



Ralston Academy

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

**MEETING AGENDA**

**1. WELCOME**

- A. Call to Order
- B. Flag Salute

**2. PUBLIC COMMENTS<sup>1</sup>**

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

- 3. SIA ANNUAL REPORT, pg. 4** **Action: Informational**
- 4. SEVEN OAK DATA REPORT, pg. 9** **Action: Informational**
- 5. STUDENT BOARD REPRESENTATIVE, pg. 16** **Action: Informational**
- 6. LHS MASCOT** **Action: Informational**
- 7. CONSENT AGENDA** **Action: Approval Requested**
  - A. October 12, 2023 Board Meeting Minutes, pg. 18
  - B. Policy Updates – First and Second Readings, pg. 25 & 70

CODE	TITLE
<b>FIRST READING</b>	
GCBDA/GDBDA-AR(1)	Family Leave *
<b>INFORMATIONAL</b>	
EFAA-AR	Reimbursable Meals and Milk Programs
GBED-AR	Physical Capacities Assessments
<b>SECOND READING</b>	
<b>OPTIONAL</b>	
BD/BDA	Board Meetings
BDC	Executive Sessions
<b>HIGHLY RECOMMENDED</b>	
GCBDA/GDBDA	Family Medical Leave * Version 1
LBE	Public Charter Schools**
<b>CONDITIONALLY REQUIRED</b>	
LBEA	Resident Student Denial for Virtual Public Charter School Attendance**
<b>DISTRICT RECOMMENDATION</b>	
DLBA	Advance Salary Payments

C. Hiring:

NAME	POSITION	FTE	START DATE	END DATE
<b>TEMPORARY NEW HIRES 2023-24</b>				
Kristy Lindner	Special Education Teacher – Green Acres School	1.0	10/26/2023	1/31/2024

**8. DEPARTMENT REPORTS**

**Action: Approval Requested**

- A. Operations, pg. 88
  - 1. Operations Report
- B. Human Resources
- C. Finance, pg. 90
  - 1. Revision of Resolution 2023-03
  - 2. Financial Reports

**9. COMMUNICATION**

**Action: Informational**

- A. Board
- B. Superintendent
  - 1. Jen’s Zens

**10. PUBLIC COMMENTS<sup>1</sup>**

**11. ADJOURNMENT**

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<sup>1</sup> The Lebanon Community School District Board of Directors welcomes you to our regular meeting. It is the Board's goal to hold an effective and efficient meeting to conduct the business of the District. In keeping with this goal, the Board provides a place for Public Comments on each of its regular agendas. This is a time when you can provide statements or ask questions. The Board allows three minutes for each speaker. The language below discusses the Public Meetings Law and public participation in such meetings.

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

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

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

Upcoming meeting dates:

December 7, 2023 Board Meeting at 6:00 PM

January 11, 2024 Board Meeting at 6:00 PM

February 8, 2024 Board Meeting at 6:00 PM

March 7, 2024 Board Meeting at 6:00 PM

April 11, 2024 Board Meeting at 6:00 PM

# Agenda Item 3

SIA Annual Report

**2022-23 Student Investment Account Annual Report Template**

Required Question	Responses
<p><b>1. What changes in behavior, actions, policies or practices have you observed related to SIA implementation during the 2022-23 school year? How do you see these changes contributing to the goals and outcomes in your SIA plan? (500 words or less)</b></p>	<p><b>Outcome #1: Increase Academic Achievement and Reduce Disparities</b></p> <p>One of the most significant achievements in our SIA is the successful implementation of the Multi-Tiered System of Supports (MTSS). This initiative has been instrumental in addressing academic disparities among our student population. Through MTSS, we are ensuring that every student, regardless of their background, receives the support they need to excel academically, behaviorally, and in terms of their mental health.</p> <p>We've allocated a substantial portion of our SIA funds to hire dedicated staff to directly support and facilitate the MTSS process. Furthermore, we created the position of Dean of Student Success in each school building to champion MTSS and equity, ensuring that every student's individual needs are addressed and that no one is left behind.</p> <p>We have also increased staffing to support early literacy. Our schools have refined master schedules to prioritize and maximize the use of staff to support more students.</p> <p><b>Outcome #2: Meet Students' Mental or Behavioral Health Needs</b></p> <p>Our commitment to equity extends to the mental and behavioral health of our students. We've added two mental health therapists and a behavioral specialist, significantly enhancing our ability to address the mental and behavioral health needs of our students. Additionally, we've formed valuable partnerships with community organizations to increase our capacity to provide mental health support, ensuring that all students, regardless of their circumstances, receive the care they require.</p>

### **Outcome #3: Ongoing Community Engagement**

Our biggest success in engaging with students and families who need extra support has been our Welcome Center. Families in poverty, experiencing homelessness, or who speak languages other than English access our Welcome Center staff to work through barriers that impact education.

### **Support for English Language Learners (EL)**

In our pursuit of equity, we've recognized the importance of supporting our growing population of English Language learners (EL). To this end, we've hired bilingual staff members who provide crucial support for EL students in the areas of instruction, behavior, and family/community engagement, ensuring that language is not a barrier to their success.

### **Career and Technical Education (CTE)**

Equity also encompasses providing diverse pathways for our students. We've implemented a Career and Technical Education (CTE) teacher/program for middle-level students, offering them more choice and creating a pathway into our robust high school CTE programs. This opens doors for students to explore their interests and potential career opportunities.

# SIA Annual Report Template



Required Question	Responses
<p><b>2.</b> What barriers or challenges to SIA implementation have you experienced that are helpful for your community and/or state leaders to be aware of? What adjustments, if any, did you make to your SIA plan as a result of these challenges? <i>(500 words or less)</i></p>	<p>Staffing shortages continue to be a barrier that impacts our ability to consistently implement new systems. In addition, disruptive student behaviors and increased mental health needs impact every building. Hiring quality staff to work with our most challenging students is difficult at best. When we do find staff, we have training and coaching available for them through our behavior instructional coach. Finally, while we make valiant efforts, many families choose not to engage in their childrens' education.</p>
<p><b>3.</b> SIA implementation includes ongoing engagement with all students, focal students, families, staff, and community partners. How have relationships with or between those groups changed and/or been maintained throughout this academic year? Consider the <a href="#">Community Engagement Toolkit</a> and where your efforts might land on the Levels of Community Engagement spectrum as you complete your response. <i>(500 words or less)</i></p>	<p>Our Director of Communications has been instrumental in enhancing Level 1 Engagement, which involves keeping stakeholders well-informed. Feedback from both staff and families indicates their appreciation for the improved communication.</p> <p>Moreover, our engagement with community partners at Level 3 (Involvement) has been initiated through our Interconnected Systems Framework. This engagement is expected to progress towards deeper collaboration as these partnerships become more formalized.</p> <p>We continue to try to find ways to engage our most disenfranchised families. At times it feels like an uphill battle. We seek partnerships with our families and community in order to best meet the increasing needs of our students.</p>
<p><b>4.</b> As you think about what guided your choices and prioritization efforts in this year of SIA implementation, what stands out? How will what you've learned this year impact future SIA implementation efforts? <i>(500 words or less)</i></p>	<p>By looking at our data, which includes feedback from families and students, it is clear to us we need to continue to prioritize equity, early literacy, mental and behavioral health, and support for EL students and families. We will improve our systems each year.</p>

# SIA Annual Report Template




	<p>The transition back to in-person instruction held many challenges. If not for the staff we were fortunate to hire with our SIA funds, many student needs would have gone unmet.</p> <p>We will continue our focus in these areas moving forward. We are working to refine and improve our instructional strategies (K-3 literacy) through professional development and collaboration (PLCs). Support and training for staff in the area of student behavior is a high priority as well.</p>
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# Agenda Item 4

Seven Oak Data Report

The background features abstract blue wavy lines on the left and a network diagram of interconnected nodes and lines in the top right corner.

**2022-2023**

# Seven Oak Data Dive

## Part 1

- Accumulation of data from STAR and SBAC
- Every student
- Every Math and ELA teacher

## Part 2

- Identify meaningful data
- Look for trends

## Part 3

- Hypothesize, draw conclusions
- Strategize for next school year

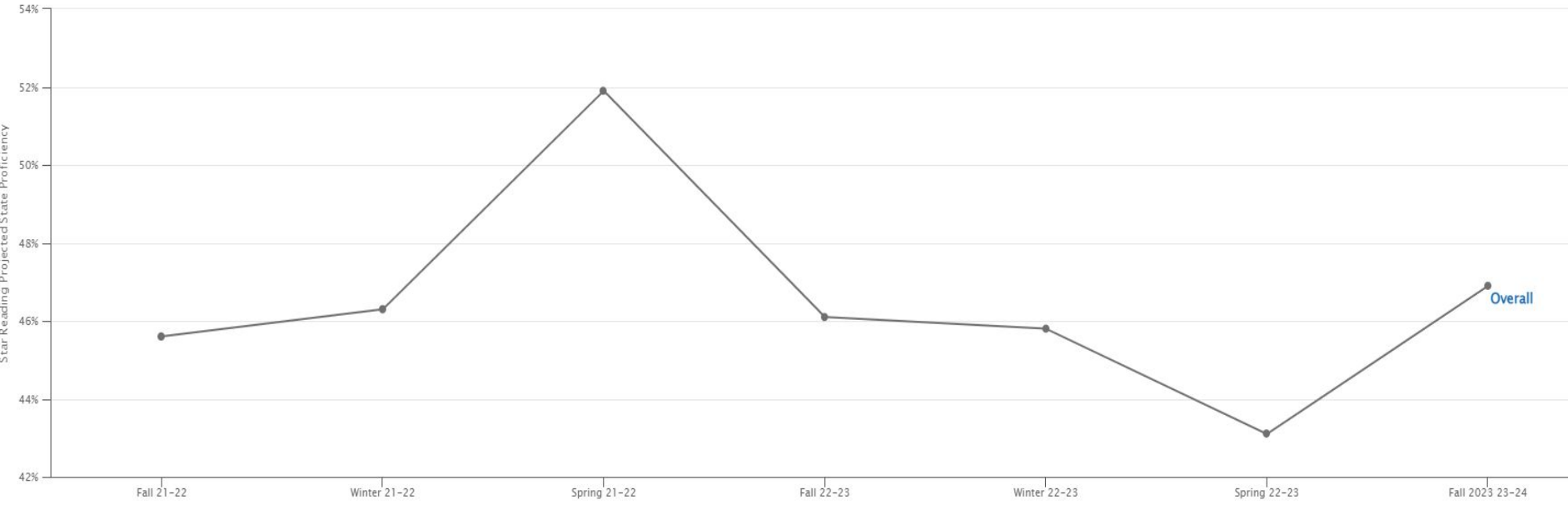
SBAC	STAR	Time	Grade	GPA	Attendance
2549 / 2	1197	12:13	A	3.75	93.45
Opt-out	1099	14:39	B	3	87.79
2470 / 1	<b>977</b>	7:54	A	3.5833	92.26
2514 / 2	<b>1107</b>	5:50	A	3.6	97.02
2368 / 1	<b>874</b>	7:01	A	3.44	95.83
Opt. Out	No Test	-----	A	3.4	96.87
2339 / 1	<b>893</b>	14:52	F	1.5625	73.15
<b>2694 / 4</b>	<b>1097</b>	25:33:00	A	4	97.91
2440 / 1	<b>1021</b>	10:47	D	1.6666	94.64
<b>2657 / 4</b>	<b>1090</b>	40:24:00	C	1.923	75.59
opt out	<b>615</b>	2:06	B	3	87.79
<b>2653 / 4</b>	<b>1086</b>	15:54	B	3.5	97.61
<b>2614 / 3</b>	<b>1085</b>	13:46	A	3.97	97.02

Grades	Grades	Grades	Grades
A = 10	A = 23	A = 64	A = 34
B = 24	B = 20	B = 19	B = 20
C = 19	C = 16	C = 4	C = 12
D = 13	D = 6	D = 0	D = 16
F = 21	F = 6	F = 0	F = 8
SBAC	SBAC	SBAC	SBAC
4 = 0	4 = 20	4 = 20	4 = 1
3 = 7	3 = 20	3 = 40	3 = 9
2 = 22	2 = 24	2 = 18	2 = 29
1 = 31	1 = 21	1 = 5	1 = 45
OPT = 23	OPT = 4	OPT = 1	OPT = 3
Close - 4	Close - 9	Close - 5	Close - 9
Match - 6	Match - 30	Match - 57	Match - 9
Star Drop - 20	Star Drop - 21	Star Drop - 26	Star Drop - 21

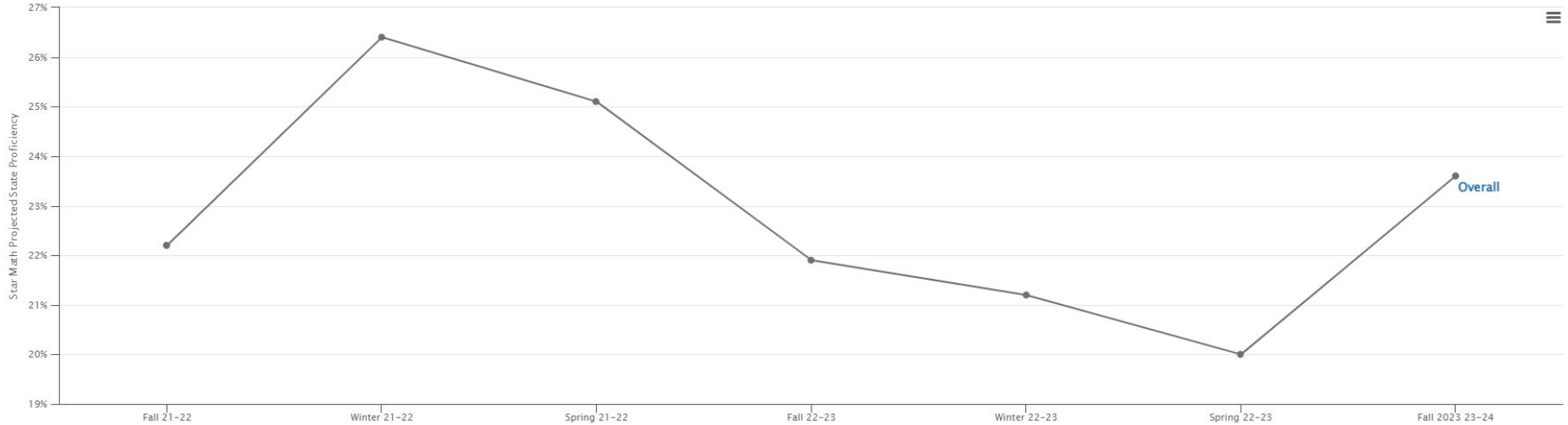
## Overall Data Trends

SBAC Opt-outs	<b>111</b>
Within 10 points of moving up to level 3 or 4 on SBAC	<b>81</b>
Student with A or B who is level 3 or 4 on SBAC	<b>262</b>
Drop in Star score from Fall to Spring	<b>308</b>
Student spent <15 minutes on Star	<b>140</b>

# Historical STAR Reading - Projected State Proficiency



# Historical STAR Math - Projected State Proficiency



## Conclusions

- Incentives make an impact
- Testing calendar v. test fatigue
- Master schedule impact
- Qualitative v. quantitative data

## Initiatives

- Successful Spartan
- Adjustment of test windows
- Labs for select students
- Multiple observations of growth

# Agenda Item 5

Student Board  
Representative



# OSBA Model Sample Policy

Code: BCBA  
Adopted:  
Orig. Code(s): BCBA

## Student Representative to the Board

The Board has provided for a formalized ongoing method of communication with district students by establishing a position of student representative to the Board.

The student representative shall receive notice of meetings, the agenda and the appropriate agenda materials; be provided a place at the Board table; and shall have the same privileges of discussion as apply to Board members. The student representative shall not be a voting member of the Board.

The student representative shall be installed on the Board through the following Oath of Office:

“I \_\_\_\_\_, will support the Constitution and the laws of the United States, the state of Oregon and the laws thereof, and the policies of the [ ] District, and will discharge the duties of Student Representative to the [ ] Board to the best of my ability.”

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

# Agenda Item 7

Consent Agenda:

A. October 12, 2023 Board Meeting  
Minutes



Santiam Travel Station

750 S. Third Street, Lebanon, OR 97355

## **MEETING MINUTES**

<p><b><u>BOARD MEMBERS PRESENT:</u></b>  Tom Oliver, Chair, Via Zoom  Clyde Rood, Member  Melissa Baurer, Member  Mike Martin, Member  Nichole Piland, Member</p>	<p><b><u>EXECUTIVE STAFF PRESENT:</u></b>  Jennifer Meckley, Superintendent  William Lewis, Chief Operations Officer  Kim Grousbeck, HR Director  Steven Prosocki, Business Director</p>
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The meeting minutes were recorded by Executive Secretary Jessica Woody.

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

Board Chair Tom Oliver called the meeting to order at 6:01 PM and led the flag salute.

### **2. PUBLIC COMMENTS**

Sarah Haley, kindergarten teacher at Riverview school, speaks to the board regarding the group of staff who are present at the meeting, who she notes are here for the students of Lebanon. Sarah explains that this is her 27<sup>th</sup> year teaching and notes her many endorsements and the experience that she carries in her profession. She also explains the cost of living increases in relation to her current salary. She states that it is time to settle the contract, and to listen to teachers.

Haley Vernon, 3<sup>rd</sup> year ELA teacher at Lebanon High, speaks to the board. She explains that she enjoys her job, and feels well supported and heard, though she also expresses challenges regarding class size and student behaviors, with frequent student outbursts. She describes the unacceptable student behaviors and the support and work that it takes to effectively assist students in being mentally, physically and emotionally prepared to being socially and academically successful in the classroom. She asks the board to consider the request to implement contractual systems for student behavior in the contract.

David Meek, 15-year social studies teacher at Seven Oak Middle School, speaks to the board regarding his ability to provide for his family, specifically regarding insurance benefits. He explains that over time his ability to provide for his family has not increased, and he is faced with tough decisions, weighing the cost of medical insurance to additional salary. He asks for the contract to be signed, so he may provide for his family is a reasonable and equitable way.

Kelli Conraads, 4-year counselor at Lebanon High, speaks to the board regarding large class sizes and the lack of available materials to provide to the students. She explains that all of the class sizes are full or overfull. She also addresses the concerns of teachers working with such a high number of

students, and those students then being provided the proper skills and knowledge to be successful in a large setting, or when having to be pulled from a class due to the high volume of students or lack of availability. Kelli addresses these things as graduation concerns. She also notes the behaviors that are taking place and the tough choices that teachers have to make to address those behaviors.

Amanda Primising, Lebanon graduate and President of the Riverview PTC, also speaks to the board as a parent supporting teachers. She notes her disappointment as she states that the teachers are working without a contract and reiterates that the community needs their teachers. Amanda also addresses a concern that ELL student's needs are not being met at Riverview school. She asks that the budget for this be increased and for teachers to be supported.

### **3. FOCUS AREAS: SAFETY AND BELONGING**

Jennifer refers to the five focus areas that were shared a few months back, and the work that is being done specifically surrounding safety and belonging. Referring to the slides, she explains that the focus areas will help to frame conversations, increase awareness, understanding, and appreciation for our systems, and to be more explicit and transparent for all stakeholders.

In regards to safety and belonging, Jennifer notes the steps that are being taken, first being clear and defining our words. She explains that the district first took account for each intentional practice that was currently in place, and will now be looking at where the focus for improvement needs to be. She notes that there will be a new safety and belonging webpage available which will portray the district's efforts behind safety and belonging. She also notes the increase in safety-related messaging outside of crises, as well as the increase in visuals throughout secondary schools so students know where and how to report incidents, or seek help.

Jennifer explains that as a district team, two specific areas were chosen to focus on, and the district is seeking board feedback in these areas. The two areas consist of campus infrastructure for emergency communication and addressing disruptive student behavior. Jennifer notes the safety grant that the district has applied for, which would help to support these areas of focus. Jennifer explains the two areas in further detail, noting that in a recent survey sent to all staff, out of the one third of staff who responded to the survey, 55% struggle to hear emergency communication. In regards to addressing disruptive student behavior, she then also explains the efforts to provide additional student access to mental health by using a Medicaid reimbursement method, increased access to preschool, and the expansion in staff training. She notes that the goal would be to have a mental health therapist at each school building.

Mike inquires how this information will be shared with families and Jennifer states that messaging can be shared through parent square referencing the new webpage.

Melissa asks in regards to the belonging aspect, if there will be any strategies surrounding culture and diversity, Jennifer agrees and appreciates the idea.

### **4. ALTERNATIVE EDUCATION / BEHAVIOR**

Brandon, Alternative Education Director, speaks to the board starting with outlining the district's MTSS, multi-tiered system for support, explaining how and when students are provided additional support. He notes that as the needs increase for the student, the level of support increases as well.

Mike inquires about if there has been tracking involved with the MTSS data and Brandon ensures that there has been extensive tracking over the years.

Brandon also notes the approximate 5% of students who do not respond to the tier 3 intervention, which is where alternative education ultimately comes in. He explains that when all interventions have been exhausted, the district may recommend alternative education placement as a next step.

Brandon describes the district's emotional growth center program and states their mission, to strive to equip students who are struggling from trauma and emotional behavior regulation with the foundational social, emotional, and behavioral skills necessary to be successful in school and life beyond. He also notes the admission requirements for that program. He gives a shout out to both Pioneer and Green Acres Elementary Schools for beginning to implement their own in-house program at their buildings regarding social emotional learning. He also notes the goal which would be to have K-12 alignment by bringing social emotional learning into Seven Oak and the High School as well.

Brandon also describes the Teen Center program where their mission is for students to remember that this is not an end or a punishment, but rather a place for reflection and a fresh start, they strive to foster an inclusive environment that allows students the opportunity to stay on track with school under varying circumstances. He notes that the Teen Center is primarily for students who are expelled. He also notes that the high school students who attend at the Teen Center are typically 9<sup>th</sup>/10<sup>th</sup> grade, eventually he would like to see there be a 9<sup>th</sup>/10<sup>th</sup> grade program that could continue to support these students until they are eligible for Ralston Academy.

Brandon then describes Ralston Academy, with their mission to be a family where students come first, where they can cultivate respect, responsibility, and resilience in students so that they can find and develop their best pathway forward. Brandon describes their enrollment application process, program structure, and schedule. He also explains the credit recovery and diploma options. He notes that every 6 weeks there is a new mini term with graduates. Brandon thanks his staff, office manager, and his great students.

Brandon speaks about the success that he has seen in the alternative education programs, with elementary students who have transitioned out of the program, and students who were expelled and are brought back to the middle or high school. He notes that one fifth of the district's students have gone through Ralston Academy to graduate.

He also shares specific tough situations with students and how these have ultimately turned to success stories for these students, with the provided support that they received by the programs. Brandon is optimistic about the future of our children and he will continue to focus on each child as a whole.

Nichole states that there is no better person to fill this role than Brandon, she states that the kids are very lucky to have him. She also inquires about the data regarding the Teen Center and the success rates, Brandon does not have that specific data on hand at this meeting. She also asks if there are repeats for expulsions, Brandon explains that there have been some patterns that he has noticed. Nichole also inquires about the student behaviors while they are at the Teen Center and if they continue to have those behaviors. Brandon explains that they do, until they realize how much the staff loves them, and the behavior seems to get better.

Melissa states that Brandon should be proud of his work and it is amazing to see. She inquires about the process of identifying students for tier 1 and 2 support and Brandon explains the formative assessments that take place.

Mike asks about the programs at Green Acres and Pioneer and if Brandon helped to get those moving. Brandon explains that it was a team effort, those schools' administrators took the initiative and Brandon and the district staff supported. He notes that one administrator had to shift the work of their teacher completely, to make this happen.

Tom asks whether they can anticipate seeing more consistency with allocated resources, and Jennifer explains that it is consistent and equitable based on student numbers. Tom also asks whether we are seeing the same outcomes across schools and Brandon explains that the reality is there are different needs at each building. The programs being led require the right people to lead those programs.

Clyde asks whether students graduate from Ralston and go on to college or universities, Brandon notes that some may, most however move on to working immediately in order to support their families. He also notes that it is tough to track where students go after they graduate.

The board members thanks Brandon for his great work and his presentation.

## **5. DIVISION 22**

Jennifer speaks to the board referring to the Division 22 slides provided explaining the rules and information. She explains how every year the district is required to acknowledge that they are complying in each area. Jennifer shares the 2022-23 Division 22 report. She notes that in the past year the district reported that they were not in compliance with the PE requirements, and has since strategized a plan where teachers can make up these minutes in their classroom activities. Discussion between the board takes place regarding the number of PE teachers in the district and the reason for not being able to meet the criteria.

Mike inquires about the essential skills requirement that was updated and Jennifer explains that this ultimately means not using the SBAC test for essential skills, but this is still met through work samples and class requirements, meaning students have to provide their proficiency in their work instead of only tests.

Jennifer notes that each year the Division 22 standards are provided to the board as well as posted on the district website.

## **6. CONSENT AGENDA**

Nicole motions to approve and Mike seconds the motion. All in favor with a unanimous vote, the consent agenda made up of the September 7, 2023 Board Meeting Minutes, First Reading Policy Updates BD/BDA, BDC, GCBDA/GDBDA, LBE, LBEA, DJ-AR, DLBA, JECB-AR(1), and Second Reading Policy Update BBB, and 2023-24 new hires Alicia Deal, Myla Jordan, and temporary new hire Lindsey Smith is approved in its entirety.

## **7. DEPARTMENT REPORTS**

### **A. Operations**

William reports to the board some project updates regarding Seven Oak, and that the work has been going exceptionally well- they are currently prepping the forms for the foundation of the building.

He also provides an update on the Lebanon High School cafeteria work that has been taking place due to the high rate of student lunches that are being served. William will be bringing more information about this, and notes that the cost for this is not coming from general fund. William explains that they are excited to have this opportunity and ultimately it would be beneficial to be able to provide one single lunch for the high school, due to their block schedule. Tom inquires about whether this could eventually change the idea of open campus.

### **B. Human Resources**

Kim speaks to the board regarding the opportunity for the first LESPA classified mentor/mentee meeting that took place for the school year. She notes that it was a great turnout and was very exciting to see the support for the new employees. She also notes that the third classified academy will also take place next week, where employees are provided essential information and training.

### **C. Finance**

Steven speaks to the board regarding the financial reports which includes the September payroll, he notes that everything looks to be in line and thanks his business team. He also notes that auditors will be on site auditing next week, and the district is on track and on time for auditing.

## **8. COMMUNICATION**

### **A. Board**

Mike speaks about his time that he has spent at the schools, including his visit to the preschool and the EGC program at Cascades. He also notes the high number of life skills students at Green Acres.

Melissa presents an idea to the board about having a student board representative. Tom would also be curious about this, and the board plans to review a sample OSBA policy regarding it. Melissa also notes that she attended a cross county meet at Seven Oak and acknowledged the phenomenal coach and students who were so supportive of their teammates, as well as others from different teams.

Clyde presents the work that he has been doing regarding the school mascot, and his communications with the Siletz tribe. Awareness is presented that there may be additional tribes that also have interest in this. The board has discussion regarding the process and history behind this, and clarifies whether it is a mascot or logo that is being proposed. Clyde is seeking permission to go back to the warrior logo, and Jennifer explains that the name and imagery require an agreement and partnership with the local tribe. She notes legislation that pertains to this topic.

Tom inquires if the board has any interest in exploring this, and the board agrees that this could be a difficult process and would like to know the opinion of the staff and community as well as the costs associated before moving forward. Jennifer states that she would like to research more into the history and what the process entails, as well as communicating with the high school before it is proposed to the community. It is stated that this is a complicated and sensitive issue and should not be taken lightly and needs to be well thought out.

Nichole notes that she really appreciated hearing from Brandon tonight and had not previously understood the extent of his work, she sees the love that he has for his students.

## **B. Superintendent**

Jennifer provides her Jen's Zens first acknowledging the fact that school family events are underway for the new school year. It is great to see principals and many enthusiastic staff and parent-teacher committees already putting on events to get families involved in their school communities after hours. A photo is shared from Bingo Night at Riverview Elementary, which was a well-attended event.

Jennifer highlights the JROTC for being such a valued part of community events as well. JROTC is a leadership class that can fulfill PE credits towards graduation, with extracurricular activities such as Color Guard, Air Rifle, Physical Fitness, and Drill teams. The team engages in community service and attends formal events, as seen at the recent 9/11 Day of Remembrance. Jennifer thanks Lieutenant Colonel Mark Smith and Sergeant First Class Michael Sell for their leadership and guidance for these young adults.

Jennifer also highlights the new Hamilton Creek playground which has just recently been installed, after a long wait due to factors out of the district's control. The partnership between Hamilton Creek parents and community members who raised funds, and the district, who matched that amount by covering installation and material cost, were able to create a fun and safe new play space for the students.

Lastly, Jennifer shares a recent Apple Award which was given to beloved Facility Operator and Lead Custodian at LHS, Edgar Ortiz. Staff across the district nominated him for consistently going above and beyond for everyone, with a true servant's heart. Jennifer also thanks again the Gillott Home Team, Adam Kirkpatrick Family Dentistry, and 1847 Bar & Grill for their support in providing these Apple Awards to the district's staff.

## **9. PUBLIC COMMENTS**

No public comments were made.

## **10. ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 7:44 PM.

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Tom Oliver, Board Chair

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Jennifer Meckley, Superintendent



# Agenda Item 7

Consent Agenda:

B. First Reading Policy Updates

**November 2023 POLICY UPDATES – REVIEW AND RECOMMENDATIONS**

<b>Code</b>	<b>Title</b>	<b>OSBA Recommendation</b>	<b>DO Staff Lead(s)</b>	<b>Changes/DO Staff Comments</b>	<b>Recommended Adoption? (Yes/No)</b>
GCBDA/GDBDA-AR(1)	Family Leave *	Highly Recommended	Kim G.	Updated language regarding FMLA, OFLA, OMFLA, and PFMLI.	Yes
EFAA-AR	Reimbursable Meals and Milk Programs	N/A	Angie	Remove language regarding meal costs due to Community Eligibility Provision	Yes
GBED-AR	Physical Capacities Assessments	N/A	Kim G.	Updated language regarding locations	Yes
BD/BDA	Board Meetings	Optional	Jen	Updates to language to comply with HB 2805.	Yes
BDC	Executive Sessions	Optional	Jen	Updates to language to comply with HB 2806	Yes
GCBDA/GDBDA	Family Medical Leave *	Highly Recommended	Kim G.	Updated language regarding FMLA, OFLA, OMFLA, and PFMLI.	Yes
LBE	Public Charter Schools**	Highly Recommended	Jen	Updated language to comply with SB767.	Yes
LBEA	Resident Student Denial for Virtual Public Charter School Attendance**	Conditionally Required	Jen	Updated language to comply with HB3204.	Yes
DLBA	Advance Salary Payments	N/A	Steven	Updated language in reference to advance salary payments for staff	Yes



## CONTENTS

### Annual Convention

November  
9, 10, 11, 2023  
Portland Marriott  
Downtown Waterfront  
Hotel  
Portland, OR

Changes In Law During The 2023 Legislative Session  
BD/BDA – Board Meetings, Optional  
BDC – Executive Sessions, Optional  
Board Stipends and Expense Reimbursements  
EFA – Local Wellness, Required  
GCBDA/GDBDA – Family Medical Leave \*, Highly Recommended, *Version 1 or 2*  
GCBDA/GDBDA-AR(1) – Family Leave \*, Highly Recommended, *Version 1 or 2*  
GCBDF/GDBDF – Paid Family Medical Leave Insurance \*, Highly Recommended, *Version 1 (Version 2 has no changes and is not included in this update)*  
GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance (PMFLI), Highly Recommended  
GCPC/GDPC – Retirement of Staff \*, Optional  
Health Services Plan  
LBE – Public Charter Schools\*\*, Highly Recommended  
LBEA – Resident Student Denial for Virtual Public Charter School Attendance\*\*, Conditionally Required

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## CHANGES IN LAW DURING THE 2023 LEGISLATIVE SESSION

Many other bills were passed that impact policy. Some of these bills are already in effect. Policies will be updated in future releases from OSBA. These include:

- JGA – Corporal Punishment, JGAB-AR – Use of Restraint or Seclusion (SB 577 (2023));
- GCDA/GDDA – Criminal Records Checks and Fingerprinting (updates to OAR 581-021-0511);
- IGBHE – Expanded Options Programs (HB 2275 (2023));
- GBN/JBA – Sexual Harassment (HB 2280 (2023));
- Abbreviated day (SB 819 (2023) and others);
- Procurement
- Graduation requirements
- Abuse reporting hotline

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

## **PUBLIC MEETINGS LAW**

### **Summary**

[House Bill 2805](#) (2023) and [House Bill 2806](#) (2023) added new provisions to Public Meetings Law and executive sessions, expanded Oregon Government Ethics Commission (OGEC) oversight of public meetings law, and added provisions requiring a board member to receive mandatory public meetings training.

As a result of HB 2805, a person who believes the district has violated identified provisions of public meetings law may be able to file a grievance with the district in accordance with law. The new public meetings law provisions to file a grievance become effective in September 2023.

The new public meetings law provisions for executive sessions (HB 2806), which now include considering matters relating to the safety of the board, district staff and volunteers and the security of district facilities and meeting spaces, as well as considering matters relating to cyber security infrastructure and responses to cyber security threats, are effective now.

The new board member training requirement takes effect January 1, 2024.

### **Collective Bargaining Impact**

None

### **Local District Responsibility**

Review the recommended changes for policies BD/BDA – Board Meetings, and BDC – Executive Sessions, propose to the board for readoption.

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

BD/BDA – Board Meetings, Optional

BDC – Executive Sessions, Optional

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## **BOARD STIPENDS AND EXPENSE REIMBURSEMENTS**

### **Summary**

Previously, Oregon Revised Statute (ORS) 332.018 prohibited board members from receiving any compensation from the district. During the 2023 Legislative session, [House Bill \(HB\) 2753](#) passed and became effective July 18, 2023. This law removes the prohibition on compensation and allows school district boards to provide each “voting member of the board with a stipend in an amount determined by the board, not to exceed \$500 per month.”

The Oregon Government Ethics Commission recently indicated that they will be issuing guidance regarding board action with regard to stipends. As soon as this guidance is released, OSBA will release additional information, including updates to existing policy, as necessary.

No new or updated OSBA sample policies or administrative regulations released in this update.

## PHYSICAL EDUCATION REQUIREMENTS

### Summary

[House Bill 3199](#) (2023) revised physical education requirements for upper elementary grades from 225 minutes down to “an average of 150 minutes during each school week, as calculated over the duration of the school year.” As was with previous law, grade 6 students must meet standards in the school where they are taught, i.e., if taught in same school as grade 5 and below, each student must “participate in physical education for the entire school year for at least 150 minutes during each school week.

### Collective Bargaining Impact

None

### Local District Responsibility

Review the district’s current policy EFA – Local Wellness, and if the PE requirements are included as goals under the Physical Activity and Education section, revise it to include the new requirements. If the district has not yet updated policy EFA – Local Wellness, consider doing it now. An updated version of EFA would not require EFA-AR, so review the board’s manual and rescind EFA-AR if the board updates policy EFA; there is no longer an OSBA model for EFA-AR.

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

EFA – Local Wellness, Required

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## EMPLOYEE LEAVE

### Summary

During the 2023 Legislative Session, multiple bills were passed amending Paid Family Medical Leave Insurance (PFMLI) and the Oregon Family Leave Act (OFLA). Additionally, administrative rules have been implemented. The changes to these policies reflect those amendments. These leave laws apply differently to districts based on the number of employees that a district has. Version 1 of GCBDA/GDBDA - Family Medical Leave \* and its Administrative Regulation (AR) are for districts with 50 or more employees (the district is subject to OFLA and employees may be eligible for FMLA). Version 2 of GCBDA/GDBDA - Family Medical Leave \* and its AR are for districts with between 25 and 50 employees (the district is subject to OFLA, but employees will generally not be eligible for FMLA). If the district has fewer than 25 employees, OSBA does not recommend using either of the versions of GCBDA/GDBDA and its AR unless the district wants to make these benefits available to its employees. Changes to additional GCBDA/GDBDA’s-A R’s will be made in future updates.

GCBDF/GDBDF- Paid Family Medical Leave Insurance \* is not based on employee size. Version 1 of GCBDF/GDBDF Paid Family Medical Leave Insurance \* and the AR are designed for districts using Paid Leave Oregon (through the Oregon Department of Employment). Version 2 of GCBDF/GDBDF- Paid Family Medical Leave Insurance \* is for districts using an equivalent plan (there is no accompanying AR). Version 2 of GCBDF/GDBDF had no changes and therefore is not included in this update.

## **Collective Bargaining Impact**

Districts may need to bargain aspects of these policies.

## **Local District Responsibility**

The board should delete current GCBDA/GDBDA – Family Medical Leave \* and GCBDA/GDBDA-AR(1) -Family Leave\* and replace them with one of the new versions.

If the district is using Paid Leave Oregon (Employment Department) to administer PMFLI, the board should update version 1 of GCBDF/GDBDF – Paid Family Medical Leave Insurance \* and GCBDF/GDBDF-AR – Paid Family Leave Insurance (PMFLI). If the district is using an equivalent plan for PFMLI, the board should keep version 2 of GCBDF/GDBDF – Paid Family Medical Leave Insurance \* (no changes and not included in this update). If a district is using an equivalent plan, OSBA recommends that they work with the equivalent plan provider to developing procedures.

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

GCBDA/GDBDA – Family Medical Leave \*, Highly Recommended, *Version 1 or 2*  
GCBDA/GDBDA-AR(1) – Family Leave \*, Highly Recommended, *Version 1 or 2*  
GCBDF/GDBDF – Paid Family Medical Leave Insurance \*, Highly Recommended, *Version 1 (Version 2 has no changes and is not included in this update)*  
GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance (PMFLI), Highly Recommended

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## **PERS RETIREMENT**

### **Summary**

The only change resulting from passing House Bill 2296 (2023) extends the sunset for the 2019 law revision to the end of 2034. This summary has been provided just to inform about this change.

### **Collective Bargaining Impact**

Review collective bargaining agreements for any provisions relating to employee retirement.

### **Local District Responsibility**

There are no changes to policy language resulting from revisions created by House Bill 2296.

Update to legal references only.

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

GCPC/GDPC – Retirement of Staff \*, Optional

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## HEALTH SERVICES PLAN

### Summary

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop “a written prevention-oriented health services plan for all students” (OAR 581-022-2220 (1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, services for all students, and hearing, vision and dental screenings.

An analysis of these rule changes is still occurring and are expected to affect several policy recommendations which may include recommendations to rescind unnecessary policies.

Review the entire rule here: [OAR 581-022-2220](#) and reach out to the Oregon Department of Education with additional questions regarding plan requirements and deadlines. ODE provided this recent [news release](#).

No new or updated OSBA sample policies or administrative regulations released in this update.

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## PUBLIC CHARTER SCHOOLS

### Summary

Some changes to law governing attendance at virtual public charter schools have become effective with passing of [House Bill 3204](#) (2023). Districts may still deny enrollment if more than three percent of students residing in the district are attending a virtual public charter school not sponsored by the district. However, there are several permanent changes, two of which include a requirement to complete the percentage calculation at least twice each year and a decision by a district to not give approval requires notice to be issued by the district within 10 calendar days of receiving notice from the parent of intent to enroll their student. Such notice must now include information about the calculations which supports denial, in addition to the existing requirements to provide information about the right to appeal to the State Board and other online options available to the student (read Oregon Revised Statute (ORS) 338.125 as amended by HB 3204).

Additionally, a student is now not required to gain approval from the district where the student now resides, if the student enrolled in a virtual public charter school while living in another school district, and has maintained continuous enrollment in that school since moving into the district where the student currently resides (HB 3204).

A second bill, Senate Bill 767 (2023), created new law added to Chapter 338 governing the operation of a nonvirtual public charter school by a public charter school in a nonsponsoring school district and revised ORS 332.158. The bill does exempt schools in operation prior to the effective date of the new law, if other requirements outlined in the new provisions are met. Read the [bill](#) (SB 767) to gain further understanding of the requirements.

Both of these new bills are effective now.

### Collective Bargaining Impact

None

## **Local District Responsibility**

If the district previously adopted policy LBEA – Resident Student Denial for Virtual Public Charter School Attendance\*\*, and wishes to continue the practice established by policy, update policy language and submit to the board for readoption. The language in LBEA was previously part of recommended language in policy LBE - Public Charter Schools\*\* until creation of LBEA. The district should review their version of LBE and if adopted prior to 2021, consider an update to LBE as well. In policy LBE, review the recommended changes and readopt this highly recommended language.

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

LBE – Public Charter Schools\*\*, Highly Recommended

LBEA – Resident Student Denial for Virtual Public Charter School Attendance\*\*,  
Conditionally Required

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## **ABOUT *POLICY UPDATE***

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

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

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

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

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## **TRY OUR ONLINE POLICY DEMO**

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

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

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



## Family Leave\*

### Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

### Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee need not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.<sup>1</sup> For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee of a covered employer is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who worked for the covered employer for fewer than 30 days immediately before the date on which the family leave would commence; or

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<sup>1</sup>The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

2. An employee who worked for the covered employer for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.

An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the covered employer, irrespective of any reason:
  - a. Is eligible to take leave OFLA at the time the employee separates; and
  - b. Is reemployed by the covered employer within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
  - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
  - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for a covered employer prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the employer within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

## Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
  - a. Inpatient care;
  - b. Continuing treatment;
  - c. Chronic conditions;
  - d. Permanent, long-term or terminal conditions;
  - e. Multiple treatments;
  - f. Pregnancy and prenatal care.
2. Parental leave<sup>2</sup> (separate from eligible leave as a result of a child's serious health condition):
  - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
  - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
  - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
  - a. Inpatient care;
  - b. Continuing treatment;
  - c. Chronic conditions;
  - d. Permanent, long-term or terminal conditions;
  - e. Multiple treatments;
  - f. Pregnancy and prenatal care.
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
  - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
  - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
  - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);

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<sup>2</sup>Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
- 3. Sick Child Leave: leave for non-serious health conditions of the employee’s child. For OFLA, sick child leave includes absence to care for an employee’s child whose school or child care provider has been closed<sup>3</sup> in conjunction with a statewide public health emergency declared by a public health official<sup>4</sup>.
- 4. Bereavement Leave: leave related to the death of a covered family member<sup>5</sup>.
- 5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
- 6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

**Definitions**

- 1. Family member:
  - a. For the purposes of FMLA, “family member” means:
    - (1) Spouse<sup>6</sup>;
    - (2) Parent;
    - (3) Child; or
    - (4) Persons who are “in loco parentis”.
  - b. For the purposes of OFLA, “family member” means:
    - (1) Spouse;
    - (2) Registered, same-gender domestic partner;

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<sup>3</sup> “Closure” for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider. OAR 839-009-0214(4).

<sup>4</sup> The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

- 1. The name of the child being cared for;
- 2. The name of the school or child care provider that has closed or become unavailable; and
- 3. A statement from the employee that no other family member of the child is willing and able to care for the child. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

<sup>5</sup> Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

<sup>6</sup> “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- (3) Parent;
- (4) Parent-in-law;
- (5) Parent of employee's registered, same-gender domestic partner;
- (6) Child;
- (7) Child of employee's registered, same-gender domestic partner;
- (8) Grandchild;
- (9) Grandparent; or
- (10) Persons who are "in loco parentis".

2. Child:

- a. For the purposes of FMLA, "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing "in loco parentis", who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental impairment.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, "child" means the employee's son or daughter on covered active duty regardless of that child's age.
- c. For the purposes of OFLA, "child" means a biological, adopted, foster child or stepchild of the employee, the child of the employee's same-gender domestic partner, or a child with whom the employee is or was in a relationship of "in loco parentis".
- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

3. In loco parentis:

- a. For the purposes of FMLA, "in loco parentis" means persons with day-to-day responsibility to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, "in loco parentis" means person in the place of the parent having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA and Military Caregiver Leave under FMLA, "next of kin" means the nearest blood relative other than the servicemember's spouse, parent, son or daughter in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Brothers or sisters;
- c. Grandparents;
- d. Aunts and uncles; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of Military Caregiver Leave under FMLA, "covered servicemember" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retire list for a serious injury or illness.

6. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five year period before the eligible employee first takes FMLA, Military Caregiver Leave.

7. Public health emergency:

For OFLA a public health emergency means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

**Leave Period**

For the purposes of calculating an employee’s leave period, the district will use a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated 12-month leave period described above.

**Leave Duration**

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period<sup>7</sup>. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee’s parent’s serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee’s leave entitlement within the district’s designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period. However, an eligible employee is entitled to an additional full 12 weeks of parental leave during the district’s designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the district’s

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<sup>7</sup>An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.



designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.<sup>8</sup> Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.<sup>9</sup>

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the district's designated leave period.

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12<sup>10</sup>. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek<sup>11</sup>. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

### **Intermittent Leave**

With the exception of parental leave which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule. For OFLA this includes but not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

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<sup>8</sup>Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

<sup>9</sup>Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

<sup>10</sup>For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

<sup>11</sup>For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but
2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

### **Alternate Work Assignment**

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.



If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

### **Special Rules for School Employees**

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, counselors, psychologist, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

#### **1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days**

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

#### **2. Limitation on Leave Near the End of the School Year**

When an eligible school employee requests leave near the end of the school year, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the school year:
  - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
    - (a) The leave will last at least three weeks; and
    - (b) The employee would return to work during the three-week period before the end of the term.
  - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:
    - (a) The leave will last at least three weeks; and
    - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
  - (1) The leave will last more than two weeks; and
  - (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

### **Paid/Unpaid Leave**

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.

The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the district, that available accrued paid leave shall be used during the leave

period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.

When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

### **Benefits and Insurance**

When an eligible employee returns to work following a FMLA or OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other employer's policy provide otherwise.<sup>12</sup> The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

### **Fitness-for-Duty Certification**

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to

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<sup>12</sup> See also ORS 342.934(4)(d) in reduction force situations.

require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

### **Application**

Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

The district may request additional information to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

### **Medical Certification**

The district shall require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave, other than to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

### **Second and Third Opinions**

1. For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.
2. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

### **Notification**

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the Director of Human Resources.

### **Record Keeping/Posted Notice**

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The district will post notice of FMLA<sup>13</sup> and OFLA<sup>14</sup> leave requirements.

### **Federal vs. State Law**

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.

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<sup>13</sup> Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.

<sup>14</sup> Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.



# 7OSBA Model Sample Policy

Code: GCBDA/GDBDA-AR(1)  
Revised/Reviewed:

## Family Leave \* (Version 1)

{Highly recommended administrative regulation (AR). The law does not require districts to have this information in an AR, but the district is required to follow the law. Having an AR in place can assist with compliance. This AR is intended for districts with 50 or more employees. If the district has between 25 and 50 employees, use version 2 of GCBDA/GDBDA-AR(1) - Family Leave \*. If the district does not have 25 employees, the district should not use this AR.}

### Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to requalify as an eligible employee.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave.<sup>1</sup> For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins: there is no minimum average number of hours worked per week.

An employee is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the district for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:
  - a. Is eligible to take leave OFLA at the time the employee separates; and
  - b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:

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<sup>1</sup> The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

- a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
- b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify leave in the same leave year;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave;
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason;
4. An employee unable to work because of a disabling compensable injury<sup>2</sup> need not requalify in order to use OFLA leave following a period the employee is off work due to the compensable injury; and
5. An employee who has taken serious health condition leave to care for a family member who dies during the employee's serious health condition need not requalify to take leave for the death of that family member.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, the district must consider days, paid or unpaid, an employee is maintained on payroll. Full-time public school teachers who have been maintained on payroll by the district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

### **Qualifying Reason**

Eligible employees may access FMLA leave for the following reasons:

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<sup>2</sup> As defined in ORS 656.005.



1. Serious health condition of the employee or the employee’s covered family member. Serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care<sup>3</sup> or continuing treatment by a health care provider<sup>4</sup>.
2. Parental leave<sup>5</sup> (separate from eligible leave as a result of a child’s serious health condition):
  - a. Bonding with and the care for the employee’s newborn (within 12 months following birth);
  - b. Bonding with and the care for a newly adopted child or newly placed child in foster care<sup>{6}</sup> under the age of 18 (within 12 months of placement);
  - c. Care for a newly adopted child or newly placed child in foster care over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Military Caregiver Leave: leave for the care for spouse, child or next-of-kin who is a covered servicemember with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee’s spouse, child or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee’s covered family member. Serious health condition means:
  - a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;
  - b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
  - c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
  - d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.<sup>7</sup>
2. Parental leave (separate from eligible leave as a result of the child’s serious health condition):

<sup>3</sup> Inpatient care means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. 29 CFR 825.114.

<sup>4</sup> Continuing treatment includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR 815.115.

<sup>5</sup> Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

<sup>6</sup> {ORS 659A.159 uses the term “foster child.” Districts can choose to use either “foster child” or “child in foster care” throughout this AR. }

<sup>7</sup> This definition is from ORS 659A.150(7). A more detailed definition is available in OAR 839-009-0210(22).

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- a. Bonding with and the care for the employee’s newborn (within 12 months following birth);
  - b. Bonding with and the care for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
  - c. Care for a newly adopted child or newly placed child in foster care over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
  - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Sick Child Leave: leave for non-serious health conditions of the employee’s child. For OFLA, sick child leave includes absence to care for an employee’s child whose school or child care provider has been closed<sup>8</sup> in conjunction with a statewide public health emergency declared by a public health official.<sup>9</sup>
  4. Bereavement Leave: leave related to the death of a covered family member.<sup>10</sup>
  5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
  6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same leave year may be reconfirmed at the start of each qualified leave requested.

## Definitions

1. Family member:
  - a. For the purposes of FMLA, “family member” means:
    - (1) Spouse<sup>11</sup>;
    - (2) Parent;
    - (3) Child; or
    - (4) Persons who are “in loco parentis”.
  - b. For the purposes of OFLA, “family member” means:
    - (1) Spouse or domestic partner;

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<sup>8</sup> “Closure” for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider. OAR 839-009-0210(4).

<sup>9</sup> The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

<sup>10</sup> Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

<sup>11</sup> “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

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- (2) Child or the child’s spouse or domestic partner;
- (3) Parent or the parent’s spouse or domestic partner;
- (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- (5) Grandparent or the grandparent’s spouse or domestic partner;
- (6) Grandchild or the grandchild’s spouse or domestic partner; or
- (7) Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.<sup>12</sup>

2. Child:

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- a. For the purposes of FMLA, “child” means a biological or adopted child, a child in foster care, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means a biological or adopted child, a child in foster care or stepchild of the employee, the child of the employee’s domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis”.
- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for or financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, “in loco parentis” means person in the place of the parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

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<sup>12</sup> “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

- a. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
- b. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
- c. The expectation to provide care because of the relationship or the prior provision of care;
- d. Cohabitation and its duration and purpose;
- e. Geographic proximity; and
- f. Any other factor that demonstrates the existence of a family-like relationship.

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For the purposes of FMLA , “next of kin” means the nearest blood relative other than the servicemember’s spouse, parent or child in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Siblings;
- c. Grandparents;
- d. Siblings of parents and their spouses; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, “covered veteran” means an individual who was:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

7. Public health emergency:

For OFLA a public health emergency means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

## Leave Period

For the purposes of calculating an employee’s leave period, the district will use ~~the calendar year~~ ~~any fixed 12-month “leave year”~~ ~~the 12-month period measured forward from the date the employee’s leave begins~~ [a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave] ~~a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences~~ <sup>{13}</sup>. The same method for calculating the one-year period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated leave period described above.

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<sup>{13}</sup> Beginning July 1, 2024, districts are required to use the final bracketed option for OFLA purposes. See SB 999 (2023). Prior to making a change to the leave period calculation, 60 days’ notice must be provided to employees. FMLA continues to measure the leave year as 12 months, which could result in slight differences for some employees.

## Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period<sup>14</sup>. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement, or to care for the employee's parent's serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the designated leave period. However, an employee may be entitled to an additional, full 12 weeks of parental leave during the designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA.<sup>15</sup> Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.<sup>16</sup>

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the designated leave period.

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12<sup>17</sup>. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of

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<sup>14</sup> An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district's leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

<sup>15</sup> Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

<sup>16</sup> Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

<sup>17</sup> For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

the leave period shall be used for calculating the employee's normal workweek<sup>18</sup>. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

### **Intermittent Leave**

With the exception of parental leave which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(30)(a).

When an exempt employee is eligible for OFLA but not FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the party-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

### **Alternate Work Assignment**

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;

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<sup>18</sup> For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.



4. The transfer is compliant with state and federal law, including but not limited to the applicable protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on intermittent OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements;
4. The transfer is compliant with state and federal law, including but not limited to the applicable protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position to accommodate the employee's serious health condition, and as a result the employee works fewer hours than the employee was working in the original position, the employee's OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

### **Special Rules for School Employees**

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

2. Limitation on Leave Near the End of the School Year

When an eligible school employee requests leave near the end of the school year, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the school year:
  - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
    - (a) The leave will last at least three weeks; and
    - (b) The employee would return to work during the three-week period before the end of the term.
  - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain on leave until the end of the school year, provided:
    - (a) The leave will last at least three weeks; and
    - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
  - (1) The leave will last more than two weeks; and
  - (2) The employee would return to work during the two-week period before the end of the school year.



- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

### **Paid/Unpaid Leave**

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family Medical Leave Insurance (PMFLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with OFLA and FMLA when taken for the same purpose. Subject to any related provisions in any applicable collective bargaining agreement [an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.]{<sup>19</sup>} This includes when an employee is being paid through PMFLI. The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

### **Benefits and Insurance**

When an eligible employee returns to work following a FMLA or OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.<sup>20</sup> The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days

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<sup>19</sup> {Coordinate with any language regarding use of accrued leave during PMFLI from GDBDF/GDBDF or any equivalent plan information. }

<sup>20</sup> See also ORS 342.934(4)(d) in reduction force situations.

late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

### **Fitness-for-Duty Certification**

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

### **Application**

Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

The district may request additional information to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.<sup>21</sup>

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

### **Medical Certification**

The district may require an eligible employee to provide medical documentation, when appropriate<sup>22</sup>, to support the stated reason for such leave. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

Any additional certifications, including second and third opinions, will be in accordance with applicable law.

### **Posted Notice**

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite that is accessible to and regularly frequented by employees.<sup>23</sup> The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.<sup>24</sup>

### **Record Keeping**

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

### **Federal vs. State Law**

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA

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<sup>21</sup> See OAR 839-009-0250(4)(c).

<sup>22</sup> Medical documentation is not allowed in every situation. Review current laws and guidance for more information.

<sup>23</sup> [https://www.oregon.gov/boli/employers/Documents/BOLI\\_Printable\\_FamilyMedLv.pdf](https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf); electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

<sup>24</sup> <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

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PROPOSED

# Lebanon Community Schools

Code: **EFAA-AR**

Adopted: 5/6/10

Readopted: 6/16/11, 1/17/13, 11/13/14,  
12/10/15, 6/9/16, 4/13/17,  
12/13/19

## Reimbursable Meals and Milk Programs

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

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

### Meal Pricing Procedures

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

### Application Procedures

- ~~1. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals for the students listed on the official document. Districts must access this document at least three times per year.~~
- ~~2. Students receiving support through the migrant education program, Runaway and Homeless Youth Act, McKinney Vento Homeless Assistance Act, federal Head Start and state funded prekindergarten programs, with income eligibility criteria identical or more stringent than federal Head Start, or are in state or court placement foster care, will be automatically eligible for free meals for the students listed on the official documents.~~
- ~~3. Households that submit a confidential application will be notified of their student's eligibility for free or reduced price meals. Households that are denied free or reduced price benefits will be notified in writing using the ODE template letter distributed to the district annually.~~
- ~~4. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal benefits and the household fails to submit a confidential application, the superintendent or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced price meal benefits. Parents of a student approved for free or reduced price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.~~
- ~~5. Students who do not qualify for free or reduced price meals are eligible to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and will be charged "paid" meal prices set by the district. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the district's NSLP and SBP.~~
- ~~6. The district has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.~~
- ~~7. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced price meals to the employer for distribution to affected employees.~~

### **Financial Management of the Nonprofit School Food Service**

1. The district will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP, SBP, CACFP and SFSP.

3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.<sup>1</sup>
4. District nutrition and food services revenues will not be used to purchase land or buildings.
5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The district will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
7. The district will meet the requirements for allowable NSLP, SBP, CACFP and SFSP costs as described in 2 C.F.R. 200.
8. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.
9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the district will purchase food products where at least 50 percent of the ingredients are produced or processed in the United States, whenever possible.

### **Civil Rights and Confidentiality Procedures**

1. The district will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, sex, sexual orientation, religion, age or disability.
3. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP, SBP, CACFP and SFSP benefits and services, and employment practices with regard to the operation of its NSLP, SBP, CACFP and SFSP. The district will

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

forward any civil rights complaint regarding the district's nutrition and food services to ODE's director of Child-Nutrition Programs within three days of receiving the complaint.

5. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The district will maintain strict confidentiality of all information obtained through a confidential application for free and reduced price meals or direct certification, including students' eligibility for free or reduced price meals and all household information. The district's NSLP, SBP, CACFP and SFSP operators are not required to release any information from a student's eligibility information. No information may be released from a student's confidential application for free or reduced price meals without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:
  - a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, CACFP, SFSP or SNAP;
  - b. Any other confidential information contained in the confidential application for free and reduced price meals (e.g., family income, address, etc.) may be released without written consent only to persons who operate or administer the NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

### **Nutrition and Menu Planning**

1. Meals and snacks served for reimbursement will meet *nutrition standards established by the US Department of Agriculture (USDA) and Oregon Smart Snacks Standards*.
2. Meals served for reimbursement will meet at least the minimum NSLP, SBP, CACFP and SFSP requirements for food items and quantities.
3. Meals served for reimbursement will:
  - a. Meet all calorie range requirements by grade level;
  - b. Meet the maximum standards set for saturated fat;
  - c. Meet the maximum standards set for sodium by grade level; and
  - d. Meet the requirement for zero grams of trans fats.
4. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items including one-half cup of fruit or vegetable offered in program lunches.



5. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items, including one-half cup of fruit or vegetable offered in program breakfasts.
6. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take three of the five food items, including one-half cup of fruit or vegetable offered in program lunches.
7. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items, including one-half cup of fruit offered in program breakfasts.

### **Use and Control of Commodity Foods**

8. The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the NSLP, SBP and SFSP.
9. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
10. The value of commodity foods used for any food production other than NSLP, SBP, SFSP or snacks shall be replaced in the food service inventory.

### **Accuracy of Reimbursement Claims**

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

### **Food Safety and Sanitation Inspections**

6. The district will maintain necessary facilities for storing, preparing and serving food and milk.
7. Semiannually, the district will schedule food safety inspections with the county Environmental Health Department for each school or dining site under its jurisdiction.

8. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

### **General USDA NSLP/SBP/SMP Requirements**

1. The district will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student's school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m. whenever possible.
4. The district will provide substitute foods for students with a disability<sup>2</sup> that restricts their diet when supported by a written statement from a state-licensed health care professional, who is authorized to write medical prescriptions. Substitutions will be provided only when a medical statement from the licensed health care professional is on file at the school. The medical statement must state the nature of the child's impairment so its effect on the student's diet is understood, and what must be done to accommodate the impairment. The district will not charge more than the price of the school meal, as determined by the child's eligibility status, for meals with the accommodation.
5. The district will control the sale of competitive foods.
6. The district will ensure that potable drinking water will be available to students, free of charge for consumption in the place where meals are served during meal service.
7. The district will notify all households and appropriate staff of its meal charge requirements<sup>3</sup> at the beginning of each school year, upon enrollment of a student or the transfer of a student. The meal charging requirements will be posted on the district website.
8. The sale of foods in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.
9. Students will be charged for second servings of meals. Second servings of fruits and vegetables are served at no charge.

### **Record Keeping**

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

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

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

1. All currently approved and denied confidential applications for free and reduced price meals, all current direct certification documents, eligibility verification documents and school membership or enrollment lists;
2. Financial records that account for all revenues and expenditures of the district's nonprofit nutrition and food services programs, including procurement documents;
3. Records (i.e., recipes, ingredient lists and nutrition fact labels or product specifications) that document the compliance with nutrition standards for all program and competitive foods available for sale to students at a school campus;
4. Documents of participation data (i.e. meal counts) from each school in the district to support claims for reimbursement;
5. Production and menu records;
6. Records to document compliance with Paid Lunch Equity;
7. Records to document compliance with Revenue from Non-program Foods: and
8. Internal program monitoring documents for NSLP, SBP, CACFP and SFSP.

### Physical Capacities Assessments

Temporary or regular job offers of any of the following positions will be contingent on the candidate successfully passing a physical capacities assessment prior to assuming the job.

Property Control	Facilities Operator
Courier	Mechanic
Press Operator	Service Mechanic
Maintenance	Food Service Manager II
Groundskeeper	Food Service Manager I
Laborer	Food Service Assistant
Custodian	

The assessment will be based on the physical requirements for essential functions of the job as specified in the specific position description.

Following a conditional offer of employment as a regular or temporary employee in one of the above listed positions, an appointment will be made by the Human Resources Department for the candidate at the Occupational Health Department of Samaritan Health Systems. The candidate will be given a General Instructions sheet with instructions regarding the assessment.

Once the assessment is completed, the results will be faxed to the Human Resources Department for review by the superintendent or designee. If the report indicates the candidate meets the physical requirements of the position, the superintendent or designee will notify the candidate and the immediate supervisor of the final approval for hiring. If the candidate does not meet the physical requirements, the tentative job offer will be rescinded for that position.

Assessment retakes for a specific position will not be allowed. There must be a minimum of three (3) months between assessments for the same job category.

Written results of physical capacities assessments will be kept in a confidential file separate from the candidates application file or a current employee's personnel file.

Costs of the physical capacities assessments will be the responsibility of the district, with the exception of transportation costs. The assessments must be taken on the candidate's own personal time.

**Lebanon Community Schools  
POST JOB OFFER PHYSICAL CAPACITIES ASSESSMENT  
General Instructions**

Name: \_\_\_\_\_

has been scheduled for a Physical Capacities Assessment at: (Check One)

**Samaritan Occupational Medicine, 1100 SW 7<sup>th</sup> Ave, Albany, OR 97321 (541-812-5600)**

~~Albany General Hospital—1046 6th Avenue Southwest, Albany, Oregon in the Physical  
Rehabilitation Department (541-812-4160)~~

OR

Good Samaritan Hospital - 3600 Northwest Samaritan Drive, Corvallis, Oregon in the Physical  
Rehabilitation Department (541-768-5157)

On Date: \_\_\_\_\_

At Time: \_\_\_\_\_

For Position: \_\_\_\_\_

You will be seen by the therapist for an assessment to determine if your physical abilities match the physical requirements of the job for which you are applying. The activities you will perform will include lifting and carrying boxes, bending, squatting, reaching, etc. This assessment will take approximately one (1) hour.

Come prepared by wearing comfortable clothing (preferably **shorts and a tee-shirt**) and **athletic shoes**. Bring reading glasses if you need them.

PLEASE CALL THE ABOVE NUMBER TO CONFIRM YOUR APPOINTMENT AND IF YOU HAVE ANY QUESTIONS. THANK YOU.

# Agenda Item 7

Consent Agenda:

B. Second Reading Policy Updates

# Lebanon Community Schools

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

## Board Meetings/Regular Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening<sup>1</sup> of a quorum of the Board as the district's governing body to make a decision<sup>2</sup> or to deliberate<sup>3</sup> toward a decision on any matter. ~~pertaining to district business. The Board has the authority to act only when a quorum is present at a duly called regular or special Board meeting. Communications between and among a quorum of members convening on electronically linked personal computers or by telephone conference call are subject to the Public Meeting Law.~~ This includes meeting for the purpose of gathering information to serve as a basis for a subsequent decision or recommendation by the Board, i.e. a work session. "Meeting" does not include any on-site inspection of any project or program the attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

The affirmative vote of the majority of members of the Board is required to transact any business.

### Regular Meetings

All regular, ~~and~~ special, and emergency meetings of the Board will be open to the public except as provided by law. ~~Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible.~~ All meetings will be conducted in compliance with state and federal statutes. ~~For information how to give or submit public comment it is outlined in the Board policy BDDH – Public Comment at Board Meetings and/or posted on the district's website.~~

All Board meetings, including Board retreats and work sessions, will be held within the boundaries, except as allowed by law<sup>4</sup>. The Board may attend training sessions outside of the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including the news media which have requested notice, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they are not included in the notice.

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<sup>1</sup> "Convening" means: (a) Gathering in a physical location; (b) Using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (c) Using serial electronic written communications among participants; or (d) Using an intermediary to communicate among participants.

<sup>2</sup> "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

<sup>3</sup> "deliberation" means discussion or communication that is part of a decision-making process.

<sup>4</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside of the jurisdiction of no deliberations toward a decision are involved.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing impaired persons. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. ~~Such~~ Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. ~~Communications with all qualified individuals with disabilities shall be as effective as communications with others.~~

If requested to do so at least 72 hours before a meeting held in public, the Board will make reasonable effort to provide translation services.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.

~~The first regular meeting after July 1, and not later than July 31 in odd numbered years, will be an organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings.~~

~~The meeting schedule will be established at the organizational meeting in July but may be changed by the Board with proper notice. The purpose of each monthly meeting will be to conduct the regular Board business. The Board chairman will conduct the meeting, or in his/her absence, the vice chairman will conduct the meeting. If both are absent, the person with the longest period of service on the Board will conduct the meeting.~~

#### 1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may be scheduled if less than a quorum is present at a meeting, additional business still needs to be conducted at the ending time of a meeting, conducting business prior to the next regular meeting would be advantageous to the district or other reasons. At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.



## Electronic Communication

~~E-mail to, by, and among Board members, in their capacity as Board members, shall not be used for the purpose of discussing district business. E-mail among Board members shall be limited to:~~

- ~~1. Disseminating information; and~~
- ~~2. Messages not involving deliberation, debate, or decision-making.~~

~~E-mail may contain:~~

- ~~1. Agenda item suggestions;~~
- ~~2. Reminders regarding meeting times, dates, and places;~~
- ~~3. Board meeting agendas or information concerning agenda items;~~
- ~~4. One-way information from Board members or superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);~~

### 2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic, video or telephonic communications, serial electronic communications among participants and using an intermediary to communicate among participants. Such communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Communications outside of a Board meeting may contain:

- a. Communications to, between or among members of a governing body that are:
  - (1) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
  - (2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
  - (3) No substantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or
- b. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to Board members will have the following notice:

*Important: Please do not reply or forward this e-mail communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a*

*governing body which could be considered a public meeting. ~~E-mails~~ Electronic communications on district business are governed by public records law.*

### 3. Private or Social Meetings

*Private or social meetings of a quorum of the Board for the purpose of making a decision, or to deliberate ~~deliberating~~ toward a decision on any matter are prohibited by public meeting law. ~~or participating in discussions of official district business are prohibited by the Public Meetings Law.~~*

### 4. Work Sessions

*The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.*

### 5. Executive Sessions

*Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law. See Board policy BDC - Executive Sessions.*

*Complaints regarding public meetings laws can be filed with the Board in accordance with Board Policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.<sup>5</sup>*

## **Mandatory Training**

*Every member of the Board shall attend or view a training on public meetings law prepared or approved by the Oregon Government Ethics Commission (OGEC) at least once during the Board member’s term of office and shall verify attendance in accordance with OGEC procedures.*

## **Adjourned Meetings**

*~~A Board meeting may be adjourned to another time if a quorum is not present or if additional business needs to be conducted at the regular time of adjournment. The time, date and place of the adjourned meeting will be specified and appropriate notice given.~~*

*~~All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.~~*

END OF POLICY

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#### **Legal Reference(s):**

[ORS Chapter 192](#)  
~~[ORS Chapter 193](#)~~

[ORS 255.335](#)

[ORS 332.0450 - 332.44061](#)  
[ORS 433.835 - 433.875](#)

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<sup>5</sup> See House Bill 2805 (2023) Section 5(2) for requirements of the response.

~~38 OR. ATTY. GEN. OP. 1995 (1978)~~

~~41 OR. ATTY. GEN. OP. 28 (1980)~~

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

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

OR. ATTY. GEN. Public Records and Meetings Manual.

House Bill 2805 (2023).

**Cross Reference(s):**

ACA - Americans with Disabilities Act

BDB - Special and Emergency Board Meetings

BDC - Executive Sessions

## Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student.

An executive session may be included as an agenda item of an existing meeting or held as its own meeting. Proper notice is required.

~~An executive session may be convened by order of the Board chair, upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660 during a regular, special or emergency meeting. If open session is held prior to the executive session the chair (presiding officer) will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.~~

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent<sup>1</sup>. (ORS 192.660(2)(a))
2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer<sup>2</sup>, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))

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<sup>1</sup> This provision does not apply to the filling of a vacancy in elective office or on any public committee, commission or other advisory group; or for the consideration of general employment policies. Prior to holding an executive session under ORS 192.660(2)(a), the Board must ensure

- a. The vacancy has been advertised;
- b. Regular hiring procedures have been adopted;
- c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and

If hiring a chief executive officer, the Board has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

<sup>2</sup> To determine whether the individual involved is considered a public officer, consult with legal counsel.

6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (ORS 192.660(2)(h))
7. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (ORS 192.660(2)(i))
8. To consider matters relating to school safety or a plan that responds to safety threats made toward a school. (ORS 192.660(2)(k))
9. To consider matters relating to the safety of the governing body and pf public body staff and volunteers and the security of public body facilities and meeting spaces. (ORS 192.660(2)(o))
10. To consider matters relating to cyber security infrastructure and responses to cyber security threats, (ORS 192.660(2)(p))
11. To review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))
12. To review ~~discuss~~ matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

Members of the press may attend executive sessions except those matters pertaining to:

1. Deliberations with persons designated by the Board to carry on labor negotiations;
2. Hearings on the expulsion of a minor student ~~and matters pertaining to~~ or examination of the confidential records of a student; and
3. Current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigations.

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

Minutes shall be kept for all executive sessions.

Content discussed in executive sessions is confidential **except as provided by law. Board members and the media are instructed not to disclose information obtained in executive session except when specifically authorized to do so or as required by law.**

END OF POLICY

**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 332.045](#)

[ORS 332.061](#)

~~House Bill 2514 (2019)~~

OR. ATTY. GEN. Public Records and Meetings Manual.

Oregon Government Ethics Commission, [Staff Advisory Opinion No. 22-106S](#)

[House Bill 2806 \(2023\)](#)

# Lebanon Community Schools

Code: **GCBDA/GDBDA**  
Adopted: 8/21/00  
Readopted: 9/16/10, 7/12/17  
Orig. Code(s): GCBDA/GDBDA

## Family Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009, other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, he/she must have been employed by the district for at least 12 months and have worked at least 1250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, he/she must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

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### Legal Reference(s):

[ORS 332.507](#)  
[ORS 342.545](#)

[ORS 659A.090](#)  
[ORS 659A.093](#)

[ORS 659A.096](#)  
[ORS 659A.099](#)

Family Medical Leave - GCBDA/GDBDA

1-2

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).  
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2008).

National Defense Authorization Act of 2008, Public Law 110-181, § 585(a).

National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, § 565.

Americans with Disabilities Act Amendments Act of 2008.

National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, § 565.

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).

R4/13/17 | RS

DELETED



# OSBA Model Sample Policy

Code: GCBDA/GDBDA  
Adopted:

## Family Medical Leave \* (Version 1)

{Highly recommended policy. The law does not require districts to have a board-adopted policy, but the district is required to follow the law. Having policy and an administrative regulation in place can assist with compliance. Policy is intended for districts with 50 or more employees as counted in accordance with ORS 659A.153. If the district has between 25 and 50 employees, the district should use version 2 of GCBDA/GDBDA – Family Medical Leave \*. If the district does not have 25 employees, the district should not adopt this policy.}

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA){<sup>1</sup>}, the Oregon Family Leave Act (OFLA){<sup>2</sup>}, the Oregon Military Family Leave Act (OMFLA), Paid Family Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and worked at a worksite that employs 50 district employees within 75 miles of the worksite.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins: there is no minimum average number of hours worked per week. Special requirements apply during public health emergencies.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee’s eligibility for OMFLA.

PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>3</sup>, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.<sup>4</sup>

Federal and state leave entitlements generally run concurrently.

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{<sup>1</sup> Generally, FMLA applies only to entities with 50 or more employees, however, FMLA applies to all public elementary and secondary educational institutions. See 29 CFR 825.600(b). The rule regarding individual employee eligibility does apply: an employee is only eligible if the employee “is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.” See 29 CFR 825.110(a)(3). Consequently, FMLA applies to districts with fewer than 50 employees, but individual employees will not be eligible to receive benefits.}

{<sup>2</sup> OFLA applies to employers with 25 or more employees in Oregon (ORS 659A.153) and OMFLA applies to all public-sector employers in Oregon. (ORS 659A.090(2)) (Oregon BOLI Leave Laws – 2023 Edition)}

<sup>3</sup> The wages are not required to have been earned for work in the district.

<sup>4</sup> See OAR 471-070-1010 for additional information.

The superintendent [or designee] will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)  
[ORS 659A.090](#)  
[ORS 659A.093](#)

[ORS 659A.096](#)  
[ORS 659A.099](#)  
[ORS 659A.150 - 659A.186](#)

[ORS 659B.010](#)  
[OAR 839-009-0200 - 0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).  
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).  
Senate Bill 999 (2023).

PROPOSED

# Lebanon Community Schools

Code: **LBE**

Adopted: 11/6/06

Readopted: 1/20/11, 6/21/12, 12/18/14,  
10/12/17, 8/8/19, 3/11/21

Orig. Code(s): LBE

## **Public Charter Schools\*\***

Public charter schools may be established as a new public school or a virtual public school, from one or more existing public schools in the district or a portion of the school, or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonpublic sectarian school or religious institution, or encompass all the schools in the district unless the district is composed of only one school.

Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

An applicant must submit a complete public charter school proposal that meets the requirements of Oregon law, and includes other information required by the district in the application process. **The public charter school will be located and operated within the sponsoring district except where authorized by law.**

The public charter school employer will be determined with each proposal. If the district is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the district is not the sponsor of the public charter school, the district shall not be the employer and will not collectively bargain with public charter school employees.

The district will determine if it has any vacant or unused buildings and make a list of such buildings; buildings may be made available for public charter school use, subject to Board approval and Board policy.

Public charter school students in grades K-8 may participate in their resident district's activities that are offered before or after regular school hours. Public charter school students in grades 9-12 may participate in their resident district's available activities that are sanctioned by the Oregon School Activities Association (OSAA) when the requirements found in Oregon law are met.

The district will not provide instructional materials, lesson plans, or curriculum guides for use in a public charter school.

The superintendent will develop administrative regulations to include, but not limited to, the proposal process, review and appeal procedures, and program evaluation, renewal, and termination.

END OF POLICY

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**Legal Reference(s):**

[ORS 327.077](#)

[ORS 327.109](#)

[ORS 332.107](#)

[ORS 338](#)

[ORS 339.141](#)

[ORS 339.147](#)

[ORS 339.450](#)

[ORS 339.460](#)

[OAR 581-026-0005 to -0710](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).

## Resident Student Denial for Virtual Public Charter School Attendance\*\*

The district is not required to approve a transfer of a resident student, when more than three percent of the students residing in the district are attending a virtual public charter school not sponsored by the district. The district will semiannually calculate the percentage of ~~the number of~~ students residing in the district, who are ~~enrolled in attending~~ a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students' enrollment to such a virtual public charter school, ~~subject to the requirements in Oregon Administrative Rule (OAR) 581-026-0305(2).~~

~~The district may send a notice of approval or disapproval to a parent<sup>1</sup> of a student who has sent a notice to the district of intent to enroll the student in a virtual public charter school not sponsored by the district (See OAR 581-026-0305(3)). A parent must give notice to the district of intent to enroll their student in a virtual public charter school not sponsored by the district, before enrolling their student in such a school and notice of actual enrollment. The district may respond with an approval or disapproval to a parent within eight business days<sup>2</sup> of receipt of the notice from the parent.~~

If the district is not approving the enrollment, the district must respond with a decision to not give approval within 10 calendar days of receipt of the notice of intent from the parent. Such decision must include:

1. The percentage of students in the district that attend virtual public charter schools that are not sponsored by the district, based on recent calculations;
2. The right to appeal the decision to the State Board of Education;
3. A list of two or more other online options available to the student; and
4. A copy of OAR 581-026-0305 and OAR 581-026-0310.

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;

---

<sup>1</sup> ~~“Parent” means parent, legal guardian or person in “parental relationship” as defined in Oregon Revised Statute (ORS) 339.133.~~

<sup>2</sup> ~~If a parent does not receive a notice of approval or disapproval from the district within 14 days of sending the notice of intent to enroll to the district, the student shall be deemed approved for enrollment by the district.~~

2. The number of students residing in the district enrolled in public charter schools located in the district;
3. The number of students residing in the district enrolled in virtual public charter schools;
4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

If the student was enrolled in a virtual public charter school while living in another district and has maintained continuous enrollment in such school since moving into, and residing in this district, approval is not required.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.2107](#)  
[ORS 338.125](#)  
[OAR 581-026-0305](#)  
[OAR 581-026-0310](#)  
[House Bill 3024 \(2023\)](#).

# Lebanon Community Schools

Code: **DLBA**  
Adopted: 6/15/98  
Readopted: 5/6/10  
Orig. Code(s): DLBA

## Advance Salary Payments

The Board recognizes the need to provide advance salary payments to employees from time to time. All such requests shall be subject to superintendent or designee approval. Payment will not exceed the amount of net salary earned at the time of the request **with a maximum of \$300**. If approved, the amount of the advance will be reduced by any associated additional processing costs. Requests for advance salary payments will be limited to no more than ~~two~~ **once** per employee per fiscal year.

No advances will be made **during the month of September** or during the week prior to the scheduled payday.

Advances made to regular employees will be deducted from the employee's next available paycheck.

END OF POLICY

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### Legal Reference(s):

[ORS 332.107](#)

[ORS 652.140](#)

# Agenda Item 8

Department Reports:

A. Operations



# BOARD MEMORANDUM



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

**From:** William H. Lewis III, Chief Operations Officer

**Date:** November 2, 2023                      **Meeting Date:** November 9, 2023

**Re:** Operations Updates

## **Operations Report**

**Seven Oak Project Update**-GBC Construction poured the foundation for the new building, and the structural steel is now on site.

**Lacomb Roof Update**-The district is working from the timeline of a summer 2024 completion date. HMK Company and the district are working on the final bid documents, which will be out **on November 15**.

**LHS Cafeteria Updates**-Administration is working with HMK Company and Halliday Associates, Inc. to design upgrades to the serving lines in the LHS cafeteria. The goal behind this project is to reduce wait times for lunches and continue to improve lunch participation. The preliminary budget for the project works out to be \$517,750. The funding source is the nutrition fund. The Oregon Department of Education has signed off on this expense.

# Agenda Item 8

Department Reports:

C. Finance

**RESOLUTION #2023-03 MAKING APPROPRIATION FOR THE 2023-2024 BUDGET**

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2023, and for the purposes shown below are hereby appropriated:

**General Fund (100)**

Instruction.....	\$ 29,669,816
Support Services.....	\$ 18,040,795
Enterprise & Community..	\$ 40,587
Other:	
Interest.....	\$ -
Transfers.....	\$ 2,184,000
Contingency.....	\$ 100,000
Unappropriated Ending Fund Balance	<u>\$ 5,877,944</u>
Total.....	<u>\$ 55,913,142</u>

**Special Revenue Funds (200's)**

Instruction.....	\$ 8,599,283
Support Services.....	\$ 4,566,736
Enterprise & Community..	\$ 3,487,077
Facilities Acquist./Const..	\$ 7,167,000
Transfers.....	\$ -
Contingency.....	\$ -
Unappropriated Ending Fund Balance	<u>\$ 3,082,748</u>
Total.....	<u>\$ 26,902,844</u>

**Debt Service (300's)**

Debt Service.....	<u>\$ 4,981,513</u>
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**Capital Projects (400's)**

Facilities Acquist./Const..	<u>\$ -</u>
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**Enterprise Fund (500's)**

Support Services.....	\$ 23,563
Facilities Acquist./Const..	\$ 400,000
Unappropriated Ending Fund Balance	<u>\$ 346,437</u>
Total.....	<u>\$ 770,000</u>

**Internal Service (600's)**

Support Services.....	\$ 130,000
Unappropriated Ending Fund Balance	<u>\$ 100,000</u>
Total.....	<u>\$ 230,000</u>

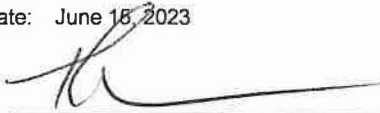
**Trust and Agency (700's)**

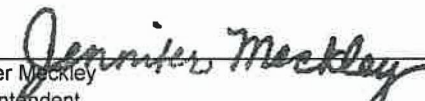
Support Services.....	\$ 1,000
Unappropriated Ending Fund Balance	<u>\$ 2,500</u>
Total.....	<u>\$ 3,500</u>

**Total Appropriations, All Funds \$ 88,800,999**

Date: June 18, 2023

**TOTAL ADOPTED BUDGET \$ 88,800,999**

  
 \_\_\_\_\_  
 Tom Oliver  
 Chair, Board of Directors

  
 \_\_\_\_\_  
 Jennifer Meckley  
 Superintendent

**RESOLUTION #2023-03 MAKING APPROPRIATION FOR THE 2023-2024 BUDGET**

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2023, and for the purposes shown below are hereby appropriated:

**General Fund (100)**

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Support Services.....	\$ 18,040,795
Enterprise & Community..	\$ 40,587
Other:	
Interest.....	\$ -
Transfers.....	\$ 2,184,000
Contingency.....	\$ 100,000
Unappropriated Ending Fund Balance	\$ 5,877,944
<b>Total.....</b>	<b>\$ 55,913,142</b>

**Special Revenue Funds (200's)**

Instruction.....	\$ 8,599,283
Support Services.....	\$ 4,566,736
Enterprise & Community..	\$ 3,487,077
Facilities Acquist./Const..	\$ 7,167,000
Transfers.....	\$ -
Contingency.....	\$ -
Unappropriated Ending Fund Balance	\$ 3,082,748
<b>Total.....</b>	<b>\$ 26,902,844</b>

**Debt Service (300's)**

Debt Service.....	\$ 4,373,878
Unappropriated Ending Fund Balance	\$ 607,635
<b>Total.....</b>	<b>\$ 4,981,513</b>

**Capital Projects (400's)**

Facilities Acquist./Const..	\$ -
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**Enterprise Fund (500's)**

Support Services.....	\$ 23,563
Facilities Acquist./Const..	\$ 400,000
Unappropriated Ending Fund Balance	\$ 346,437
<b>Total.....</b>	<b>\$ 770,000</b>

**Internal Service (600's)**

Support Services.....	\$ 130,000
Unappropriated Ending Fund Balance	\$ 100,000
<b>Total.....</b>	<b>\$ 230,000</b>

**Trust and Agency (700's)**

Support Services.....	\$ 1,000
Unappropriated Ending Fund Balance	\$ 2,500
<b>Total.....</b>	<b>\$ 3,500</b>

**Total Appropriations, All Funds \$ 88,800,999**

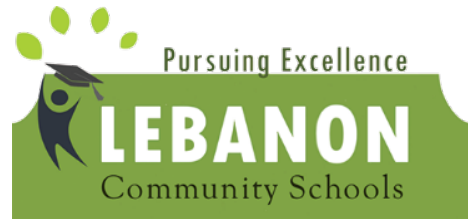
Date: October 9, 2023

**TOTAL ADOPTED BUDGET \$ 88,800,999**

\_\_\_\_\_  
Tom Oliver  
Chair, Board of Directors

\_\_\_\_\_  
Jennifer Meckley  
Superintendent

# BOARD MEMORANDUM



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

**From:** Steven Prososki, Business Director

**Date:** November 9, 2023

**Meeting Date:** November 9, 2023

**Re:** Financial Report and Fiscal Updates

## **Financial Report**

The 2023-2024 Financial Board Report included in this packet reflects all revenues and expenditures for 2019-2023 and the budgeted YTD expenditures, plus encumbered amounts for 2023-2024 as of 11/02/23.

	<b>19/20 Actual</b>	<b>20-21 Budget</b>	<b>21-22 Budget</b>	<b>22-23 Budget</b>	<b>23-24 Budget</b>	<b>11-02-23 YTD</b>	<b>11-02-23 Balance</b>
<b>General Fund - Revenue</b>							
SSF Formula	42,038,081	43,560,057	44,440,549	45,499,998	49,402,642	14,633,139	34,769,503
SSF Adjustment	-	-	-	-	-	-	-
State Fiscal Stabilization Fund	-	-	-	-	-	-	-
Federal Ed Jobs	-	-	-	-	-	-	-
School Year SubAccount	-	-	-	-	-	-	-
Loan Receipts	-	-	-	-	-	-	-
Interest	320,317	250,000	150,000	250,000	500,000	181,411	318,589
Third Party Billing	-	-	-	-	-	-	-
TMR	212,376	210,000	210,000	210,000	210,000	-	210,000
JROTC	77,982	65,000	65,000	65,000	65,000	15,644	49,356
Other	325,816	387,500	368,266	580,500	335,500	96,514	238,986
Interfund Transfer	850,000	-	-	-	-	-	-
BFB	2,126,603	3,784,307	5,065,000	5,180,500	5,400,000	6,134,889	(734,889)
<b>Total</b>	<b>45,951,175</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>51,785,998</b>	<b>55,913,142</b>	<b>21,061,597</b>	<b>34,851,545</b>
=====	=====	=====	=====	=====	=====	=====	=====
<b>General Fund - Expenses</b>							
Salaries	21,896,193	21,680,883	22,526,487	23,036,272	23,247,263	21,526,367	1,720,896
Benefits	14,481,355	15,086,873	14,597,973	15,115,726	15,553,189	13,542,684	2,010,505
P. Services	5,349,577	5,299,827	5,686,551	5,877,223	6,073,148	3,408,643	2,664,505
Supplies	1,569,846	1,530,133	1,606,583	1,882,175	2,063,656	803,146	1,260,510
Capital Outlay	54,500	90,000	100,000	70,000	40,000	32,030	7,970
Other Objects	441,468	469,147	501,776	520,603	773,943	521,820	252,123
Transfers	1,185,000	2,100,000	2,279,446	2,284,000	2,184,000	-	2,184,000
Contingency	1,750,000	2,000,000	3,000,000	3,000,000	5,977,944	-	5,977,944
<b>Total</b>	<b>46,727,940</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>51,785,998</b>	<b>55,913,142</b>	<b>39,834,689</b>	<b>16,078,453</b>
=====	=====	=====	=====	=====	=====	=====	=====

# 2023-24 General Fund Revenue Report

		19/20 Actual	20-21 Budget	21-22 Budget	22-23 Budget	23-24 Budget	11-02-23 YTD	11-02-23 Balance
	SSF Formula							
1111,	Taxes	10,509,179	10,938,094	11,873,719	12,150,243	12,721,240	53,219	12,668,021
4801,4899	Federal Forest Fees	157,804	130,000	125,000	120,000	115,000	-	115,000
3103	Common School	196,120	400,000	444,819	445,000	450,000	-	450,000
2101	County School	209,250	200,000	195,000	50,000	25,000	-	25,000
3104	State Timber	23,587	100,000	100,000	130,000	140,000	-	140,000
3101/3199	School Support Fund	30,942,140	31,791,963	31,702,011	32,604,755	35,951,402	14,579,920	21,371,482
	Adjustments to SSF Payments							
	Adj for Prior Year payments							-
	Adj for HC Disability Grant	-	-		-		-	-
	<b>Total SSF Formula</b>	<b>42,038,081</b>	<b>43,560,057</b>	<b>44,440,549</b>	<b>45,499,998</b>	<b>49,402,642</b>	<b>14,633,139</b>	<b>34,769,503</b>
1510	Interest on Investments	320,317	250,000	150,000	250,000	500,000	181,411	318,589
4200	Third Party billing	-	-	-	-	-	-	-
2210	TMR	212,376	210,000	210,000	210,000	210,000	-	210,000
4300	JROTC reimbursement	77,982	65,000	65,000	65,000	65,000	15,644	49,356
	Other							
1741	Outdoor School	-	-	-	-	-	-	-
1910	Rental Fees	1,582	7,500	5,000	-	1,000	311	690
1980	Fees Charged to Grants	14,915	50,000	108,266	110,000	110,000	-	110,000
1312, 1960, 1990,								
5300	Miscellaneous	304,781	250,000	255,000	470,500	152,000	68,138	83,862
1760	Club Fundraising	-	-	-	-	-	-	-
1411, 1993	Transportation Fees	4,538	-	-	-	72,500	7,593	64,907
1994	E-Rate reimbursement	-	80,000	-	-	-	20,472	(20,472)
5200	Interfund Transfer - Athletics	850,000	-	-	-	-	-	-
5400	Beginning Fund Balance	2,126,603	3,784,307	5,065,000	5,180,500	5,400,000	6,134,889	(734,889)
	<b>Total</b>	<b>45,951,175</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>51,785,998</b>	<b>55,913,142</b>	<b>21,061,597</b>	<b>34,851,545</b>

## 2023-24 General Fund Expenditure Report

Description	19/20 Budget	20/21 Budget	21/22 Budget	22/23 Budget	23/24 Budget	11-02-23 YTD	11-02-23 Encumb	11-02-23 Balance
Certified salaries	12,665,056	12,540,564	12,871,079	13,169,912	13,134,095	1,356,027	10,537,866	1,240,201
Classified salaries	6,227,931	6,008,791	6,250,523	6,233,686	6,041,456	1,298,838	4,645,850	96,768
Administrative salaries	1,873,807	1,863,955	2,059,820	2,151,593	2,327,571	744,515	1,509,067	73,989
Managerial - classified	154,577	289,051	299,689	511,189	557,806	200,510	402,019	(44,723)
Retirement stipends	91,904	133,413	120,000	0	0	0	0	0
Confidential salaries	162,808	284,898	343,800	485,197	465,767	155,745	311,489	(1,467)
Certified subs	2,000	0	14,294	0	0	0	0	0
Classified subs	1,500	23,975	0	0	0	0	0	0
Temp certified	82,264	45,425	0	625	0	480	0	(480)
Temp classified	8,000	21,658	481	11,086	14,300	20,784	0	(6,484)
Student helpers salaries	21,000	16,654	5,748	9,173	15,098	4,386	0	10,712
Overtime	0	91,513	57,127	38,449	53,074	24,684	0	28,390
Compensation time	52,300	44,207	71,883	8,946	18,597	4,008	0	14,589
Extra duty	279,579	128,295	230,761	83,537	216,434	85,794	0	130,640
Classified extra hrs	208,000	0	0	0	0	0	0	0
Vacation Payoff	29,817	24,292	28,240	43,273	25,244	0	0	25,244
Mentor teacher pay	0	0	0	822	0	0	0	0
Department Head Extra Duty	6,000	30,000	0	0	0	0	0	0
Taxable Meal Reimbursement	0	809	2,000	396	1,158	398	0	760
Cell Phone Stipend	0	1,080	1,080	450	450	150	300	0
Travel Stipend	0	11,400	0	30,500	25,950	10,883	21,767	(6,700)
Club/Coach Stipends	29,650	120,904	169,964	257,438	350,265	50,029	140,778	159,458
<b>Total Salaries</b>	<b>21,896,193</b>	<b>21,680,883</b>	<b>22,526,487</b>	<b>23,036,272</b>	<b>23,247,263</b>	<b>3,957,230</b>	<b>17,569,136</b>	<b>1,720,896</b>
PERS	7,398,130	7,286,664	6,797,646	6,994,709	7,309,631	1,202,670	5,219,791	887,170
Social Security	1,655,388	1,642,024	1,627,475	1,759,624	1,768,022	294,335	1,269,538	204,150
Worker's Comp	293,025	275,747	189,328	196,035	216,535	22,438	70,806	123,291
OR Paid Leave	0	0	0	0	92,132	11,358	66,367	14,407
Employee Ins - Admin	215,642	275,263	283,669	325,403	344,633	117,555	234,823	(7,745)
Employee Ins - Certified	2,449,421	2,756,998	2,840,563	3,029,490	2,897,802	294,711	2,333,394	269,697
Employee Ins - Classified	2,327,520	2,596,579	2,598,694	2,651,363	2,766,210	479,588	1,787,761	498,861
Employee Ins - Other	33,429	65,298	92,498	110,502	101,226	35,113	70,166	(4,053)
Employee Ins - Retired	83,600	52,700	120,000	0	0	2,271	0	(2,271)
TSA	25,200	45,600	45,600	48,600	57,000	10,000	20,000	27,000
Staff Tuition Reimbursement	0	90,000	2,500	0	0	0	0	0
<b>Total Benefits</b>	<b>14,481,355</b>	<b>15,086,873</b>	<b>14,597,973</b>	<b>15,115,726</b>	<b>15,553,189</b>	<b>2,470,039</b>	<b>11,072,646</b>	<b>2,010,505</b>



## 2023-24 General Fund Expenditure Report

Description	19/20	20/21	21/22	22/23	23/24	11-02-23	11-02-23	11-02-23
	Budget	Budget	Budget	Budget	Budget	YTD	Encumb	Balance
Instructional Services	103,800	76,375	66,000	161,000	181,500	12,553	0	168,947
Instr Prog Improve Service	53,000	67,750	87,750	56,200	26,817	24,456	0	2,361
Data Processing SVCS	0	0	3,000	5,000	7,500	6,200	0	1,300
Professional and Improvement Cc	0	0	15,000	5,000	5,000	0	0	5,000
Other Instr-Prof-Tech SVCS	20,000	10,000	11,500	16,000	16,000	0	0	16,000
Repairs & Maintenance	190,300	227,612	258,500	286,050	331,850	238,137	9,553	84,160
Radio Service	11,100	11,100	15,000	4,500	17,500	6,100	0	11,400
Rentals	129,400	88,286	86,300	89,105	112,801	24,029	39,998	48,774
Electricity	502,620	465,700	451,500	450,500	415,000	105,850	319,895	(10,745)
Fuel	223,135	217,800	208,100	233,000	290,000	17,005	69,798	203,197
Water & Sewer	153,520	142,500	146,700	134,000	150,000	65,585	0	84,415
Garbage	102,400	87,000	106,500	104,500	110,000	32,837	89,811	(12,648)
Other Property Services	20,000	0	0	0	15,000	0	0	15,000
Reimb. Student Transportation	10,200	29,900	34,500	9,000	0	0	0	0
Reimb. Student Transportation				150,390	167,158	4,150	0	163,008
Travel	158,263	150,513	153,011	168,395	78,660	12,982	289	65,389
Travel - Student - Out of Dist.	5,300	4,500	3,500	0	0	0	0	0
Meals/Transportation	200	350	350	0	0	0	0	0
Staff Tuition	47,000	2,000	72,000	72,500	22,500	8,275	0	14,225
Telephone	73,165	65,100	52,300	73,250	63,825	18,242	29,719	15,864
Postage	26,074	28,900	32,117	31,500	27,050	5,049	18,708	3,293
Advertising	4,300	2,650	3,500	5,500	3,500	10	0	3,490
Printing & Binding	29,400	30,950	31,700	44,500	26,850	820	0	26,030
Charter School Payments	2,195,000	2,300,000	2,400,000	2,540,000	2,655,000	1,081,843	949,689	623,468
Tuition Pay Private School	5,000	0	0	0	0	0	0	0
Other Tuition	92,500	90,000	115,000	95,600	10,000	1,444	0	8,556
Audit Services	30,000	39,000	36,000	45,000	45,000	41,150	0	3,850
Legal Services	35,000	35,000	35,000	30,000	75,000	17,770	0	57,230
Negotiation Services	10,000	5,000	1,000	1,000	0	0	0	0
Data Processing SVCS	89,600	65,000	57,500	57,000	56,000	12,889	0	43,111
Election Services	5,000	5,000	18,000	5,000	0	0	0	0
Other Non_instr Pro/Tech	363,700	351,450	402,650	379,154	513,457	56,447	6,910	450,100
Physical Exams - Drivers	4,400	5,750	5,500	8,000	8,500	2,567	424	5,509
Drug Tests Drivers	3,000	2,250	3,000	2,500	1,500	553	0	947
Child Care Services	15,000	0	0	0	0	0	0	0
Sub calling service	15,000	12,000	7,500	7,500	500	0	0	500
Classified subs	194,000	228,600	251,500	191,831	140,331	30,054	0	110,277
Criminal History checks	3,200	3,500	3,500	500	3,000	0	0	3,000
Fingerprinting	1,000	2,500	1,000	1,000	3,000	427	61	2,512
Licensed Subs	425,000	445,791	510,573	413,248	493,349	46,364	0	446,985
<b>Total P. Services</b>	<b>5,349,577</b>	<b>5,299,827</b>	<b>5,686,551</b>	<b>5,877,223</b>	<b>6,073,148</b>	<b>1,873,788</b>	<b>1,534,855</b>	<b>2,664,505</b>

## 2023-24 General Fund Expenditure Report

Description	19/20 Budget	20/21 Budget	21/22 Budget	22/23 Budget	23/24 Budget	11-02-23 YTD	11-02-23 Encumb	11-02-23 Balance
Gas Oil & Lubricants	190,500	189,100	192,000	248,000	239,000	39,092	33,093	166,815
Supplies & Materials	648,024	651,837	698,023	996,751	1,011,442	204,573.00	97,901.00	708,968
Vehicle repair parts	52,800	50,500	50,500	61,500	76,500	11,429.00	2,076.00	62,995
Transportation operations	15,000	25,000	25,000	25,000	25,000	6,279	600	18,121
Textbooks	28,033	9,933	5,433	21,500	107,550	45,396	27	62,127
Library Books	15,694	8,200	11,700	12,750	11,625	1,598	475	9,552
Periodicals	6,000	10,800	12,100	12,150	16,250	12,038	0	4,212
Equipment under 5K	178,842	146,100	125,550	72,800	73,500	14,408	0	59,092
Computer software	264,360	257,398	323,918	339,174	406,914	261,536	44,751	100,627
Computer hardware	170,593	181,265	162,359	92,550	95,875	27,179	695	68,001
<b>Total Supplies &amp; Materials</b>	<b>1,569,846</b>	<b>1,530,133</b>	<b>1,606,583</b>	<b>1,882,175</b>	<b>2,063,656</b>	<b>623,528</b>	<b>179,618</b>	<b>1,260,510</b>
Buildings Acquisition	0	0	25,000	25,000	0	0	0	0
Equipment	54,500	25,000	45,000	0	0	0	0	0
New Equipment over 5K	0	45,000	10,000	22,500	20,000	6,842	17,188	(4,030)
Replace of Equip over 5K	0	20,000	20,000	22,500	20,000	8,000	0	12,000
<b>Total Capital Outlay</b>	<b>54,500</b>	<b>90,000</b>	<b>100,000</b>	<b>70,000</b>	<b>40,000</b>	<b>14,842</b>	<b>17,188</b>	<b>7,970</b>
Regular Interest	500	0	0	0	0	0.00	0.00	0
Dues & Fees	175,180	159,726	148,076	122,303	117,843	62,064.00	397.00	55,382
Insurance & Judgments	265,588	306,221	350,000	395,000	463,000	459,135	0	3,865
Fidelity Bond Premiums	0	0	0	0	100	100	0	0
Judgments & Settlements	0	2,500	3,000	2,500	0	0	0	0
Taxes & Licenses	200	700	700	800	1,000	124	0	876
Grant Matching	0	0	0	0	192,000	0	0	192,000
<b>Total Other Objects</b>	<b>441,468</b>	<b>469,147</b>	<b>501,776</b>	<b>520,603</b>	<b>773,943</b>	<b>521,423</b>	<b>397</b>	<b>252,123</b>

## 2023-24 General Fund Expenditure Report

Description	19/20 Budget	20/21 Budget	21/22 Budget	22/23 Budget	23/24 Budget	11-02-23 YTD	11-02-23 Encumb	11-02-23 Balance
Transfer - Vocational House Fun	0	70,000	250,000	450,000	200,000	0	0	200,000
Transfer - Technology	0	80,000	100,000	100,000	100,000	0	0	100,000
Transfer - Classroom Furniture	0	10,000	35,000	35,000	60,000	0	0	60,000
Transfer - Textbook Adoption	400,000	200,000	350,000	550,000	350,000	0	0	350,000
Transfer - Capital Improvement		200,000	300,000	50,000	200,000	0	0	200,000
Transfer - Track and Turf Fund	10,000	0	0	0	0	0	0	0
Transfer - Athletic Fund	450,000	475,000	475,000	475,000	475,000	0	0	475,000
Transfer - Bus Replacement	150,000	225,000	225,000	225,000	225,000	0	0	225,000
Transfer - Unemploy Ins	25,000	250,000	0	0	0	0	0	0
PERS Reserve	0	450,000	300,000	154,000	154,000	0	0	154,000
Transfer - Food Service	100,000	120,000	224,446	225,000	200,000	0	0	200,000
Transfer - Music/Band Replaceme	0	20,000	20,000	20,000	20,000	0	0	20,000
Transfer - Debt Service	50,000	0	0	0	200,000	0	0	200,000
Transfer - Academic Achievemer	0	0	0	0	0	0	0	0
<b>Total Transfers</b>	<b>1,185,000</b>	<b>2,100,000</b>	<b>2,279,446</b>	<b>2,284,000</b>	<b>2,184,000</b>	<b>0</b>	<b>0</b>	<b>2,184,000</b>
Reserve/Contingency	1,750,000	2,000,000	3,000,000	3,000,000	5,977,944	0	0	5,977,944
<b>Grand Total</b>	<b>46,727,940</b>	<b>48,256,864</b>	<b>50,298,816</b>	<b>51,785,998</b>	<b>55,913,142</b>	<b>9,460,849</b>	<b>30,373,840</b>	<b>16,078,453</b>