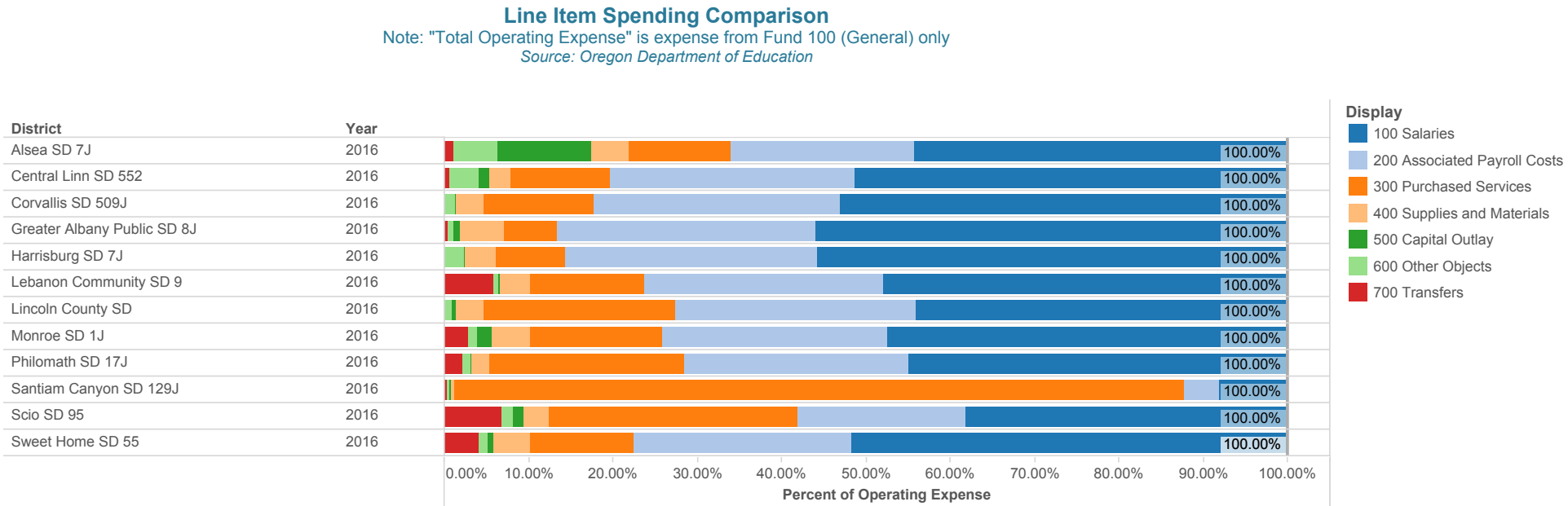


Table 2

Line Item Spending Comparison

Note: "Total Operating Expense" is expense from Fund 100 (General) only

Source: Oregon Department of Education

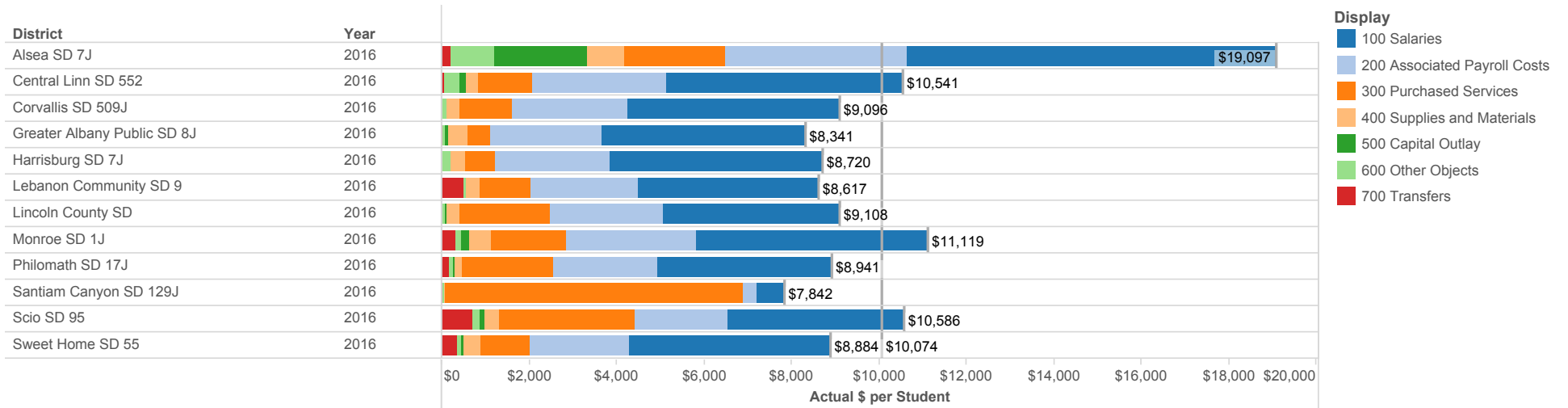


Table 3

Line Item Spending Comparison

Note: "Total Operating Expense" is expense from Fund 100 (General) only

Source: Oregon Department of Education

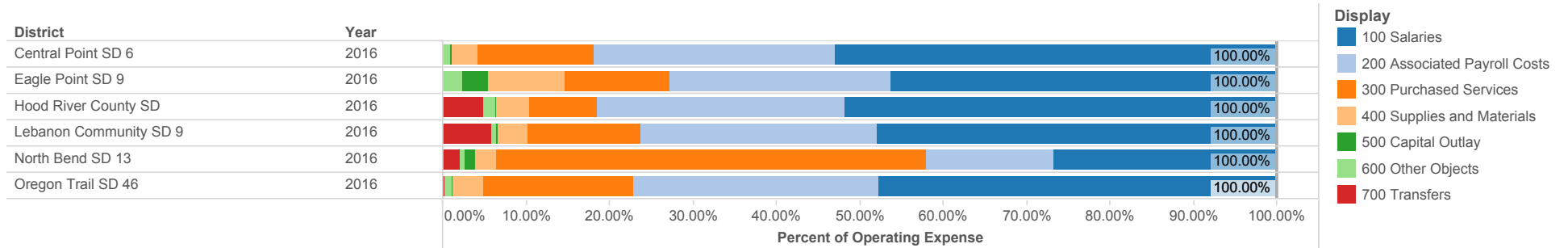


Table 4

Line Item Spending Comparison

Note: "Total Operating Expense" is expense from Fund 100 (General) only

Source: Oregon Department of Education

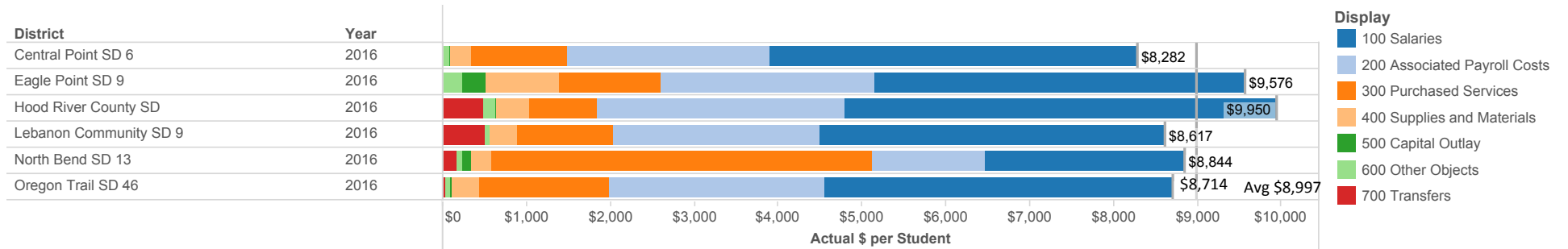


Table 5

Results by District

District(s): Central Point SD 6, Eagle Point SD 9, Hood River County SD and 3 more
 Note: If Percent Level 3 or 4 / Meets or Exceeds is less than 5% or greater than 95%
 or fewer than 6 students tested, all performance levels are suppressed.

Source: OR Department of Education

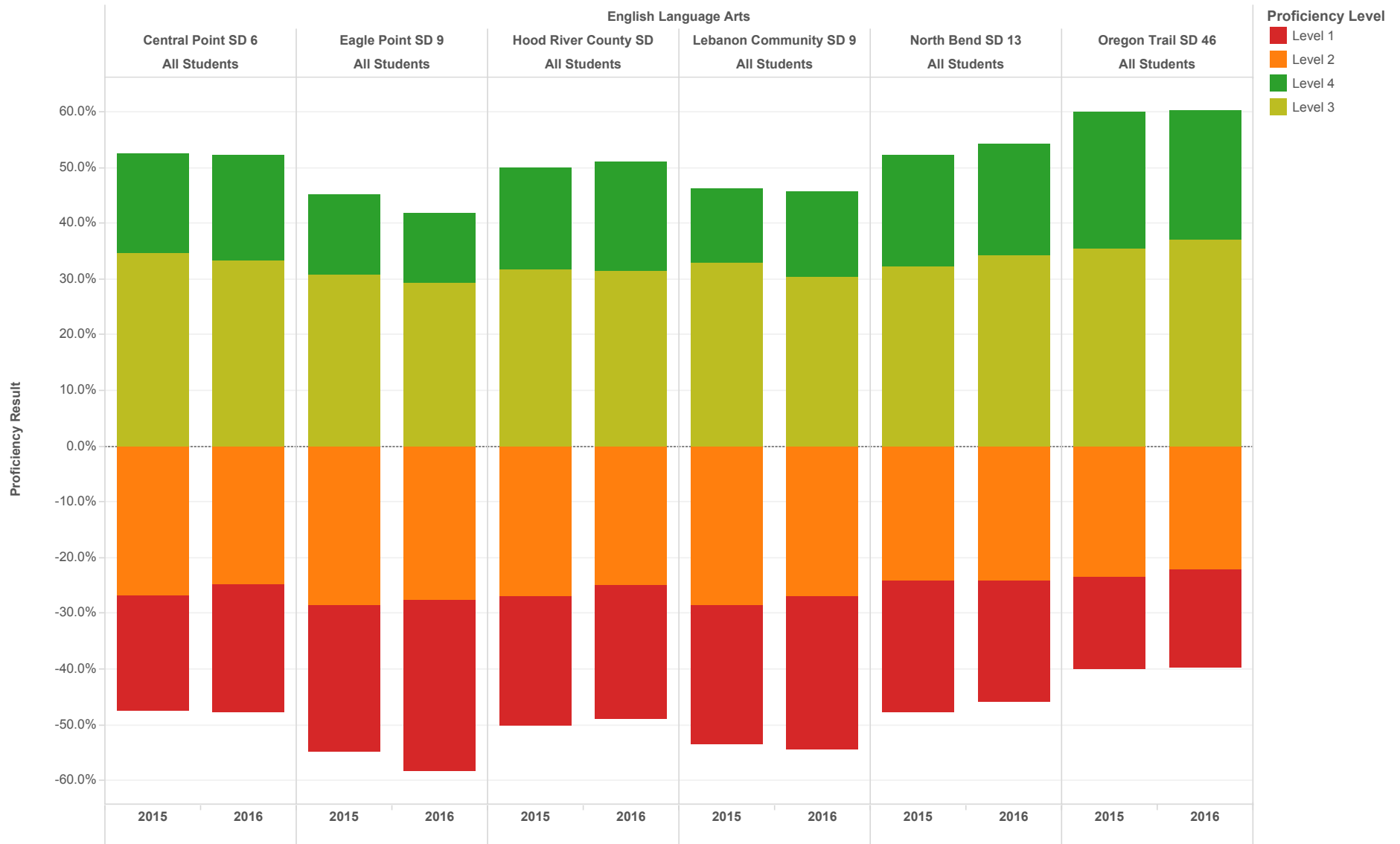


Table 6

Results by District

District(s): Central Point SD 6, Eagle Point SD 9, Hood River County SD and 3 more
 Note: If Percent Level 3 or 4 / Meets or Exceeds is less than 5% or greater than 95%
 or fewer than 6 students tested, all performance levels are suppressed.

Source: OR Department of Education

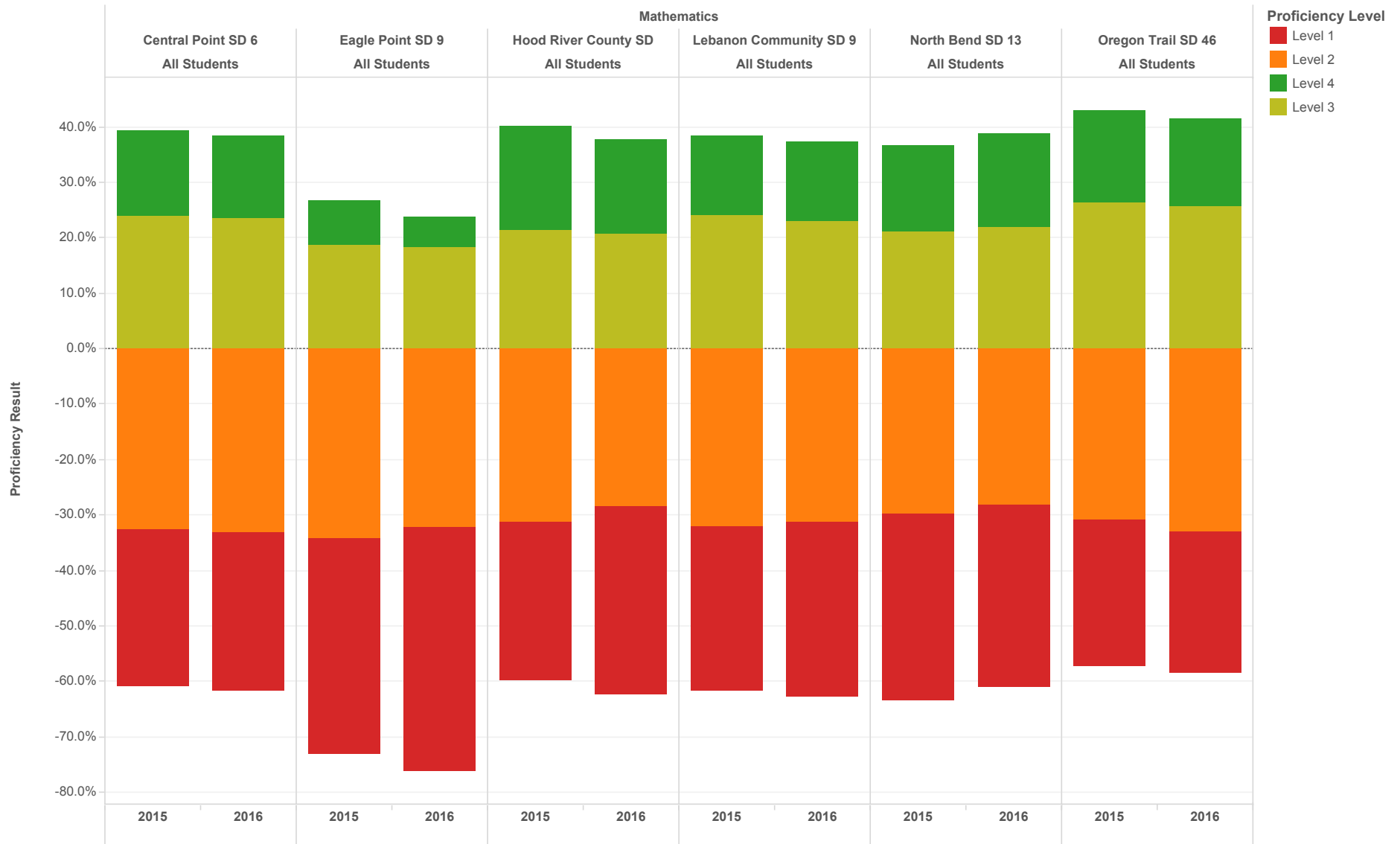
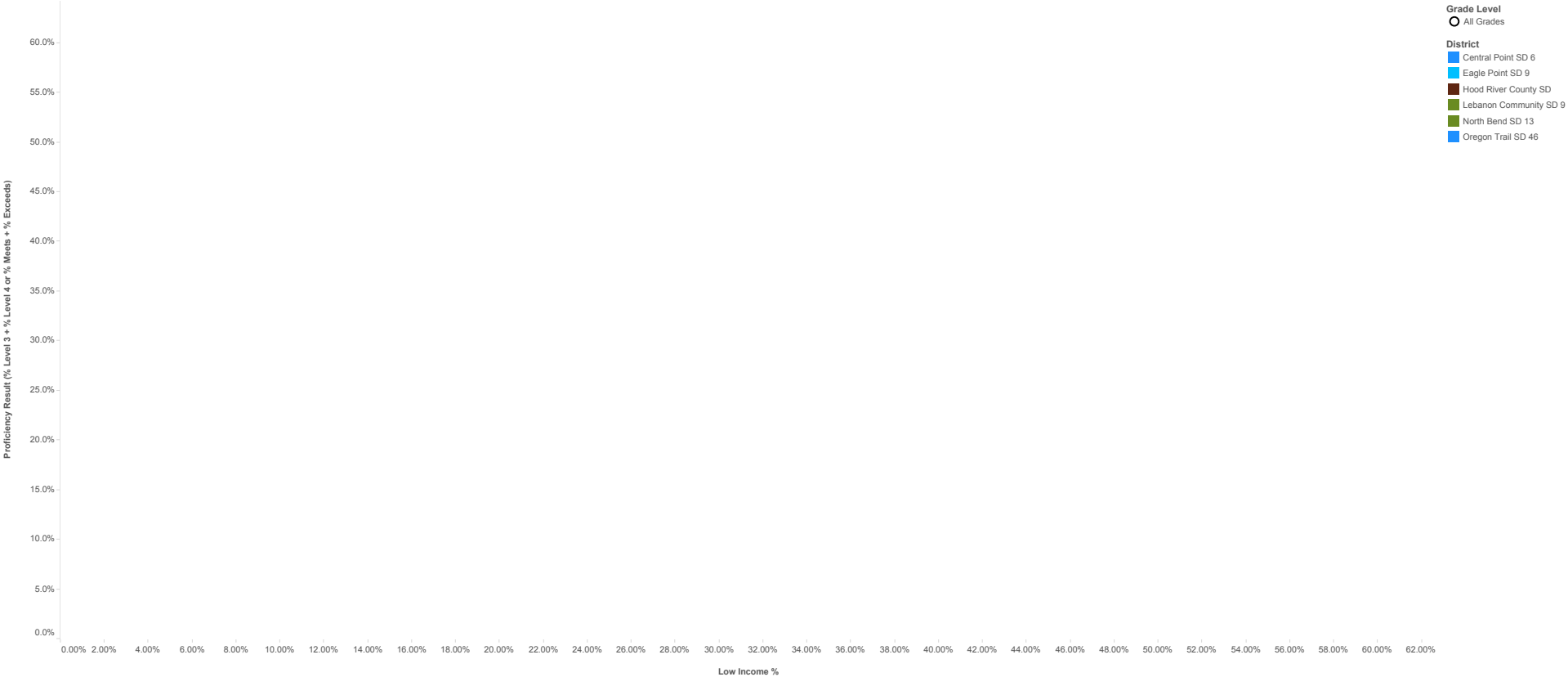


Table 7

Results by District - Low Income

District(s): Central Point SD 6, Eagle Point SD 9, Hood River County SD and 3 more
Note: If Percent Level 3 or 4 / Meets or Exceeds is less than 5% or greater than 95%
or fewer than 6 students tested, all performance levels are suppressed.
Source: OR Department of Education



Business Report

December 14, 2017

Financial Report: *(enclosure F-1)*

The 2017-2018 Financial Board report included in this Board packet reflects all of revenue and expenditures for 2014-2018, along with the budgeted and spent or encumbered amounts for 2017-2018. The Ending Fund Balance for 2016-2017 is \$3,310,041. The projected Ending Fund Balance (EFB) for 2017-2018 is \$4,028,300 which is an increase of \$36,200 from the November Report. The higher EFB in 2017-2018 will help since we have the same funding in 2018-2019, a result of 50/50 funding for the biennium. There are many factors that impact this projected EFB, including staffing changes, contract conditions, and items required for district operations.

Oregon Economic and Revenue Forecast:

On November 29th the Economic Forecast was released. There is little change from the August forecast. The overall General Fund revenue is increased \$84.2B from the 2017 Close of Session Forecast. However, with the unknown factors such as how the Federal change to tax deductions will impact Oregon and potential repeal of Oregon health care tax, there is potential for negative impact to funding to education in this biennium.

PERS Rates:

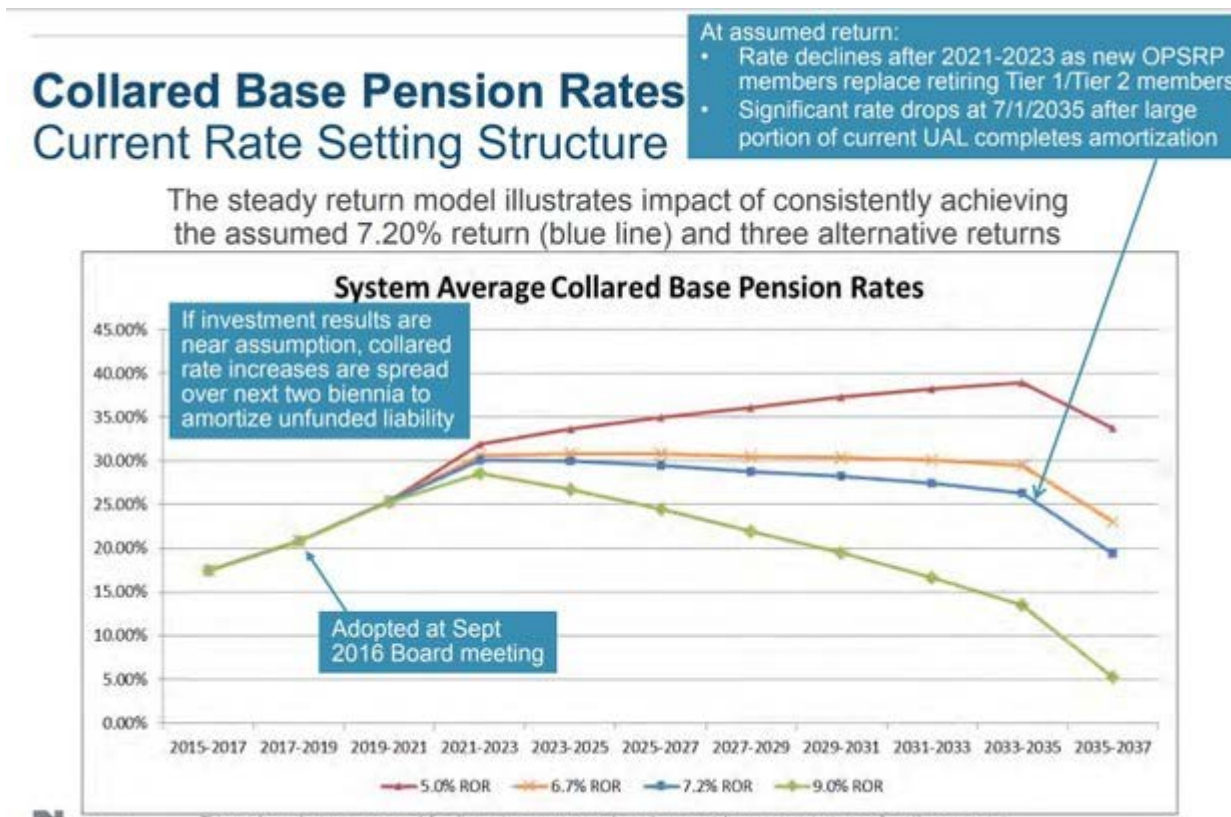
The PERS Board's meeting on December 1st included Advisory Employer Contribution Rates for 7/1/19-6/30/21. The advised rate change is based on the December 31, 2016 actuarial valuation. The average rate increase is over 6%. The table below reflects the rate changes that have happened since 2009:

YRS	Tier 1/ Tier 2	OPSRP	Comment
7/1/09-6/30/11	20.2%	20.7%	Implemented
7/1/11-6/30/13	25.5%	24.0%	Implemented
7/1/13-6/30/15	28.3%	26.3%	Implemented
7/1/13-6/30/15	32.7%	30.7%	Initial Rate: Legislation Action
7/1/15-6/30/17	28.3%	23.6%	Implemented
7/1/17-6/30/19	32.9%	27.3%	Advisory Estimate 11/2015
7/1/17-6/30/19	33.2%	27.9%	Implemented
7/1/19-6/30/21	39.6%	34.0%	Advisory Estimate 12/2017

The potential impact of this increase to General fund for one year is \$1,300,000. The following article does a nice job of explaining the PERS issues.

PERS: Big investment returns won't stop steep pension cost increases

Posted December 02, 2017 at 06:00 AM | Updated December 02, 2017 at 06:00 AM



The actuary delivered projections to the PERS Board showing what would happen to contribution rates during the next two decades under various investment return scenarios.

(PERS/Milliman Inc.)

If the stock market's record run and bountiful returns persist through the end of the year, Oregon's beleaguered public pension fund might finally see some relief.

The Public Employees Retirement Fund's investments have earned 12.5 percent through the end of October, well above the system's assumption of 7.5 percent. That should lop nearly \$2 billion off its \$25.3 billion deficit.

Unfortunately, as the system's actuary explained to its board members Friday, the bull market won't do a thing to slow the seemingly relentless increase in pension costs facing government employers and taxpayers during the next five years.

Those divergent results underscore the depth of the fund's structural problems, as well as how painful it will be for government employers to unwind them.

John Thomas, the board chair, repeatedly emphasized that point during Friday's meeting, calling the cost increases a significant issue for all Oregonians. "This is not going to go away. We're going to do what we can to get to sustainability, but it's not going to be easy for employers."

PERS published projected contribution rates this week for the system's 900-plus participating employers, effective July 2019. It plans to issue rate advisories to individual school districts, municipalities, and government agencies next week.

Carol Samuels, a Portland banker who works with municipalities throughout the state, sent an email notifying her clients that the rates were posted on the PERS website.

"Take a deep breath before looking," she advised.

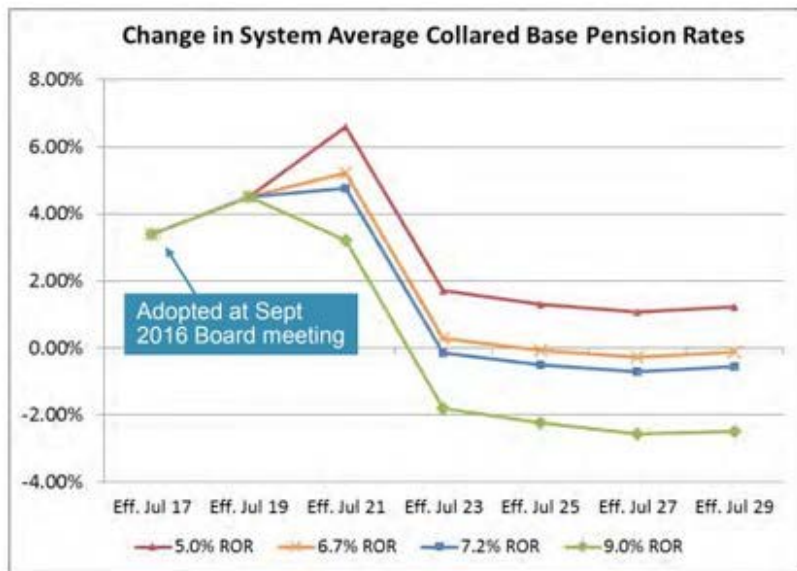
Indeed, the cost increases are breathtaking, in some cases 5 to 8 percentage points of payroll.

As it is, required PERS payments from the system's 900-plus employers jumped 45 percent in July. While the system expresses those rates as a percentage of payroll, in dollar terms, it means employers will collectively contribute \$2.9 billion during the current two-year budget cycle, compared with \$2 billion in the last.

That's a painful increase for many school districts, municipalities and state agencies struggling with tight budgets. But there's a lot more coming. Systemwide, PERS contribution rates are set to rise about 4.5 percent of payroll in 2019, with a similar increase in 2021. That translates to almost \$1 billion in extra contributions for the 2019-21 budget cycle and another \$1 billion in 2021-23.

Steve Rodeman, the director of PERS, sent an email to an employers group this week saying that the actuary's financial modeling confirmed "the almost complete certainty that 2019-21 and 2021-23 employer rates will be the full increases allowed under the current rate collar policy before they start to moderate in subsequent biennia."

Biennial Collared Base Rate Changes Current Rate Setting Structure



If actual investment returns are near assumption, base contribution increases of over 4.5% of payroll occur in each of the next two biennia, with those increases being necessary to position the system to return to 100% funded status over 20 years if future experience follows assumptions

(PERS/Milliman Inc.)

Looking forward, that means employers will be required to contribute about \$5 billion per biennium to the system by 2021 – or 2.5 times what they did last biennium. And that doesn't count other retirement costs, including social security contributions, the employer "pick-up" of employee contributions to a supplemental retirement account, and debt payments on pension obligation bonds issued by many employers in previous attempts to reduce their pension costs.

The projections also assume that pension fund managers will continue to deliver the system's assumed rate of investment returns – 7.2 percent a year – over that five-year period. If that doesn't happen, the rate increases would continue in subsequent periods.

Jim Green, executive director of the Oregon School Boards Association, noted that by 2019, some districts' contributions will equal one-third of their payroll costs. Required PERS contributions for a teacher earning \$60,000, for example, would cost that district an extra \$20,000 a year.

"They're pretty astounding," he said of the rates. "That eats up any increases we would see in the state school fund. It's just gone."

- Ted Sickinger

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2017-2018 General Fund Summary Report

	14/15 Actual	15/16 Actual	16/17 Actual	17/18 Budget	12-5-17 YTD & Enc	12-5-17 Balance	17/18 Project 12/7/2017
General Fund - Revenue							
SSF Formula	34,926,096	36,112,627	37,261,330	37,574,000	22,122,643	15,451,357	38,799,000
SSF Adjustment	48,134	(330,463)	261,223	-	-	-	(50,000)
Interest	62,596	91,245	156,492	70,000	55,394	14,606	175,000
Third Party Billing	25,179	45,178	102,447	80,000	71,545	8,455	110,000
TMR	154,930	149,514	208,252	175,000	-	175,000	209,000
JROTC	64,220	66,034	73,726	65,000	23,007	41,993	73,700
Other	379,017	297,128	299,398	420,000	139,539	280,461	292,500
Interfund Transfer	60,000	60,000	60,000	645,000	30,828	614,172	60,000
BFB	3,162,455	3,932,387	3,024,733	3,100,000	3,310,041	(210,041)	3,310,000
Total	38,882,628	40,423,650	41,447,600	42,129,000	25,752,998	16,376,002	42,979,200
	=====	=====	=====	=====	=====	=====	=====
General Fund - Expenses							
Salaries	16,263,399	17,884,343	18,826,313	19,519,650	18,134,032	19,519,650	19,169,500
Benefits	10,020,660	10,645,144	10,952,659	13,242,597	11,457,751	13,242,597	11,975,600
P. Services	5,112,768	5,027,111	4,332,849	4,819,956	1,670,224	4,819,956	4,577,500
Supplies	1,477,643	1,380,753	1,337,164	1,652,163	878,927	1,652,163	1,430,000
Capital Outlay	6,779	20,047	65,034	52,900	16,000	52,900	65,000
Other Objects	308,993	286,294	442,882	421,734	273,631	421,734	398,300
Transfers	1,760,000	2,155,225	2,180,656	1,335,000	-	1,335,000	1,335,000
Contingency	-	-	-	1,085,000	-	1,085,000	-
Total	34,950,241	37,398,917	38,137,559	42,129,000	32,430,565	42,129,000	38,950,900
	=====	=====	=====	=====	=====	=====	=====
						<i>Projected Ending Fund Balance</i>	4,028,300

2017-2018 General Fund Revenue Report

	14/15 Actual	15/16 Actual	16/17 Actual	17/18 Budget	12-5-17 YTD	12-5-17 Balance	17/18 Project 12/7/2017
SSF Formula							
Taxes	8,234,812	8,533,160	9,048,901	8,750,000	7,812,893	937,107	9,200,000
Federal Forest Fees	264,679	205,708	23,160	150,000	-	150,000	-
Common School	409,884	492,013	502,314	500,000	-	500,000	514,000
State Timber	405,152	181,382	137,286	150,000	-	150,000	150,000
School Support Fund	25,578,283	26,623,971	27,420,195	28,024,000	14,309,750	13,714,250	28,935,000
Adjustments to SSF Payments							
Adj for Prior Year payments	-	-	-	-	-	-	(50,000)
Adj for HC Disability Grant	33,286	76,394	129,474	-	-	-	-
Adj for 11/12 payment	-	-	-	-	-	-	-
Adj for 12/13 payment	-	-	-	-	-	-	-
Adj for 13/14 payment	48,134	-	-	-	-	-	-
Adj for 14/15 payment	-	(330,463)	-	-	-	-	-
Adj for 15/16 payment	-	-	261,223	-	-	-	-
Total SSF Formula	34,974,231	35,782,164	37,522,552	37,574,000	22,122,643	15,451,357	38,749,000
Interest of Investments	62,596	91,245	156,492	70,000	55,394	14,606	175,000
Third Party billing - Medicaid	25,179	45,178	102,447	80,000	71,545	8,455	110,000
TMR	154,930	149,514	208,252	175,000	-	175,000	209,000
JROTC reimbursement	64,220	66,034	73,726	65,000	23,007	41,993	73,700
Other							
Rental Fees	27,828	10,474	9,114	10,000	2,993	7,008	9,800
Fees Charged to Grants	-	800	-	30,000	-	30,000	-
Miscellaneous	282,468	202,944	213,437	300,000	68,540	231,460	214,700
E-Rate reimbursement	68,721	82,910	76,847	80,000	68,007	11,993	68,000
Interfund Transfer - Athletics	60,000	60,000	60,000	645,000	30,828	614,172	60,000
Beginning Fund Balance	3,162,455	3,932,387	3,024,733	3,100,000	3,310,041	(210,041)	3,310,000
Total	38,882,628	40,423,650	41,447,600	42,129,000	25,752,998	16,376,002	42,979,200
	=====	=====	=====	=====	=====	=====	=====

2017-2018 General Fund Expenditure Report

									12/7/2017
Obj	Description	14/15 Actual	15/16 Actual	16/17 Actual	17/18 Budget	12-5-17 YTD	12-5-17 Encumb	12-5-17 Balance	17/18 Project
111	Certified salaries	9,311,147	10,161,648	10,831,007	11,132,090	2,795,950	8,038,026	298,114	10,911,000
112	Classified salaries	4,164,521	4,545,055	4,757,666	5,127,319	1,577,047	3,406,832	143,440	5,021,000
113	Administrative salaries	1,464,907	1,648,330	1,614,127	1,513,354	648,387	916,536	(51,570)	1,565,000
114	Managerial - classified	94,714	178,755	187,797	187,797	78,249	109,548	-	188,000
116	Retirement stipends	76,123	51,134	35,621	27,364	9,797	7,615	9,952	17,500
118	Retirement Support Program	-	-	-	-	-	-	-	-
119	Confidential salaries	125,785	84,504	131,698	150,061	60,859	85,202	4,000	168,000
121	Certified subs	373,350	432,293	446,157	438,935	77,515	-	361,420	422,000
122	Classified subs	148,818	155,004	150,074	166,100	34,148	-	131,952	148,000
123	Temp certified	62,030	73,949	133,971	83,000	38,800	-	44,200	157,000
124	Temp classified	982	-	-	500	5,579	-	(5,079)	16,000
127	Student helpers salaries	11,768	7,895	6,544	7,000	12,468	-	(5,468)	19,000
132	Compensation time	23,861	25,767	37,764	34,600	6,462	-	28,138	42,000
133	Extra duty	254,381	324,897	286,017	422,268	105,335	51,127	265,806	315,000
134	Classified extra hrs	142,975	185,048	192,566	207,662	61,368	-	146,294	159,000
135	Vacation Payoff	4,377	6,938	12,246	16,200	6,437	-	9,763	19,000
136	Mentor teacher pay	990	609	-	-	-	-	-	-
137	Personal Leave Payout	75	-	-	-	-	-	-	-
138	Department Head Extra Duty	2,159	1,613	1,556	4,000	269	-	3,731	1,000
142	Taxable Meal Reimbursement	436	903	1,503	1,400	474	-	926	1,000
	Total Salaries	16,263,399	17,884,343	18,826,313	19,519,650	5,519,145	12,614,887	1,385,618	19,169,500
								-	
210	PERS	3,976,407	4,187,401	4,442,519	5,744,620	1,503,485	3,448,373	792,762	5,132,000
220	Social Security	1,207,537	1,328,140	1,385,595	1,497,051	407,381	921,894	167,776	1,408,500
231	Worker's Comp	136,822	173,370	196,943	232,028	75,865	142,139	14,024	225,100
241	Employee Ins - Admin	177,948	212,862	208,912	232,321	85,710	124,069	22,542	210,000
242	Employee Ins - Certified	2,307,416	2,328,554	2,370,817	2,779,702	642,519	1,864,438	272,745	2,563,000
243	Employee Ins - Classified	1,874,827	2,137,321	2,102,847	2,516,049	637,292	1,475,199	403,558	2,195,000
244	Employee Ins - Other	20,700	7,731	27,124	38,826	14,560	20,907	3,359	42,000
245	Employee Ins - Retired	276,090	228,774	195,821	190,000	81,920	-	108,080	188,000
247	TSA	42,912	40,991	22,082	12,000	5,000	7,000	-	12,000
	Total Benefits	10,020,660	10,645,144	10,952,659	13,242,597	3,453,733	8,004,017	1,784,846	11,975,600
								-	

2017-2018 General Fund Expenditure Report

									12/7/2017
Obj	Description	14/15 Actual	15/16 Actual	16/17 Actual	17/18 Budget	12-5-17 YTD	12-5-17 Encumb	12-5-17 Balance	17/18 Project
311	Instructional Services	152,856	157,581	110,051	164,000	17,460	-	146,540	110,000
312	Instr Prog Improve Service	43,468	36,748	39,424	52,000	34,846	-	17,154	57,000
319	Other Instr-Prof-Tech SVCS	21,870	9,745	23,110	15,000	900	-	14,100	24,000
322	Repairs & Maintenance	163,270	168,482	173,295	146,050	43,494	32,960	69,596	170,000
323	Radio Service	-	7,767	38,310	10,900	4,471	3,530	2,900	7,000
324	Rentals	135,308	104,777	102,560	132,975	29,696	46,287	56,993	105,000
325	Electricity	467,896	473,758	466,093	518,000	171,181	-	346,819	469,000
326	Fuel	177,759	187,899	223,740	231,500	28,586	-	202,914	224,000
327	Water & Sewer	139,255	121,239	150,725	156,800	41,252	-	115,548	151,000
328	Garbage	86,324	96,811	95,095	99,700	24,982	-	74,718	97,000
329	Other Property Services	13,001	19,246	34,726	20,000	6,595	7,709	5,696	22,300
330	Reimb. Student Transportation	6,950	-	1,589	5,200	-	-	5,200	5,000
340	Travel	114,592	140,225	178,985	177,976	53,980	1,033	122,963	143,000
343	Travel - Student - Out of Dist.	-	-	2,916	8,255	2,120	-	6,135	5,000
346	Meals/Transportation	104	48	99	200	-	-	200	200
348	Staff Tuition	49,577	44,768	71,830	55,000	18,415	-	36,585	82,000
351	Telephone	82,642	70,529	39,486	80,200	17,584	5,037	57,579	64,000
353	Postage	23,607	21,909	14,712	26,650	8,514	-	18,136	24,000
354	Advertising	4,416	3,551	1,087	4,300	437	-	3,863	3,000
355	Printing & Binding	68,861	48,223	51,996	46,050	7,093	-	38,957	48,000
360	Charter School Payments	2,064,403	1,961,788	1,866,943	2,005,000	892,178	-	1,112,822	2,100,000
371	Tuitions Payments to Other Dist.	40,570	29,701	29,536	85,000	-	-	85,000	-
373	Tuition Pay Private School	-	-	-	5,000	-	-	5,000	-
374	Other Tuition	605,954	625,503	162,192	203,000	120	-	202,880	180,000
381	Audit Services	27,650	25,150	27,700	30,000	13,828	-	16,172	30,000
382	Legal Services	2,028	5,288	11,261	35,000	-	-	35,000	30,000
384	Negotiation Services	5,934	13,784	8,590	15,000	-	-	15,000	9,000
386	Data Processing SVCS	59,787	76,794	75,380	89,500	27,867	-	61,633	77,000
388	Election Services	4,565	-	1,573	-	-	-	-	-
389	Other Non_instr Pro/Tech	515,889	539,114	292,488	358,100	84,339	13,920	259,841	300,000
391	Physical Exams - Drivers	2,380	3,168	4,193	3,700	965	2,735	-	4,000
392	Drug Tests Drivers	1,110	635	1,255	3,000	220	1,780	1,000	1,000
393	Child Care Services	22,000	22,000	22,000	25,000	3,195	13,220	8,585	25,000
394	Sub calling service	5,559	7,489	6,464	8,000	6,764	-	1,236	7,000
396	Criminal History checks	2,546	2,928	3,179	2,900	990	-	1,910	3,000
398	Fingerprinting	639	462	266	1,000	(59)	-	1,059	1,000
Total P. Services		5,112,768	5,027,111	4,332,849	4,819,956	1,542,015	128,209	3,149,732	4,577,500

2017-2018 General Fund Expenditure Report

									12/7/2017
Obj	Description	14/15 Actual	15/16 Actual	16/17 Actual	17/18 Budget	12-5-17 YTD	12-5-17 Encumb	12-5-17 Balance	17/18 Project
406	Gas Oil & Lubricants	152,805	103,868	115,426	193,700	38,571	122,696	32,434	124,000
410	Supplies & Materials	457,671	419,096	486,014	555,341	234,327	33,000	288,014	486,000
413	Vehicle repair parts	50,201	48,980	44,746	55,500	19,476	22,741	13,283	50,000
414	Transportation operations	5,674	6,060	8,776	6,000	4,259	1,727	14	9,000
420	Textbooks	240,685	131,379	83,687	193,800	39,967	1,490	152,343	84,000
430	Library Books	9,934	8,588	5,880	12,794	1,035	-	11,759	8,000
440	Periodicals	6,012	1,937	5,354	3,640	2,757	-	883	4,000
460	Equipment under 5K	125,632	212,514	184,119	205,618	73,911	15,817	115,890	213,000
470	Computer software	173,513	195,888	181,289	229,850	165,504	-	64,346	196,000
480	Computer hardware	255,516	252,444	221,873	195,920	97,885	3,766	94,269	256,000
	Total Supplies & Materials	1,477,643	1,380,753	1,337,164	1,652,163	677,691	201,237	773,236	1,430,000
540	Equipment	6,779	20,047	65,034	52,900	16,000	-	36,900	65,000
	Total Capital Outlay	6,779	20,047	65,034	52,900	16,000	0	36,900	65,000
621	Regular Interest	-	-	-	500	-	-	500	-
640	Dues & Fees	92,488	67,655	178,632	172,034	37,130	1,422	133,482	158,200
650	Insurance & Judgments	216,456	218,639	230,250	249,000	235,079	-	13,921	240,000
670	Taxes & Licenses	49	-	-	200	-	-	200	100
	Total Other Objects	308,993	286,294	442,882	421,734	272,209	1,422	148,103	398,300
707	Transfer - Vocational House Fund	-	-	-	80,000	-	-	80,000	80,000
710	Transfer - Technology	175,000	200,000	225,000	-	-	-	-	-
711	Transfer - Classroom Furniture	50,000	50,000	25,000	-	-	-	-	-
712	Transfer - Textbook Adoption	350,000	350,000	300,000	50,000	-	-	50,000	50,000
713	Transfer - Capital Improvement	225,000	250,000	250,000	250,000	-	-	250,000	250,000
714	Transfer - Track and Turf Fund	110,000	110,000	10,000	10,000	-	-	10,000	10,000
715	Transfer - Athletic Fund	365,000	365,000	405,000	415,000	-	-	415,000	415,000
716	Transfer - Bus Replacement	250,000	250,000	250,000	250,000	-	-	250,000	250,000
717	Transfer - Unemploy Ins	25,000	15,000	25,000	95,000	-	-	95,000	95,000
718	PERS Reserve	150,000	500,000	500,000	-	-	-	-	-
719	Transfer - Food Service	50,000	65,225	90,656	50,000	-	-	50,000	50,000
730	Transfer - Debt Service	-	-	100,000	135,000	-	-	135,000	135,000
731	Transfer - Academic Achievemer	10,000	-	-	-	-	-	-	-
	Total Transfers	1,760,000	2,155,225	2,180,656	1,335,000	-	-	1,335,000	1,335,000
810	Reserve/Contingency	-	-	-	1,085,000	-	-	1,085,000	-
	Grand Total	34,950,241	37,398,917	38,137,559	42,129,000	11,480,792	20,949,772	9,698,435	38,950,900

2017-2018 General Fund Expenditure Report

Obj	Description	14/15	15/16	16/17		17/18	12-5-17	12-5-17	12-5-17		12/7/2017 17/18
		Actual	Actual	Actual		Budget	YTD	Encumb	Balance		Project
		=====	=====	=====		=====	=====	=====	=====		=====

2017-2018 All Funds Summary Report

All Funds

Fund	Description	14/15	15/16	16/17	16/17	17/18	12-5-17	12-5-17	12-5-17	12/7/2017	17/18
		Actual	Actual	Actual	EFB	Adopted Budget	Y-T-D	Encumb	Balance	Proj. Actual	Proj. EFB
100	General Fund	34,950,241	37,398,917	38,137,559	3,310,041	42,129,000	11,480,792	20,954,050	9,694,157	38,950,900	4,028,300
200	Grant Funds	2,591,884	2,353,551	2,861,683	2,002	5,200,500	880,601	1,435,278	2,884,621	2,862,000	2,000
205	Senate Bill 1149	185,000	-	-	170,452	245,000	-	-	245,000	-	264,000
212	Academic Achievement	-	-	-	18,650	28,650	-	-	28,650	5,000	13,600
230	Bus Replacement	100,735	-	633,327	175,006	425,000	219,312	-	205,688	219,000	205,700
232	Classroom Furniture	50,000	40,792	24,777	9,431	11,500	360	11,833	(693)	9,431	-
240	Textbook Adoption	18,550	759,564	112,367	192,207	280,000	13,902	-	266,098	50,000	178,000
272	Capital Improvments	284,536	156,950	152,300	190,750	420,000	36,348	31,824	351,828	175,000	224,000
274	Technology	124,500	495	397,112	345,261	675,000	103,510	9,445	562,045	435,000	50,000
277	Track and Turf Replacement	100,000	100,000	-	98,954	139,000	-	-	139,000	-	100,000
279	Student Activity	590,053	632,780	731,692	494,132	1,120,000	218,074	29,945	871,981	750,000	500,000
286	High School Athletics	445,055	453,152	547,517	72,194	607,000	231,633	121,741	253,626	567,000	40,000
292	CTE Local Fund	-	-	-	-	-	86,061	240,995	(327,056)	350,000	-
296	Nutrition Services	1,596,163	1,615,906	1,710,052	454,889	2,050,007	552,837	791,666	705,504	1,800,000	450,000
299	PERS Reserve	-	-	-	1,150,000	1,150,000	-	-	1,150,000	-	1,150,000
300	Debt Service	3,442,481	3,528,481	3,618,481	146,778	3,710,582	507,022	-	3,203,560	3,710,000	75,000
311	2011 Non-Bonded Debt	223,547	223,547	223,547	41,306	315,000	97,214	-	217,787	223,500	45,000
530	Vocational House Fund	-	-	60,415	19,585	200,000	9,532	5,831	184,637	100,000	-
601	Unemployment	37,539	10,646	46,123	74,507	175,000	6,128	-	168,872	50,000	75,000
Grand Total		44,740,285	47,274,779	49,256,952	6,966,145	58,881,239	14,443,327	23,632,609	20,805,303	50,256,831	7,400,600
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**LEBANON COMMUNITY SCHOOL DISTRICT
SCHOOL BOARD MEETING
MINUTES
November 16, 2017 - 6:00 PM
Santiam Travel Station – 750 S. 3rd Street, Lebanon, Oregon 97355**

A regular School Board Meeting was held at the Santiam Travel Station on November 16, 2017. Those present included:

Nick Brooks, Director	Rob Hess, Superintendent
Russ McUne, Director	Bo Yates, Assistant Superintendent
Tom Oliver, Director	Jennifer Meckley, Director of Human Resources
	Linda Darling, Director of Business
	Jastyn Shilts, LHS Student Body Representative

Directors Mike Martin and Richard Borden were absent. Minutes recorded by Nicole Hundley, Executive Secretary.

GOOD NEWS/COMMUNITY COMMUNICATIONS

1. Pioneer School Presentation

Tonya Cairo discussed Pioneer School's Behavior RTI SMART Goal. Pioneer has a dedicated team that meets weekly to review data and referrals. They look at discipline referrals as a tool for communicating student needs to other support resources, such as medical, counseling, parents, etc. She reviewed the different strategies and action plan the school is using to reach their behavior RTI goal. Tonya Cairo introduced Counselor Kelly Tedeschi who discussed the need for comprehensive counseling and how the school has trauma-informed teaching as a part of professional development. For preventative care, Kelly Tedeschi teaches a social-emotional lesson in each classroom while Tonya Cairo takes the classroom teacher for observation of another teacher in the building. Tonya Cairo also reviewed the school's attendance goal, including their current data and incentives/celebrations. She also reviewed the school's AVID goal and focus for 2017-2018. Pioneer School hosted an AVID Showcase in October, with 30 visitors from around the state. AVID Student Ambassadors provided their perspectives to the Board.

2. Pipeline Presentation

Janet Steele, Kathleen Magnuson and Jim Merryman discussed the Pipeline Program, a partnership between LBCC, the Albany Chamber of Commerce, and the LBL ESD school districts. The Ford Family Foundation has provided funding to allow the Pipeline to further expand into East Linn County. They discussed how the Pipeline originated from a disconnect between area businesses and industry and the school districts. The program has now resulted in increased CTE offerings at LBCC and high job placement rates after students complete those programs. They have been the driver behind the new employability scores. They provide classroom visits, business tours and field trips, LBCC tours, and much more. Discussion ensued regarding keeping staff aware of the Pipeline goals and offerings. The Board was very positive about the program.

3. Lebanon Community Schools Foundation Mini-Grants

Rob Hess reported that 23 of the 37 mini-grant applications were chosen for funding for a total of \$10,000. Interest has grown in this program and he would like to be able to fund more projects in the future. He is hoping to have presentations in the Spring from some of the funded grants. Nick Brooks asked and Rob Hess explained that we were able to find alternate funding for a few of the projects, such as the music programs and the band programs at Hamilton Creek and Lacombe.

AUDIENCE COMMENTS

Chair Tom Oliver welcomed audience comments.

Wyatt King discussed the trans-load facility project. He said it would be a great opportunity for the City and would make Lebanon attractive to the manufacturing industry. He suggested that the Board or School District write a letter of support.

Wyatt King also discussed the trees in the back corner of the Cascades School property. He noted that they are a safety concern for the neighborhood because of homeless traffic, drug use, and as a pathway for crime and truancy. He hoped the District would consider helping with a good fence or harvesting the trees.

Theresa Peltier discussed the public comment procedure and noted that she felt more would attend the meeting if they felt their question could be addressed at the time when possible. She also inquired about half-day Wednesdays and noted that the community does not understand the purpose and does not like the shortened day. She also spoke in favor of the Pipeline presentation and was supportive of vocational training. However, she was worried that it could become two separate paths, vocational training or college bound, and potentially limit our students by forcing paths.

Tom Oliver noted that addressing comments in the meeting is sometimes not possible due to time or the complication of the matter. He also noted that Ms. Peltier's concerns on the vocational training are a part of the overall conversation in regards to the potential charter school. Rob Hess discussed how the early release Wednesdays are to provide professional learning opportunities for our staff. He noted that across the world, most teachers spend far more time in professional development than we allot for in the United States. The calendar committee meets annually to review not only school days but also the early release days.

Nick Bottger discussed the trees in the back corner of the Cascades School property. There have been 53 police phone calls to Cascades School for incidents of criminal activity. He noted how the neighbors try to protect the school when class is not in session by making calls and reporting criminal activity. He discussed a fence or removal of the trees.

Tom Oliver noted that someone from the District would be in touch about the tree situation. Nick Brooks expressed interest in harvesting the trees.

GENERAL BUSINESS

1. Policies

a. Action: Adopt Revised Board Policies on First Reading

The following policies were presented with revisions according to recommendations from OSBA based on various law changes as outlined in the enclosure: EBBB: Injury/Illness Reports; JHF: Student Safety (for Board consideration); GBEB: Communicable Disease – Staff (new); GBEB-AR: Communicable Disease – Staff (new); JHCC: Communicable Disease – Students; JHCC-AR: Procedures for Dealing with Students Having HIV, AIDS or HBV (delete); JHCC-AR: Communicable Disease – Students (new); GBEDA: Drug and Alcohol Testing – Transportation Personnel; GBEDA-AR: Drug and Alcohol Testing – Transportation Personnel; GCA: License Requirements; GCDA/GDDA: Criminal Records Check and Fingerprinting (rewritten); GCDA/GDDA-AR: Criminal Records Check and Fingerprinting; IICC: Volunteers; IICC-AR: Volunteers (delete); JEA: Compulsory Attendance; JHCD: Nonprescription Medication (delete); JHCDA: Prescription Medication (delete); JHCD/JHCDA: Medications (new); JHCD/JHCDA-AR: Medications; JHFE/KN-AR: Child Abuse Investigations Conducted on School Premises (delete); JHFE-AR(2): Abuse of a Child Investigations Conducted on District

Premises (new); KN-AR: Relations with Law Enforcement Agencies; and KN-AR(2): Investigations Conducted on District Premises.

Discussion ensued regarding JHF: Student Safety. Jennifer Meckley explained that the OSBA's sample policy is well aligned with our current practices and procedures. Nick Brooks asked for some samples of safety plans before the Board decided to move forward with the policy or not. Russ McUne discussed the need for clarification to be added to policy GBEB-AR: Communicable Diseases to state that the District will coordinate with and ask for guidance from the local health department before sending employees home. Russ McUne asked if the other agencies impacted by the changes to JHFE-AR: Abuse of a Child Investigations Conducted on District Premises knew about the new form. Jennifer Meckley explained that this change was driven by DHS not wanting to sign the previous form, but she will let them know of the changes.

Russ McUne made a motion to approve the policies on first reading as presented with the noted change to GBEB-AR: Communicable Diseases and excluding JHF: Student Safety. Nick Brooks seconded the motion. The motion carried by majority.

2. Discussion: CET Ad Hoc Committee Update

Linda Darling reported that the Committee wanted to review information on applications from the Lebanon area for fee waivers, but the City could not provide it. They reviewed data on poverty, mobility, wages, and the amount of students moving in/out of the District, along with the square footage of District buildings. For Linn County only, the District would have brought in \$99,000 in revenue for the last 12 month period if the construction excise tax had been in place. Linda Darling explained that the Committee is now reaching out to neighboring towns with a standard house scenario to see what their SDC fees would be in order to compare if Lebanon would be high or comparable. Nick Brooks added that the Committee is researching whether or not the construction excise tax would deter people from moving to Lebanon.

3. Action: OSBA Elections Ballot

The Board reviewed the supporting information provided with the ballot. Tom Oliver noted that the Resolution 1 to reorganize the OSBA as a non-profit corporation and adopt the proposed 2017 by-laws was a housekeeping item to ensure the OSBA is legally recognized. Russ McUne felt that supporting Terry Deacon since he was local to our District and currently on the LBL ESD Board was the most appropriate, even though he felt that Sami Al-AbdRubbuh was also an excellent candidate. Nick Brooks made a motion to vote for Terry Deacon for Board of Directors Position 10, David Dowrie for LPB Position 10, and to approve the Resolution 1. Russ McUne seconded the motion. The motion carried by majority.

4. Report: 2020 Vision Reflection

Rob Hess presented the next five reflections of the original 25 focus areas of the 2020 Vision. This includes evidence of progress towards the goal in the last seven years and some suggestions for the District's next steps in that area. Rob Hess noted that three of the five are relevant to the District's current discussion on CTE or a trades academy. Discussion ensued. Tom Oliver noted that the employability score was discussed at OSBA and he felt we would see more districts adopting this method. Nick Brooks asked and Rob Hess explained that he wrote the evidence and next steps with input from leaders in those areas around the District.

5. Discussion: Comparable District Data

Linda Darling reviewed comparable revenue data from the District to other districts of similar size and also our LBL ESD group. She reviewed the average ADMr, General Fund revenue sources, and if the district has CET and the collection amount. Discussion ensued regarding Hood River's bond. Rob Hess noted that all the districts that went out for a bond this year passed except for Central Linn. Tom Oliver noted that the comparison to peers is helpful for understanding how the District operates.

6. Action: Approve Resolution for Supplemental District Transportation Plan (Bus Stop)

Resolution 1718-03 was presented to identify a hazardous student walking zone near Seven Oak Middle School and to allow the District to pursue a Supplemental Transportation Plan to allow for a bus stop in the South Main Road/Crowfoot Road neighborhood, even though it is within the legal walk zone of the school. Russ McUne made a motion to approve the resolution as presented. Nick Brooks seconded the motion. The motion passed by majority.

7. Report: SBAC Effect Size

Rob Hess presented on the effect size measurement the District uses to track individual student growth on the SBAC test compared by school, grade level and subject matter. He noted that the SBAC test measures college readiness and is a rigor level score. Discussion ensued regarding class size and mobility. Through the SBAC tracking we are able to tell that 25% of our student population is mobile. Rob Hess noted that the SBAC tracking helps us see patterns and set goals for the District and schools. Discussion ensued regarding self-contained 6th grade performance compared to Seven Oak. Rob Hess discussed how the rigor of the SBAC helps prepare students for tests like the SAT and it allows students to see if they are on track for the rigor of college programs. He noted that statewide about 1/3 of students pass the SBAC in math, and we also see that at Oregon State University students drop out because of math, so at the K-12 level we need to increase rigor to prepare our students for college-level math. The SBAC requires critical thinking, unlike the previous OAKES test. Nick Brooks asked when the District would be concerned about SBAC scores, and Rob Hess noted that every year and within the year schools and principals are making changes based on the data. Seven Oak has made concentrated interventions based on their data and will do follow ups to see what is working. Russ McUne asked how the SBAC scores correlate to grades, and Rob Hess discussed how frequently we see behavior tied to grades and the employability score will help us separate that. Tom Oliver discussed how in Ashland they have separated their “soft skills” from grades and see a clear correlation to SBAC on their core knowledge.

Rob Hess also discussed how he would like to work on secondary grading guidelines or policy to ensure we are consistent across all departments, possibly through a committee. Discussion ensued regarding consistency, graduation rate improvement, standardization and accountability.

8. Discussion: Linn County Trades Academy

Rob Hess presented a draft executive summary on the vision for a CTE focused charter school in Linn County. He was seeking feedback from the Board on the concept and direction. Discussion ensued regarding making sure it is not an either/or philosophy so that students are able to pursue both CTE and college-prep courses. Nick Brooks discussed the importance of keeping it as a part of the LHS community and suggested the need for a comprehensive CTE plan for LHS and then seeing if a trades academy fits in that plan. Rob Hess discussed the Salem Trades Academy which has a warehouse building that allows their high school students to spend half of their school day in a CTE focus class or program. Bo Yates discussed the high cost of CTE programs and the need to ensure we can sustain them. Russ McUne was in favor of continuing to look at how to increase the District’s emphasis and support for CTE and make it stronger. Tom Oliver noted the financial advantage of moving on to a planning grant offered that would give us financing for exploring options like this. The group decided on creating a future ad hoc committee that Rob Hess would chair and Nick Brooks would also serve on to further explore ways to incorporate increased CTE in Lebanon. The committee would partner with the Pipeline as well. Tom Oliver noted that there is a lot of community support and interest in this area right now.

DEPARTMENT REPORTS

1. Finance

a. Report

There were no questions on the financial report.

b. Action: Governmental Accounting Standards Board (GASB) 75 Implementation

Currently, the District receives an unmodified opinion for its audit. To comply with GASB 75 and continue to receive an unmodified opinion, the District would need to obtain an actuarial report to review all postemployment benefits (retirees healthcare insurance); otherwise we would receive a qualified opinion on governmental activities. The actuarial report would cost between \$10,000 and \$15,000 annually. Linda Darling reported that there are very few retirees with postemployment benefits, and currently our liability would end in 2027 but there is no way to know if more will join before then. Discussion ensued regarding how comfortable the Board was with the footnote and the impact to the District if we were to go out for a levy. Tom Oliver asked and Linda Darling noted that anecdotally other districts are all doing different things based on their own circumstances. Russ McUne motioned to accept the qualified opinion because of not obtaining an actuarial statement in order to comply with GASB 75. Nick Brooks seconded the motion. The motion carried by majority.

c. Discussion: Budget Committee Application Timeline

Linda Darling reported that the District had no applicants for the Budget Committee. She suggested posting again and interviewing at the December meeting because there is a budget workshop at the January meeting. The Board agreed.

d. Discussion: RFP for Legal Services (Timeline and Board Involvement)

Linda Darling presented a proposed timeline for the RFP process for legal services. The Board agreed to the timeline.

2. Operations

Bo Yates thanked the Board members and administrators that helped serve food at schools for the Thanksgiving meals today. He discussed the propane buses and a Volkswagen grant. He discussed a recent LBL ESD visit to our technology department for a presentation and how impressed they were with our team's efficiency. He noted that he would be looking into the Cascades trees situation.

3. Human Resources

Jennifer Meckley asked the Board to provide her a list of any data reports they would like to see from Human Resources. She also discussed the Welcome Center progress and community partnerships. The more efficient we are in providing services and coordinating resources with the community, the greater chance our students at risk will have to succeed.

COMMUNICATION

1. Board

Russ McUne and Nick Brooks discussed how much they enjoyed serving lunch for the holiday meal today.

2. Superintendent

Rob Hess discussed a recent event to honor what Samaritan Health does for our community and all the connections it takes to be successful. He also discussed the OSBA conference and connections he made with the Salem CTE Center and potential internships for students.

3. LHS Student Body Representative

Jastyn Shilts discussed scholarships available in the College and Career Center, leadership posters about leaving a memorable message, and working with Counselor Moira Golub on ways to make LHS a more welcoming and positive school. She also discussed tutoring that is available in the College and Career Center.

CONSENT AGENDA

1. Action: Approve October 12, 2017 Board Minutes

2. Action: Approve Hiring

- a) Tim Rowley – Math Teacher, Lebanon High School (Temporary 2017-2018 School Year)
- b) Lana Abbott – Spanish Teacher, Lebanon High School (Temporary until December 29, 2017)
- c) Skyler Bascom – Counselor, Lebanon High School

Russ McUne made a motion to approve the minutes for October 12, 2017. Nick Brooks seconded the motion. The motion carried by majority.

Russ McUne made a motion to approve the hiring of listed new staff. Nick Brooks seconded the motion. The motion carried by majority.

AUDIENCE COMMENTS

Chair Tom Oliver welcomed audience comments.

Theresa Peltier spoke highly of Superintendent Rob Hess' work. She was grateful that the Board listened to her previous concerns about the trades academy and strongly encouraged the partnership with the Pipeline program. She also supported standardized grading.

The Board decided to meet at the Travel Station again in December.

ADJOURN

The meeting adjourned at 9:30 PM.

Tom Oliver, Board Chair

Rob Hess, Superintendent