



Hillsboro School District 1J

March 17, 2020

Board Meeting

Board of Directors

Lisa Allen • Martin Granum • See Eun Kim • Erika Lopez • Yadira Martinez • Jaci Spross • Mark Watson

Student Representatives to the Board of Directors

Danny Adzima • Maria Isabel Aguilar Alvarado • Andrew Goodwin

HILLSBORO SCHOOL DISTRICT 1J BOARD OF DIRECTORS
Virtual Meeting – Administration Center, 3083 NE 49th Place, Hillsboro, OR 97124

Board Meeting Agenda
March 17, 2020
5:15 PM

Please note that in light of current public health concerns related to COVID-19, this meeting will be a virtual meeting held at the Administration Center with only essential personnel and credentialed media, and without the public in attendance. Additional information regarding meeting access is available on www.hsd.k12.or.us. Public Comment will not be received during this meeting but can be emailed to romanr@hsd.k12.or.us. Written testimony related to the Public Hearing Authorizing Emergency Procurement of Services Due to Covid19 Emergency Declaration will be accepted until 5:00 PM on Tuesday, March 17, 2020 at romanr@hsd.k12.or.us. The estimated times listed below for specific agenda items are subject to change.

1. 5:15 PM - Work Session

- | | |
|--|----|
| A. Coronavirus Update | 10 |
| Presenter: Mike Scott | |
| Time: 5:15 PM, 20 minutes | |
| B. Strategic Plan Update | 11 |
| Presenter: Travis Reiman / Beth Graser / Dayle Spitzer | |
| Time: 5:35 PM, 15 minutes | |
| C. Demography Report | 13 |
| Presenter: Adam Stewart / Michelle Morrison | |
| Time: 5:50 PM, 30 minutes | |
| D. Local Option Levy Discussion | 14 |
| Presenter: Beth Graser/Mike Scott | |
| Time: 6:20 PM, 10 minutes | |
| E. Job Description Update | 15 |
| Presenter: Kona Lew-Williams | |
| Time: 6:30 PM, 5 minutes | |
| F. Discuss/Review Board Meeting Processes | 16 |
| Presenter: Mike Scott / Erika Lopez | |
| Time: 6:35 PM, 15 minutes | |
| G. Recess Board Meeting | |
| Time: 6:50 PM, 10 minutes | |

2. 7:00 PM - Regular Session

- | | |
|--|----|
| A. Call to Order and Flag Salute | |
| Presenter: Erika Lopez | |
| Time: 7:00 PM, 5 minutes | |
| B. Recognition / Student Presentation | |
| 1. Recognition and Proclamations | |
| Presenter: Erika Lopez | |
| Time: 7:05 PM, 10 minutes | |
| a. Classified Employee Appreciation Week | 17 |
| b. Women's History Month | 18 |

c. National Volunteer Week	19
C. Approval of Agenda	
D. Audience Time	
Time: 7:15 PM, 5 minutes	
E. Consent Agenda	
<i>Consent agenda items are distributed to Board members in advance for study, and enacted with a single motion.</i>	
Time: 7:20 PM, 5 minutes	
1. Approve Minutes of February 11, 2020, Board Meeting	20
2. Approve Minutes of February 25, 2020, Board Meeting	22
3. Approve Routine Personnel Matters	27
4. Approve 2020-21 Calendar	29
5. Authorize Application for 2020 Migrant Summer School	31
F. Action Items	
1. Accept Gifts and Donations	32
Presenter: Michelle Morrison	
Time: 7:25 PM, 5 minutes	
2. Inter-District Transfers	33
Presenter: Beth Graser	
Time: 7:30 PM, 5 minutes	
G. Recess Board Meeting; Convene Meeting of the Local Contract Review Board	
Presenter: Erika Lopez	
Time: 7:35 PM	
H. Public Hearing Authorizing Emergency Procurement of Services Due to Covid	34
19 Emergency Declaration	
Presenter: Casey Waletich	
Time: 7:35 PM, 5 minutes	
1. Public Testimony	
Presenter: Erika Lopez	
Time: 7:40 PM, 5 minutes	
2. Approve the use of the Emergency Procurement of Services to meet the purchasing needs of the District generated by the emergency declaration	
Presenter: Erika Lopez	
Time: 7:45 PM	
I. Adjourn Meeting of the Local Contract Review Board; Reconvene Board Meeting	
Presenter: Erika Lopez	
Time: 7:45 PM	
J. Reports and Discussion	
1. Financial Report (<i>see written report</i>)	36
Presenter: Michelle Morrison	
Time: 7:45 PM, 5 minutes	
2. First Read - Language Arts Adoption	40
Presenter: Travis Reiman	
Time: 7:50 PM, 30 minutes	

K. Policies - First Reading

41

Policies that are scheduled for first reading are included in the Board meeting packet. Staff members will not formally present the first reading of policies, unless the Board requests information that is not already included in the Board meeting packet. If no public comments or questions are received regarding these policies during the review period, they may be placed on the consent agenda for approval during the next regular meeting.

Presenter: Mike Scott

Time: 8:20 PM, 5 minutes

1. G: Personnel

45

- a. GA: Personnel Policy Goals (Delete)
Presenter: Kona Lew-Williams
- b. GAA: Personnel: Definitions
Presenter: Kona Lew-Williams
- c. GAB: Job Descriptions
Presenter: Kona Lew-Williams
- d. GABA: Standards of Ethical Professional Performance
Presenter: Kona Lew Williams
- e. GB: General Personnel Policies
Presenter: Kona Lew-Williams
- f. GBA: Equal Employment Opportunity
Presenter: Kona Lew-Williams
- g. GBCA: Staff Religious Dress
Presenter: Kona Lew-Williams
- h. GBD: Board-Staff Communications
Presenter: Mike Scott
- i. GBE: Staff Health and Safety
Presenter: Michelle Morrison
- j. GBEA: Workers' Compensation Insurance (Delete)
Presenter: Michelle Morrison
- k. GBEB: Communicable Diseases - Staff
Presenter: Travis Reiman
- l. GBEB A: Staff with HIV, AIDS, and HBV
Presenter: Travis Reiman
- m. GBEBAA/JHCCBA/EBBAB: Hepatitis B/Bloodborne Pathogens (Delete)
Presenter: Travis Reiman
- n. GBEB C/EBBAA/JHCCC: Infection Control - HIV, AIDS, HBV (Delete)
Presenter: Travis Reiman
- o. GBEBE/JHCCE: News/Media - HIV, AIDS, or HBV (Delete)
Presenter: Travis Reiman
- p. GBEC: Drug-Free Workplace (Delete/Replace)
Presenter: Kona Lew-Williams
- q. GBED: Pre-Employment Physicals/Drug Testing (Delete/Replace)
Presenter: Kona Lew-Williams
- r. GBEDA: Drug and Alcohol Testing - Transportation Personnel

Presenter: Kona Lew-Williams

- s. GBEDA-AR: Drug and Alcohol Testing - Transportation Personnel
*AR requires Board approval
Presenter: Kona Lew-Williams
- t. GBHA: Parental/Family Relationship (Delete)
Presenter: Dayle Spitzer
- u. GBHB: Personal Relationships with Students (Delete)
Presenter: Kona Lew-Williams
- v. GBI: Gifts and Solicitations
Presenter: Michelle Morrison
- w. GBK/KGC: Prohibited Use, Distribution, or Sale of Tobacco Products and Inhalant Delivery Systems
Presenter: Dayle Spitzer
- x. GBL: Personnel Records
Presenter: Kona Lew-Williams
- y. GBLA: Disclosure of Information
Presenter: Kona Lew-Williams
- z. GBM: Staff Complaints
Presenter: Kona Lew-Williams
- aa. GC: Licensed Staff Positions
Presenter: Kona Lew-Williams
- bb. GCA: License Requirements
Presenter: Kona Lew-Williams
- cc. GCAA: Standards for Competent and Ethical Performance of Oregon Educators
Presenter: Kona Lew-Williams
- dd. GCBAA: Salary Placement - Out-of-District Experience (Delete)
Presenter: Kona Lew-Williams
- ee. GCBCA/GDBCA: Continuation Coverage Health Benefits (Delete)
Presenter: Kona Lew-Williams
- ff. GCBD/GDBD: Leaves and Absences
Presenter: Kona Lew-Williams
- gg. GCBDA/GDBDA: Family Medical Leaves
Presenter: Michelle Morrison and Kona-Lew Williams
- hh. GCBDB/GDBDB: Early Return to Work
Presenter: Michelle Morrison and Kona Lew-Williams
- ii. GCBDC/GDBDC: Domestic Violence, Harassment, Sexual Assault or Stalking Leave
Presenter: Michelle Morrison and Kona Lew-Williams
- jj. GCBDD/GDBDD: Sick Time
Presenter: Kona Lew-Williams
- kk. GCBE/GDBE: Vacation and Holidays (Delete)
Presenter: Kona Lew-Williams
- ll. GCC/GDC: Recruitment/Selection of Staff
Presenter: Kona Lew-Williams

- mm. GCEA: Substitute Teachers (Delete)
Presenter: Kona Lew-Williams
- nn. GCEC: Job Sharing (Delete)
Presenter: Kona Lew-Williams
- oo. GCI/GDI: Assignment and Transfer
Presenter: Kona Lew-Williams
- pp. GCL/GDL: Staff Development
Presenter: Dayle Spitzer
- qq. GCN/GDN: Evaluation of Staff
Presenter: Dayle Spitzer
- rr. GCPB/GDPB: Resignation of Employees
Presenter: Kona Lew-Williams
- ss. GCPC/GDPC: Retirement of Staff
Presenter: Kona Lew-Williams
- tt. GCPD: Discipline and Dismissal of Personnel
Presenter: Kona Lew-Williams
- uu. GCQB: Research
Presenter: Travis Reiman
- vv. GCQBA: Copyrights and Patents
Presenter: Jordan Beveridge
- ww. GCQC: Exchange Teaching (Delete)
Presenter: Kona Lew-Williams
- xx. GCQE: Student Teachers (Delete)
Presenter: Kona Lew-Williams
- yy. GD: Classified Staff/Classified Staff Positions
Presenter: Kona Lew-Williams
- zz. GDA: Instructional Assistants (Proposed)
Presenter: Kona Lew-Williams
- aaa. GDIA: Notice of Employment
Presenter: Kona Lew-Williams
- bbb. GDKA: Supplementary Pay/Overtime (Delete)
Presenter: Kona Lew-Williams
- 2. K/L: District-Community Relations 145
 - a. KA/KAA: School-Community Relations Goals and Objectives (Delete)
Presenter: Beth Graser
 - b. KAB: Parental Rights
Presenter: Travis Reiman
 - c. KB: Public Engagement and Communications Program (Delete)
Presenter: Beth Graser
 - d. KBA: Public Records
Presenter: Beth Graser
 - e. KBCA: News Releases
Presenter: Beth Graser
 - f. KBCB: Press Conferences and Interviews

Presenter: Beth Graser	
g. KBCE: Sports and Special Events News Coverage Presenter: Beth Graser	
h. KC: Community Involvement in Decision Making (Delete) Presenter: Beth Graser	
i. KGA: Public Sales on District Property Presenter: Casey Waletich	
j. KGC/GBK: Prohibited Use, Distribution, or Sale of Tobacco Products and Inhalant Delivery Systems* Presenter: Dayle Spitzer	
k. KH: Public Gifts to the District Presenter: Beth Graser	
l. KHB: Scholarship Donations Presenter: Beth Graser	
m. KI: Public Solicitation in District Facilities (Proposed) Presenter: Beth Graser	
n. KI/KJ: Public Solicitation/Advertising in District Facilities (Delete) Presenter: Beth Graser	
o. KJ: Commercial Advertising (Proposed) Presenter: Beth Graser	
p. KJA: Materials Distribution Presenter: Beth Graser	
q. KL: Public Complaints Presenter: Kona Lew-Williams	
r. LBD/IBDJA: Homeschooled Students** (Delete) Presenter: Travis Reiman	
s. LBE: Public Charter Schools Presenter: Michelle Morrison	
t. LE: Relations with Colleges and Universities (Delete) Presenter: Michelle Morrison	
L. Information	177
Administrative Regulation Updates - For Information	
1. Administrative Regulation Updates - G: Personnel	179
a. GB-AR: General Personnel Policies (Delete) Presenter: Kona Lew-Williams	
b. GBA-AR: Veterans' Preference Presenter: Kona Lew-Williams	
c. GBE-AR: Staff Health and Safety - Safety Rules Presenter: Michelle Morrison	
d. GBEB-AR: Communicable Diseases - Staff Presenter: Travis Reiman	
e. GBM-AR: Staff Complaint Procedure Presenter: Kona Lew-Williams	
f. GCBDA/GDBDA-AR-1: Federal Family and Medical Leave/State Family	

- Medical Leave (Delete/Replace)
Presenter: Michelle Morrison and Kona Lew-Williams
- g. GCBDA/GDBDA-AR-2: Request for Family and Medical Leave
Presenter: Michelle Morrison and Kona Lew-Williams
- h. GCBDA/GDBDA-AR-3A: Certification of Health Care Provider--
Employee's Serious Health Condition
Presenter: Michelle Morrison and Kona Lew-Williams
- i. GCBDA/GDBDA-AR-3B: Certification of Health Care Provider--Family
Member's Serious Health Condition
Presenter: Michelle Morrison and Kona Lew-Williams
- j. GCBDA/GDBDA-AR-3C: Military Family Leave - Certification of Qualifying
Exigency for Military Family Leave
Presenter: Michelle Morrison and Kona Lew-Williams
- k. GCBDA/GDBDA-AR-3D: Military Family Leave - Certification of Serious
Injury or Illness
Presenter: Michelle Morrison and Kona Lew-Williams
- l. GCBDA/GDBDA-AR-4: FMLA/OFLA Eligibility Notice to Employee
Presenter: Michelle Morrison and Kona Lew-Williams
- m. GCBDA/GDBDA-AR-5: Sample Designation Letter to Employee -
FMLA/OFLA Leave
Presenter: Michelle Morrison and Kona Lew-Williams
- n. GCBDA/GDBDA-AR-6: Designation Notice - FMLA/OFLA
Presenter: Michelle Morrison and Kona Lew-Williams
- o. GCBDC/GDBDC-AR: Request for Domestic Violence, Harassment,
Sexual Assault or Stalking Leave
Presenter: Michelle Morrison and Kona Lew-Williams
- p. GCC/GDC-AR: Administrative Practicum - Procedures for Obtaining
District Endorsement
Presenter: Kona Lew-Williams
- q. GCEA-AR: Substitute Teachers (Delete)
Presenter: Kona Lew-Williams
- r. GCEC-AR: Job Sharing (Delete)
Presenter: Kona Lew-Williams
- s. GCQB-AR: Research
Presenter: Travis Reiman
- 2. Administrative Regulation Updates - K/L: District-Community Relations 256
 - a. KAB-AR: Parental Rights
Presenter: Travis Reiman
 - b. KBA-AR: Public Records
Presenter: Beth Graser
 - c. KBCE-AR: Sports and Special Events News Coverage
Presenter: Beth Graser
 - d. KH-AR: Public Gifts to the District
Presenter: Beth Graser
 - e. KI/KJ-AR: Public Solicitation/Advertising in District Facilities (Delete)

Presenter: Beth Graser

- f. KJ-AR: Commercial Advertising (Proposed)

Presenter: Beth Graser

- g. KJA-AR: Guidelines for Materials Distribution in Elementary Schools

Presenter: Beth Graser

- h. KL-AR(1): Public Complaint Procedure

Presenter: Kona Lew-Williams

- i. KL-AR(2): Appeal to the Deputy Superintendent of Public Instruction
(Delete/Proposed)

Presenter: Kona Lew-Williams and Travis Reiman

- j. LBD/IBDJA-AR: Home Schooling Placement/Credit Guidelines** (Delete)

Presenter: Travis Reiman

- k. LBE-AR: Public Charter Schools (Delete/Proposed)

Presenter: Michelle Morrison

M. HCU / HEA Reports

Time: 8:25 PM, 5 minutes

N. Discussion Time

Time: 8:30 PM, 10 minutes

1. Student Representatives' Time
2. Superintendent's Time
3. Board of Directors' Time

O. Adjourn Regular Session

Time: 8:40 PM

P. Next Meetings of the Board of Directors

- April 14, 2020, Work session
- April 28, 2020, Regular Session

The complete Board meeting packet may be downloaded from the District website at: <https://www.hsd.k12.or.us/board>.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
CORONAVIRUS UPDATE

SITUATION

The Board of Directors will receive an update on the District's coronavirus plan.

RECOMMENDATION

The Superintendent recommends that the Board of Directors listen to report and ask any questions they may have.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
STRATEGIC PLAN GOALS UPDATE

SITUATION

This is year four of the District's current five-year Strategic Plan, which focuses on maximizing the student experience and has as its overall objective ensuring that all students graduate with career- and college-readiness skills.

Staff have identified six SMART goals for the 2019-20 school year to advance the District's efforts toward its strategic objective:

- Community
 - Train 200 licensed staff to use our student information system and data warehouse to identify which students are known by name, strength, and need; and use the information to create connections and provide academic, social, and personal supports for students in 2019-20.
 - Increase awareness of Career and College Pathways among all staff, students, and families, by reaching 400 teachers and classified staff, as well as 400 students and family members, particularly at the middle school level, by spring 2020.
- Culture
 - Every school will meet their climate and culture goal aligned to more culturally-relevant and trauma-responsive practices by the end of 2019-20.
 - Increase SBAC math scores by 3% overall and 5% for key groups in grades 5 and 8 in 2019-20 vs. 2018-19.
- Career
 - Increase by 5% the number of language scaffolds connected to academic tasks utilized in the classroom as measured by fall 2019 to spring 2020 walkthrough data.
 - Maintain 90%+ on track rate for all students in 10th grade in 2019-20.

Updates on the progress toward each of these goals will be presented.

In addition, staff will present a recommendation for extending the term of the current Strategic Plan by one year and then updating the plan on a four-year cycle to better align with the timing for renewing the District's Continuous Improvement and Strategic Investment Account Plans (CIP and SIA).

RECOMMENDATION

The Superintendent recommends that the Board of Directors listen to this update and recommendation and ask any questions they may have.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
2019 STUDENT ENROLLMENT REPORT

SITUATION

The District has received information from Davis Demographics based on student data from October 1, 2019. This is the third consecutive report, with a seven year projection period (from the base year).

Tonight's update will include the following:

- Demographic survey design
- District and School Level Projections
 - Major factors
 - Birth rates
 - New housing student yield estimates
- Student mobility
- Next Steps

RECOMMENDATION

The Superintendent recommends that participants listen to this report and ask any questions they may have.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
LOCAL OPTION LEVY POLLING UPDATE

SITUATION

The Board of Directors continues to weigh its options regarding a potential local option levy.

RECOMMENDATION

The Superintendent recommends that the Board of Directors listen to report and provide their input on a local option levy.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
JOB DESCRIPTION UPDATE

SITUATION

The Board will be presented with an update about job descriptions and hiring timelines for the Director of Equity and Bilingual Programs and Director of Mental and Behavioral Health as funded by the Student Investment Act.

RECOMMENDATION

The Superintendent recommends that the Board of Directors listen to this report and ask any questions they may have.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
BOARD MEETING PROCESSES

SITUATION

The Board of Directors is the educational policy-making body for the Hillsboro School District. The Board and Superintendent function together as a leadership team to effectively meet the District's challenges, agreeing that their first and greatest concern is the educational welfare of students. The Board and Superintendent are jointly committed to upholding the values and implementing the protocols outlined in the following working agreements. The following items will be reviewed and discussed:

- Check with Board prior to acting at work session
- Policies - Bringing email suggestions to the Board prior to making changes
- Review of working agreements

RECOMMENDATION

The Superintendent recommends that the Board of Directors discuss Board meeting processes and ask any questions they may have.

SCRIPT FOR CLASSIFIED EMPLOYEE APPRECIATION WEEK
March 17, 2020

In honor of Classified Employee Appreciation Week, March 2 through 6, the Board of Directors would like to publicly thank the over 1200 men and women who fill the critical roles of educational assistants, bus drivers, cafeteria workers, maintenance technicians, custodians, office support staff and many others for the Hillsboro School District.

Your often-unsung work behind the scenes, support of teachers in delivering instruction, diverse talents and tireless dedication to our community's students is invaluable. Your contributions to the Hillsboro School District are valued and appreciated.

Please join me in thanking our classified staff and recognizing them during Classified Employee Appreciation Week.

PROCLAMATION

The Hillsboro School District celebrates women of every race, class, and ethnic background that have made historic contributions to the growth and strength of our community in countless recorded and unrecorded ways.

The Hillsboro School District honors women that have played, and continue to play, critical economic, cultural, and social roles in every sphere of the life of our community by constituting a significant portion of the labor force working inside and outside of the home.

The Hillsboro School District acknowledges that women have played a unique role throughout the history of our community by providing the majority of the volunteer labor force of the community and school district.

The Hillsboro School District recognizes that women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement. Women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all;

The Board of Education of the Hillsboro School District do hereby proclaim the month of March 2020 to be:

WOMEN'S HISTORY MONTH



We urge all community members to join us in recognizing the many contributions and achievements of Women to the development and prosperity of our community.

Erika Lopez, Board Chair

PROCLAMATION

The Hillsboro School District recognizes that parent and community involvement is a significant factor in the success of schools. By becoming a volunteer, parents and community members are providing an invaluable contribution to the education of our students

The Hillsboro School District appreciates the service of dedicated volunteers to assist professional educators, by offering their time, encouragement, and meaningful contact with students.

The Hillsboro School District acknowledges that volunteers are called upon to assist teachers and staff with the day-to-day activities involved in providing a balanced education for our students and are an important part of a team that strives to ensure that each one of our students succeeds.

The Hillsboro School District thanks volunteers for spending innumerable hours serving schools as chaperones, mentors, after-school tutors, club leaders, booster club members, PTA and PTO members, guest speakers, classroom helpers, athletics coaches, and in countless other ways.

The Board of Education of the Hillsboro School District do hereby proclaim the week of April 20 thru 24, 2020 to be:

VOLUNTEER APPRECIATION WEEK



We urge all community members to join us in recognizing the many contributions and achievements of Volunteers to the development and prosperity of our community.

Erika Lopez, Board Chair

HILLSBORO SCHOOL DISTRICT BOARD OF DIRECTORS—MINUTES
February 11, 2020
District Administration Center, 3083 NE 49th Place, Hillsboro, Oregon

DRAFT

1. **WORK SESSION**

Board Present:

Erika Lopez, Chair
Martin Granum, Vice Chair
Lisa Allen
See Eun Kim
Yadira Martinez
Jaci Spross
Mark Watson

Staff Present:

Mike Scott, Superintendent
Travis Reiman, Assistant Superintendent, Academic Services
Dayle Spitzer, Assistant Superintendent, School Performance
Beth Graser, Chief Communications Officer
Kona Lew-Williams, Chief Human Resources Officer
Michelle Morrison, Chief Financial Officer
Casey Waletich, Chief Operations Officer
Jordan Beveridge, Chief Information Technology Officer
Rose Roman, Assistant to the Board
Devin Hunter, Technology Support
Maria Barajas, Translator
Olga Acuña, Director of Federal Programs

Student Representatives Present:

Danny Adzima
Maria Isabel Aguilar Alvarado
Andrew Goodwin

Others Present:

Jill Golay, HEA President
Melody Hansen, HCU President

Board Chair Erika Lopez called the meeting to order at 5:16 PM.

A. Discuss Student Reps Process/Timelines

Board members and student representatives discussed the timeline and process for selecting the Student Representatives to the Board. Board members also discussed including outgoing students reps in the interview process and changing the mentoring process.

B. Bilingual Educator Recruitment and Educator Pathways

Chief Human Resources Officer Kona Lew-Williams, Director of Human Resources Brian Haats, Talent Recruitment and Retention TOSA Kim Bayer, and Dual Language Teacher Luis Lopez addressed the Board and presented information on Bilingual Educator Recruitment and Educator Pathways. The members of the HR Department provided a brief history and data regarding bilingual educator recruitment and creating an educator pathway for classified staff.

C. Local Service Plan Discussion

Superintendent Mike Scott lead a discussion with the Board of Directors regarding the NWRESD Local Service Plan and answered any questions may had.

D. Student Investment Account (SIA) Application Update

Assistant Superintendent Travis Reiman provided an update that included a new draft of the Student Investment Account (SIA) budget, including rationale for each proposed investment. The Board was informed of the application timeline and accountability metrics associated with the Student Investment Account. The Board of Directors listened and asked questions.

- E. Recess Meeting
6:58 PM
- F. Break
15 minutes
- G. Reconvene Meeting
7:13 PM
- H. Recognition: School Counselors Week
Board Chair Erika Lopez read the School Counselors Week proclamation.
- I. Student Success Act - Public Comment Session
Five audience members spoke during the public comment session:
Angela Adzima, Jill Golay, Joe Everton, Lauren Stillman-Smith and Daniela Gallegos.
- J. Discussion Time
 - 1) Student Representatives' Time
Student Representatives discuss current events in their school buildings.
 - 2) Superintendent's Time
Superintendent Mike Scott thanked the public for their testimony and discussed upcoming District events.
 - 3) Board of Directors' Time
Board members discussed District events and programs, and provided brief summaries of their recent and upcoming activities.
- 2. Adjourn Meeting
The meeting was adjourned at 8:08 PM.

HILLSBORO SCHOOL DISTRICT BOARD OF DIRECTORS—MINUTES
February 25, 2020
District Administration Center, 3083 NE 49th Place, Hillsboro, Oregon

DRAFT

1. **WORK SESSION**

Board Present:

Erika Lopez, Chair
Martin Granum, Vice Chair
Lisa Allen
See Eun Kim
Yadira Martinez
Jaci Spross
Mark Watson

Staff Present:

Mike Scott, Superintendent
Travis Reiman, Assistant Superintendent, Academic Services
Dayle Spitzer, Assistant Superintendent, School Performance
Beth Graser, Chief Communications Officer
Kona Lew-Williams, Chief Human Resources Officer
Michelle Morrison, Chief Financial Officer
Adam Stewart, Capital Projects Officer
Casey Waletich, Chief Operations Officer
Jordan Beveridge, Chief Information Technology Officer
Rose Roman, Assistant to the Board
Devin Hunter, Technology Support
Jeff Jones, Manager of Business Services
Maureen Barnhardt, Bond Oversight Committee
Patrick Preston, Bond Oversight Committee
Michael Smith, Budget Committee
Kyle Taylor, Budget Committee
Kevin Murphy, Budget Committee

Student Representatives Present:

Danny Adzima
Maria Isabel Aguilar Alvarado
Andrew Goodwin

Board Chair Erika Lopez called the meeting to order at 5:16 PM.

A. Student Success Act (SSA) and Budget Update

Chief Financial Officer Michelle Morrison and Assistant Superintendent Travis Reiman presented to budget committee members, community bond oversight committee members, and the Board regarding the current and future financial position of the District. The presentation included grant application information for Student Investment Account (SIA) revenue as required by the Oregon Department of Education (ODE) as well as the latest projections regarding the 2020-21 budget. The 2020-21 budget, including projected SIA and Bond related expenditures, was discussed.

The Board took a break while awaiting the arrival of Senator Mark Hass.

Break: 6:00

Resume: 6:15

B. Student Success Act

Superintendent Mike Scott introduced Senator Mark Hass. Senator Hass spoke to the history and development of the Student Success Act (SSA), the current state of Oregon politics and answered questions by the Board members.

C. Recess Board Meeting

The Board recessed at 6:51 PM.

a. REGULAR SESSION

Board Present:

Erika Lopez, Chair
Martin Granum, Vice Chair
Lisa Allen
See Eun Kim
Yadira Martinez
Jaci Spross
Mark Watson

Staff Present:

Mike Scott, Superintendent
Travis Reiman, Assistant Superintendent, Academic Services
Dayle Spitzer, Assistant Superintendent, School Performance
Beth Graser, Chief Communications Officer
Kona Lew-Williams, Chief Human Resources Officer
Michelle Morrison, Chief Financial Officer
Adam Stewart, Capital Projects Officer
Casey Waletich, Chief Operations Officer
Jordan Beveridge, Chief Information Technology Officer
Rose Roman, Assistant to the Board
Kathy Wilson, Assistant to the Superintendent
Gaspar Lopez Lopez, Bilingual Interpreter / Translator

Student Representatives Present:

Danny Adzima
Maria Isabel Aguilar Alvarado
Andrew Goodwin

A. Call to Order and Flag Salute

Board Chair Erika Lopez reconvened the meeting at 7:03 PM and led the Pledge of Allegiance.

B. Recognition / Student Presentation

South Meadows Middle School Super Hawks – Students from South Meadows Middle School presented a slideshow to the Board of Directors on their Super Hawks group and gave an overview current initiatives and projects. The students were accompanied by their directors - counselor Juana Vera Rocha and teacher Mabel Key.

Board Recognition and Appreciation

Board Chair Erika Lopez read a Black History Month Proclamation.

C. Approval of Agenda

Director Jaci Spross MOVED, SECONDED by Director Yadira Martinez, to approve the agenda as printed.

The MOTION CARRIED (7-0).

D. Audience Time

Six audience members requested to address the Board regarding the following non-agenda items. Kindergarten teachers Una Maher, Christy Thompson, Emily Lee, Amy Aupperle, Lindsay Clinebell, and Angela Adzima addresses the Board regarding lowering class size in Kindergarten with SIA dollars.

E. Consent Agenda

Consent agenda items are distributed to Board members in advance for study, and enacted with a single motion.

Director Lisa Allen MOVED, SECONDED by Director Jaci Spross, to approve the Consent Agenda as printed. The MOTION CARRIED (7-0).

Consent Agenda items were as follows:

1. Approve Minutes of January 14, 2020, Board Meeting

2. Approve Minutes of January 28, 2020, Board Meeting
3. Approve High School Courses
 - a. Topics and Issues in Literature
 - b. IB DP Music SL
4. Approve Routine Personnel Matters
5. Extend Licensed / Admin Contracts
6. Approve Policies

F. Action Items

1. Adopt Northwest Regional Education Service District (NWRES D) Local Service Plan
Superintendent Mike Scott introduced NWRES D Superintendent Dan Goldman who spoke on the NWRES D commitment to equity. Mr. Goldman introduced Marisol Jimenez, the NWRES D Director of Equity, Diversity and Inclusion. Ms. Jimenez spoke to the equity work done by the NWRES D. Board members asked questions.

Director Jaci Spross MOVED, SECONDED by Director See Eun, that the Board of Directors adopt the resolution approving the NWRES D Local Service Plan for 2020-21.

The MOTION CARRIED (6-0-1). Vice Chair Martin Granum abstained from voting.

2. Accept Gifts and Donations

Chief Financial Officer Michelle Morrison presented the gift and donations made to the Hillsboro School District.

Director Jaci Spross MOVED, SECONDED by Director Yadira Martinez, that the Board of Directors accept the gifts and donations listed in the Board meeting packet.

The MOTION CARRIED (6-0). Vice Chair Martin Granum left the room and was absent for the vote.

3. Student Investment Account (SIA) Application Approval

Assistant Superintendent Travis Reiman presented the final version of the Student Investment Account application and the Board members asked questions.

Director Jaci Spross MOVED, SECONDED by Director Yadira Martinez, that the Board of Directors approve the final draft of the Student Investment Account application and budget.

The MOTION CARRIED (7-0).

4. Award Contract for Roofing Projects

Capital Projects Officer Adam Stewart presented the contracts for summer 2020 roofing projects.

Director Yadira Martinez MOVED, SECONDED by Director Jaci Spross, that the Board of Directors award the contracts for summer 2020 roofing projects at Century High School and Miller Big Picture to Snyder Roofing in the amount of \$1,438,438.

The MOTION CARRIED (7-0).

G. Recess Board Meeting; Convene Meeting of the Local Contract Review Board

Board Chair Erika Lopez adjourned the regular session of the Board of Directors and reconvened as the Local Contract Review Board at 8:20 PM.

1. Review Findings of Fact for Use of a Construction Management / General Contractor (CM/GC) for Construction of Interior Renovations, Site Improvements and Gymnasiums at Ladd Acres Elementary, McKinney Elementary, and Jackson Elementary

Capital Projects Officer Adam Stewart explained the readiness to bid out the remaining three gyms, proposing to use same CMGC that was used on the previous three, requiring a specific exemption to go thru the procurement method.

Director Lisa Allen MOVED, SECONDED by Director Yadira Martinez, that the Board of Directors, acting in the capacity of the Local Contract Review Board, approve the Findings of Fact supporting a specific exemption from competitive bidding requirements for use of the Construction Management/General Contractor process for interior renovations, site improvements and new gymnasium projects at Ladd Acres Elementary School, McKinney Elementary School and Jackson Elementary School.

The MOTION CARRIED (7-0).

No discussion took place.

H. Board Chair Erika Lopez Adjourn Meeting of the Local Contract Review Board and Reconvenes Board Meeting at 8:22 PM.

I. Reports and Discussions

1. Financial Report (see written report)
Chief Financial Officer Michelle Morrison presented the monthly financial report.

2. First Reading - 2020-21 Calendar
Chief Human Resources Officer Kona Lew-Williams discussed the proposed 2020-21 School Calendar, highlighting the later start and the changes from the prior year calendar.

3. Language Arts Adoption Process Update
Assistant Superintendent Travis Reiman provided the Board with an update on the Language Arts materials adoption.

J. Information - Administrative Regulation Updates

Superintendent Mike Scott presented the policy administrative regulation updates.

K. HCU / HEA Reports

HCU President Melody Hansen spoke to the Board regarding classified staffing. HEA President Jill Golay reminded the Board about Read Across America and thanked

the Kinder teachers who came to speak in front of the Board.

L. Discussion Time

1) Student Representatives' Time

Student Representatives Andrew Goodwin, Maria Isabel Aguilar Alvarado and Danny Adzima discussed programs and events at their high schools.

2) Superintendent's Time

Superintendent Mike Scott thanked the Board for their participation in student input visits, thanked Assistant Superintendent Travis Reiman for his leadership on the SIA project, and thanked union representatives Jill Golay and Melody Hansen for their dialog with the District.

3) Board of Directors' Time

Board members discussed District events and programs, and provided brief summaries of their recent and upcoming activities.

M. Adjourn Meeting

The meeting was adjourned at 9:04 PM.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
APPROVE ROUTINE PERSONNEL MATTERS

The Superintendent recommends the Board of Directors:

- A. Ratify the acceptance of the retirement of the following licensed personnel:

Colleen O'Hollaren

Assignment: 0.6 FTE Speech Language Pathologist
Location: North Plains Elementary School
Effective Date: June 12, 2020
Years of Service: 12 years

Douglas Hopper

Assignment: 1.0 FTE Math Teacher
Location: Century High School
Effective Date: June 12, 2020
Years of Service: 14 years

- B. Ratify the acceptance of the resignation of the following licensed personnel:

Ashley Ravins

Assignment: 1.0 FTE 4th Grade Teacher
Location: North Plains Elementary School
Effective Date: June 12, 2020

Erik Shaner

Assignment: 1.0 FTE Science Teacher
Location: Poynter Middle School
Effective Date: February 28, 2020

Anne Story

Assignment: 1.0 FTE Social Communication Teacher
Location: Patterson Elementary School
Effective Date: June 19, 2020

Maya Wheeler

Assignment: 1.0 FTE 4th Grade Teacher
Location: Rosedale Elementary
Effective Date: June 12, 2020

- C. Approve the employment of the following licensed personnel in the 2019-20 school year:

Angela Krick

Education: MA – Temple University, Philadelphia, PA
Experience: 7 years
Assignment: 0.5 FTE 2nd Grade Teacher – Minter Bridge Elementary School

Amy Taylor

Education: MA – Pacific University, Forest Grove, OR
Experience: 8 years
Assignment: 1.0 FTE Student Support and Wellness Counselor – Evergreen Middle School

Malinda Teague

Education: MA – Concordia University, Portland, OR
Experience: 2 years
Assignment: 0.5 FTE Student Success Coach – Brookwood Elementary School

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
APPROVE 2020-21 SCHOOL CALENDAR

SITUATION

Board policy IC: School Year / School Calendar requires that the calendar for the upcoming school year be approved no later than the April Board meeting. The 2020-21 calendar was presented for first reading on February 25, 2020.

Previously shared key differences from the 2019-20 calendar:

- The start of the school year will begin on September 8, 2020, which is five days later than the 2019-20 school year as we started school on September 3, 2019.
- Two Licensed contract days have been added to increase the number of days from 191 to 193 for the purpose of instructional planning in October 2020 and February 2021.
- The October staff development/work day and non-contract day (October 10-11) have been changed. October 5th will be staff development and work day for elementary; staff development for secondary. October 30 is the proposed instructional planning day for all grade levels, increasing the number of Licensed contract days.
- For the 2020-21 calendar, Veterans Day, a federal holiday, is observed on Wednesday, November 11, 2020. The conference dates in November have been scheduled in order to have the least impact on contiguous instruction.
- A second proposed instructional planning day is on February 1, 2021, increasing the number of Licensed contract days, as mentioned above.
- The last day of school for students will be June 18, 2021. Contributing factors include that 2020 is a Leap Year, Labor Day falls on September 8, and we are adding two additional instructional planning days for Licensed staff.
- A link to the Oregon Department of Education Standards for Public Elementary and Secondary Schools, including minimum required instructional time, has been added to the 2020-21 calendar.
- The last day of the school year for students will be on Friday, June 18, 2021.

Key features of the 2020-21 proposed calendar include the following:

- The calendar is aligned with Oregon University winter and spring breaks:
 - Winter break: 12/19/2020 - 1/3/2021
 - Spring break: 3/20/2021 - 03/28/2021

- Potential inclement weather make-up days are reserved
- The calendar complies with the seat-time requirements outlined by the Oregon Department of Education
- Instructional days are balanced as best as possible in each semester
- The calendars reflect the 193-day contract for licensed employees

RECOMMENDATION

The Superintendent recommends that the Board of Directors take action on the following motion:

I move that the Board of Directors approve the proposed 2020-21 school year calendar.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
AUTHORIZE APPLICATION FOR
2020 MIGRANT EDUCATION SUMMER SCHOOL

SITUATION

The Hillsboro School District has been invited by the Oregon Department of Education to apply for \$309,352 in Title I-C (Migrant Education) funds to operate the 2020 Hillsboro School District Summer Migrant Program. The District has served as the operating agency for this program since 1987. The District recovers all costs, direct and indirect, from the grant. The program will serve approximately 600 elementary and 300 secondary migrant-eligible students and will employ up to 73 staff members during the four-week summer session (June 22 – July 17, 2020).

RECOMMENDATION

The Superintendent recommends that the Board of Directors authorize the Hillsboro School District to apply to the Oregon Department of Education for \$309,352 in Title I-C funds to operate the 2020 Hillsboro School District Summer Migrant Program.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
ACCEPT GIFTS AND DONATIONS
(as of February 29, 2020)

SITUATION

District Policy KH states that the District may receive donations of gifts that may serve to enhance and extend the work of the District, subject to Board approval. Individuals who desire to make contributions are encouraged to consider donations for equipment or services that are not likely to be acquired from public fund expenditures.

The purpose of this report is to describe to the Board the donations received that are valued at \$5,000 or more.

- Donation of \$7,000 from West Union Community Club to West Union Elementary School for Technology Licenses.

RECOMMENDATION

The Superintendent recommends that the Board of Directors accept these donations.

I move that the Board of Director accept the Donation of \$7,000 from West Union Community Club to West Union Elementary School for Technology Licenses.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
APPROVE INTER-DISTRICT TRANSFER PLAN

SITUATION

House Bill 2747, passed by the Legislature during the 2013 full session, governs the process by which students are allowed to transfer between school districts. Under House Bill 2747, district school boards must take action to announce the number of students who will be allowed to leave and enter their district for the following school year. They must also determine the process by which transfer requests will be considered, the length of the transfer approval, and any other terms associated with the approval. Students wishing to leave their district of residence to seek enrollment in a non-resident district must obtain a release from their district of residence.

It is recommended that the District participate in this process, both to accept transfers to the District and release students to attend other districts.

Details of the proposed plan will be shared during the meeting.

RECOMMENDATION

The Superintendent recommends that the Board of Directors take action on the following motion:

I move that the Board of Directors adopt the plan presented for inter-district transfers for the 2020-21 school year.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
Local Contract Review Board Hearing
Authorizing Emergency Procurement of Services Due to Covid 19 Emergency Declaration

SITUATION

On March 8, 2020, Oregon Gov. Kate Brown declared a State of Emergency to contain the new coronavirus after the number of confirmed cases doubled to 14 across the State. The emergency declaration will be in effect for 60 days but could be extended.

The Board is the Local Contract Review Board (LCRB) for the District. All public contracts shall be invited in accordance with applicable competitive procurement provisions of the Oregon Revised Statutes (ORS) and adopted public contracting rules. The Board, acting as its own LCRB, adopts the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137, Divisions 046 through 049. Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249. HSD Policy [DJC D1.pdf](#)

ORS 279B.080 permits the Local Contract Review Board, to authorize emergency procurement.

What is an Emergency Procurement?

An emergency is defined as circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of services, or threat to public health or safety. An Emergency Procurement is used to promptly execute a contract in response to the circumstances in an effort to remedy the condition.

In the event a state emergency is declared by the Governor's Office or Governor's designee, the State Chief Procurement Officer (State CPO) has designed a class of Special Procurement in response to public needs in a disaster. Refer to [Emergency Preparedness Procurement](#) for more information on procurement in a declared emergency.

When to use Emergency Procurements

In an emergency situation, an agency is given latitude to meet the purchasing needs generated by the emergency. If the agency head authorizes use of the Emergency Procurement method, the agency may award a contract without using normal competitive procurement processes.

Although an agency is not required to use a competitive procurement method, the agency must seek as much competition as possible considering the emergency circumstances. If the Emergency Procurement is for construction services that are not public improvements, the agency must solicit competition from suppliers in the most efficient manner allowed considering the emergency circumstances.

An Emergency Procurement may only be used to address the immediate needs brought about by the emergency condition, and may not be used for subsequent non-emergency-related procurement needs. Lack of planning or the potential loss of funds at the end of a fiscal year does not constitute an emergency condition.

How to process Emergency Procurements

According to ORS 279B.080, an agency must document the nature of the emergency and describe the method used for selecting the particular contractor. The following information must be included in the procurement file:

- Description of the products and services.
- Cost or anticipated cost.
- Explanation of how the contract duration was restricted to emergency circumstances.
- Description of the emergency circumstances and the anticipated harm from failing to establish the contract on an expedited basis.
- Documentation of the measures the agency took to encourage competition.
- Amounts of the bids, quotes or proposals obtained, if any.
- Reason for selecting the contractor.

The agency head must authorize the procurement and document the Emergency Procurement justification prior to executing the procurement.

Note: If time does not permit advance authorization, agency head approval should be obtained verbally or in writing through an email. No later than 10 business days after executing the contract, the agency must document, approve and sign, and place the justification in the procurement file.

If the value of the contract exceeds \$150,000, within 30 days the agency must send a copy of the signed documentation to the Attorney General for review.

RECOMMENDATION

The Superintendent recommends the Board of Directors, acting in the capacity of the Local Contract Review Board approve the use of the Emergency Procurement of Services to meet the purchasing needs of the District generated by the emergency declaration.

I move that the Board of Directors, acting in the capacity of the Local Contract Review Board, approve the use of the Emergency Procurement of Services to meet the purchasing needs of the District generated by the emergency declaration.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
FINANCIAL REPORT

Business Office – General Update. The Business Office collaborates with all departments in the District Office to provide a system of support for schools, so that principals can focus their attention on instructional leadership. Financial reports in upcoming months will feature examples of this collaboration, which promotes a culture of continuous improvement, learning, and responding to the changing needs of schools.

Example 36: Integrated Software System Discovery for Transportation Department
“There is an efficiency created by a well-coordinated and defined set of operational systems.” The central office staff members are encouraged to innovate services to better support principals as instructional leaders and to seek opportunities to collaborate on new and integrated systems. On February 21st, a cross-department team consisting of staff from Transportation, Human Resources, Business Office, and Technology Services explored software solutions that could replace the current time-clock program and improve student/bus data tracking and communication.

Finance Team – Accounts Payable, Banking, and Student Body Accounting. Finance Manager Jennifer Zavatsky and her staff have supported the internal (district accounting) and external (bank transactions) for the 2020 Bond proceeds, investments, and upcoming cash flows. Compliance with Internal Revenue Service requirements for tax-exempt bonds, the 2017 and 2020 bond sale proceeds must be tracked independently, even as transactions occur for both. This situation is a new and unique challenge for the Business Office. Ms. Zavatsky’s team meets regularly with the Capital Project team to ensure controls and cash flow requirements are met.

Finance Team – Financial Reporting and Grants. Manager of Business Services Jeff Jones is beginning to develop the 2020-21 Proposed Budget document. The 2019-20 Budget Document was analyzed to determine the changes and components required to align it with the International Association of School Business Officials’ best practices. You may notice some new components and formatting changes this year as we strive to increase transparency in publications. In addition, Mr. Jones has scheduled the 2019-20 Interim Audit in May (focused on controls) and will begin preparations for the site visit.

Payroll Team and Employee Benefits. Payroll Supervisor Kim Grannis and the Payroll team have been gathering feedback on the current “Exception Time Sheet”, a paper form currently used to record employee work outside of their regular contract. They are looking to update the form as needed as well as options for electronic workflows to capture the data. This is an example of the continuous improvement and systems evolution focus of the Business Office.

Benefits Supervisor Lynette Coffman joined the Human Resources staff at Imlay on February 29th for the Licensed Staff Job Fair. Mrs. Coffman served as a resource for potential staff members with questions about employee benefits and PERS. Mrs. Coffman has been working closely with Leah McCarthy, Risk Manager, and HR on ADA accommodations for employees and the employee return-to-work program.

Workers' Compensation Report. In order to ensure accurate reports to the Board, and allow adequate time for the claims submitted each month to be fully processed, there is a one-month delay in reporting workers' compensation claims to the Board. The table below includes workers' compensation claims reported in January 2020.

The District received 14 workers' compensation claims in January. As of January 31, 2020, there were 37 open claims; 21 were for medical costs only, and 16 included time loss. There were 4 employees on modified work plans during January.

Workers' Compensation Reports			
	2017-18	2018-19	2019-20
July	3	1	3
August	2	2	2
September	6	11	15
October	18	14	15
November	13	5	10
December	11	13	18
January	4	7	14
February	10	8	
March	11	13	
April	8	11	
May	18	15	
June	8	11	
Yearly Total:	112	111	77

Student Incident Report. There is a one-month delay in reporting student incidents to the Board, in order to allow adequate time to ensure that these reports are complete and accurate. There were 98 student incidents reported in January.

Student Incident Reports						
	2018-19 Total Incidents	Average Incidents Per School Day	Serious Injuries With 911 Transport	2019-20 Total Incidents	Average Incidents Per School Day	Serious Injuries With 911 Transport
July	2	N/A	0	2	N/A	0
August	7	N/A	1	6	N/A	0
September	476	25.0	4	149	7.5	1
October	494	22.5	3	131	6.2	3
November	319	21.2	4	77	4.8	1
December	410	27.3	0	91	6.1	4
January	378	22.2	3	95	5.4	0
February	343	19.1	1			
March	330	20.6	2			
April	459	21.9	4			
May	437	19.9	3			
June	127	12.7	2			
Yearly Total:	3,782		27	554		9

Vehicle Accidents. There is a one-month delay in reporting vehicle accidents to the Board, in order to allow adequate time to ensure that monthly reports are accurate and complete. There were 6 bus accidents in January.

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
MONTHLY FINANCIAL REPORT - as of February 29, 2020

	July	August	September	1st Quarter	October	November	December	2nd Quarter	January	February	3rd Quarter	Fiscal YTD 2019-20	Budget 2019-20	% of Budget	Fiscal YTD 2018-19	% of Budget
Revenues	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual					
Taxes	\$0.00	\$214,696.12	\$128,268.73	\$342,964.85	\$87,054.16	\$57,127,940.75	\$16,000,262.94	\$73,215,257.85	\$1,091,164.17	\$307,936.48	\$1,399,100.65	\$74,957,323.35	\$75,807,061.00	98.88%	\$ 72,718,394.53	97.79%
Interest	\$47,965.09	\$59,084.40	\$54,429.95	\$161,479.44	\$37,749.12	\$49,208.26	\$144,099.14	\$231,056.52	\$139,163.08	\$0.00	\$139,163.08	\$531,699.04	\$1,308,101.00	40.65%	\$ 729,153.16	168.41%
Local Sources	\$18,182.89	\$144,543.72	\$22,728.53	\$185,455.14	\$64,741.42	\$86,516.76	\$142,906.04	\$294,164.22	-\$900,285.05	\$1,087,309.34	\$187,024.29	\$666,643.65	\$1,945,785.00	34.26%	\$ 630,302.64	31.61%
Total Local	\$66,147.98	\$418,324.24	\$205,427.21	\$689,899.43	\$189,544.70	\$57,263,665.77	\$16,287,268.12	\$73,740,478.59	\$330,042.20	\$1,395,245.82	\$1,725,288.02	\$76,155,666.04	\$79,060,947.00	96.33%	\$ 74,077,850.33	96.47%
County/ESD	\$0.00	\$0.00	\$0.00	\$0.00	\$252,375.14	\$1,393,764.00	\$232,294.00	\$1,878,433.14	\$232,294.00	\$340,904.91	\$573,198.91	\$2,451,632.05	\$3,679,721.00	66.63%	\$ 2,533,877.08	70.93%
State Sources	\$22,631,970.42	\$11,829,312.79	\$11,340,157.00	\$45,801,440.21	\$11,340,157.00	\$11,560,655.23	\$11,355,310.26	\$34,256,122.49	\$11,340,157.00	\$11,483,621.88	\$22,823,778.88	\$102,881,341.58	\$140,165,278.00	73.40%	\$ 95,200,315.48	73.71%
Federal Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$ -	0.00%
Other Sources	\$0.00	\$11.24	\$30.00	\$41.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$41.24	\$0.00	0.00%	\$ 1,042,391.95	104.24%
Beginning Balance	\$10,090,366.85	\$0.00	\$0.00	\$10,090,366.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,090,366.85	\$8,999,197.00	112.13%	\$ 12,795,797.87	95.55%
Total Revenue	\$32,788,485.25	\$12,247,648.27	\$11,545,614.21	\$56,581,747.73	\$11,782,076.84	\$70,218,085.00	\$27,874,872.38	\$109,875,034.22	\$11,902,493.20	\$13,219,772.61	\$25,122,265.81	\$191,579,047.76	\$231,905,143.00	82.61%	\$ 185,650,232.71	82.91%
Expenditures																
Instruction																
Salaries	\$34,621.61	\$88,629.28	\$7,018,019.96	\$7,141,270.85	\$6,988,800.41	\$7,015,009.51	\$7,000,385.68	\$21,004,195.60	\$6,882,598.59	\$6,934,465.32	\$13,817,063.91	\$41,962,530.36	\$77,899,979.00	53.87%	\$ 41,193,380.42	55.98%
Benefits	\$16,071.29	\$35,755.48	\$3,844,162.36	\$3,895,989.13	\$3,984,120.02	\$3,953,783.19	\$3,945,273.75	\$11,883,176.96	\$3,843,622.96	\$3,884,982.75	\$7,728,605.71	\$23,507,771.80	\$44,181,206.00	53.21%	\$ 21,348,052.94	54.15%
Purchased Service	\$317,643.03	\$178,138.88	\$551,411.88	\$1,047,193.79	\$692,720.88	\$528,958.73	\$217,999.63	\$1,439,679.24	\$721,754.62	\$213,606.39	\$935,361.01	\$3,422,234.04	\$11,645,045.00	29.39%	\$ 5,001,399.79	41.67%
Supplies/Materials	\$172,658.73	\$134,316.47	\$226,311.21	\$533,286.41	\$163,131.31	\$144,222.92	\$80,774.31	\$388,128.54	\$119,615.50	\$70,089.83	\$189,705.33	\$1,111,120.28	\$3,061,627.00	36.29%	\$ 1,281,108.91	49.82%
Capital Purchases	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,837.00	\$5,522.00	\$11,359.00	\$8,500.00	\$0.00	\$8,500.00	\$19,859.00	\$0.00	0.00%	\$ 29,770.18	59.54%
Other	\$82,832.00	\$19,886.14	\$120,621.72	\$223,339.86	\$61,295.54	\$4,550.68	\$11,303.44	\$77,149.66	\$15,926.25	\$4,753.50	\$20,679.75	\$321,169.27	\$1,026,996.00	31.27%	\$ 184,584.26	61.59%
Total Instruction	\$623,826.66	\$456,726.25	\$11,760,527.13	\$12,841,080.04	\$11,890,068.16	\$11,652,362.03	\$11,261,258.81	\$34,803,689.00	\$11,592,017.92	\$11,107,897.79	\$22,699,915.71	\$70,344,684.75	\$137,814,853.00	51.04%	\$ 69,038,296.50	53.96%
Support Services																
Salaries	\$1,718,785.06	\$1,847,208.80	\$3,498,400.44	\$7,064,394.30	\$3,374,826.95	\$3,440,981.70	\$3,378,624.74	\$10,194,433.39	\$3,436,716.27	\$3,527,024.52	\$6,963,740.79	\$24,222,568.48	\$47,551,692.00	50.94%	\$ 23,200,149.57	47.96%
Benefits	\$1,026,002.32	\$1,091,862.76	\$2,088,091.56	\$4,205,956.64	\$2,121,903.56	\$2,094,864.15	\$2,054,803.58	\$6,271,571.29	\$2,136,463.80	\$2,101,684.83	\$4,238,148.63	\$14,715,676.56	\$26,969,090.00	54.56%	\$ 13,310,329.51	51.35%
Purchased Service	\$2,041,087.88	\$1,110,809.52	\$824,147.00	\$3,976,044.40	\$1,115,383.40	\$956,536.90	\$1,664,607.26	\$3,736,527.56	\$1,645,422.24	\$1,461,819.18	\$3,107,241.42	\$10,819,813.38	\$7,108,365.00	152.21%	\$ 8,124,770.97	101.28%
Supplies/Materials	\$615,556.75	\$311,196.81	\$676,575.13	\$1,603,328.69	\$633,434.36	\$390,466.12	\$365,799.43	\$1,389,699.91	\$352,189.01	\$229,334.65	\$581,523.66	\$3,574,552.26	\$1,868,881.00	191.27%	\$ 3,107,703.02	123.35%
Capital Purchases	\$13,130.74	\$8,502.00	\$7,278.89	\$28,911.63	\$0.00	\$0.00	\$21,040.00	\$21,040.00	\$12,219.00	\$0.00	\$12,219.00	\$62,170.63	\$0.00	0.00%	\$ 222,148.92	148.10%
Other	\$156,371.14	\$1,206,404.66	\$169,930.24	\$1,532,706.04	\$80,132.96	\$12,412.40	\$5,736.95	\$98,282.31	\$6,959.46	\$7,622.31	\$14,581.77	\$1,645,570.12	\$626,897.00	262.49%	\$ 1,326,591.06	92.12%
Total Support	\$5,570,933.89	\$5,575,984.55	\$7,264,423.26	\$18,411,341.70	\$7,325,681.23	\$6,895,261.27	\$7,490,611.96	\$21,711,554.46	\$7,589,969.78	\$7,327,485.49	\$14,917,455.27	\$55,040,351.43	\$84,124,925.00	65.43%	\$ 49,291,693.05	57.03%
Community Services																
Salaries	\$15,249.95	\$15,249.95	\$27,542.38	\$58,042.28	\$28,093.62	\$31,757.16	\$26,248.09	\$86,098.87	\$29,158.30	\$30,683.62	\$59,841.92	\$203,983.07	\$310,265.99	65.74%	\$ 204,680.51	65.97%
Benefits	\$8,037.89	\$8,039.35	\$18,215.60	\$34,292.84	\$18,596.28	\$19,339.12	\$17,264.27	\$55,199.67	\$18,824.65	\$22,471.94	\$41,296.59	\$130,789.10	\$166,238.84	78.68%	\$ 112,997.19	67.97%
Purchased Service	\$5.04	\$0.00	\$420.79	\$425.83	\$16,144.31	\$624.73	\$6,027.55	\$22,796.59	\$0.00	\$20.64	\$20.64	\$23,243.06	\$51,451.16	45.18%	\$ 37,578.61	73.04%
Supplies/Materials	\$0.00	\$0.00	\$35.74	\$35.74	\$2,387.07	\$124.70	\$18.97	\$2,530.74	\$0.00	\$0.00	\$0.00	\$2,566.48	\$12,951.80	19.82%	\$ 3,211.32	24.79%
Capital Purchases	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$ -	0.00%
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,426.21	0.00%	\$ -	0.00%
Total Community Services	\$23,292.88	\$23,289.30	\$46,214.51	\$92,796.69	\$65,221.28	\$51,845.71	\$49,558.88	\$166,625.87	\$47,982.95	\$53,176.20	\$101,159.15	\$360,581.71	\$545,334.00	66.12%	\$ 358,467.63	65.73%
Capital Projects																
Purchased Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$ -	0.00%
Capital Purchases	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$ -	0.00%
Total Capital Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$ -	0.00%
Debt Service Payment	\$0.00	\$0.00	-\$71.34	-\$71.34	\$0.00	-\$2,602.51	\$0.00	-\$2,602.51	\$0.00	\$0.00	\$0.00	-\$2,673.85	\$0.00	0.00%	\$ -	0.00%
Transfers	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$ -	0.00%
Contingency/Ending Balance	\$9,276,202.00	\$0.00	\$0.00	\$9,276,202.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,276,202.00	\$9,276,202.00	100.00%	\$ 8,999,197.00	100.00%
Total Expenditures	\$15,494,255.43	\$6,056,000.10	\$19,071,093.56	\$40,621,349.09	\$19,280,970.67	\$18,596,866.50	\$18,801,429.65	\$56,679,266.82	\$19,229,970.65	\$18,488,559.48	\$37,718,530.13	\$135,019,146.04	\$231,761,314.00	58.26%	\$ 127,687,654.18	57.03%

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
LANGUAGE ARTS ADOPTION PROCESS UPDATE

SITUATION

In accordance with policy IIA-AR, the Office for School Performance facilitates teams of teachers, students, parents, community members, and administrators to improve instructional programs, develop curriculum, and make recommendations to the Board regarding the adoption of instructional materials within each academic content area.

This year, the Language Arts Study Team is focused on identifying instructional materials for kindergarten through 6th grade Language Arts courses that support the literacy instruction set of courses. The Language Arts Study Team has data from pilots conducted in K-6 classrooms.

During tonight's work session, the Board will receive an update that includes the Language Arts Study Team's recommendation for Language Arts materials adoption.

RECOMMENDATION

The Superintendent recommends that the Board of Directors listen to this report and ask any questions they may have.

HILLSBORO SCHOOL DISTRICT 1J
January 28, 2020
FIRST READING – POLICIES IN SECTIONS
G: PERSONNEL; K/L: DISTRICT-COMMUNITY RELATIONS

SITUATION

The Hillsboro School District has contracted with Oregon School Boards Association (OSBA) to perform a complete review of the District's policy manual, and will be working with OSBA's policy specialist throughout the year to review all of the District's policies and administrative regulations.

Policy language must meet the following criteria:

1. Legally mandated or legally wise
2. Harmonize with District's existing collective bargaining agreements
3. Reflect current District practice

The Superintendent and Cabinet members have reviewed the policies listed below, and are presenting them to the Board for first reading:

- Policies in Section G: Personnel
 - GA: Personnel Policy Goals (Delete)
 - GAA: Personnel: Definitions
 - GAB: Job Descriptions
 - GABA: Standards of Ethical Professional Performance
 - GB: General Personnel Policies
 - GB-AR: General Personnel Policies (Delete)
 - GBA: Equal Employment Opportunity
 - GBA-AR: Veterans' Preference
 - GBCA: Staff Religious Dress
 - GBD: Board-Staff Communications
 - GBE: Staff Health and Safety
 - GBE-AR: Staff Health and Safety - Safety Rules
 - GBEA: Workers' Compensation Insurance (Delete)
 - GBEB: Communicable Diseases - Staff
 - GBEB-AR: Communicable Diseases - Staff
 - GBEB: Staff with HIV, AIDS, and HBV
 - GBEBAA/JHCCBA/EBBAB: Hepatitis B/Bloodborne Pathogens (Delete)
 - GBEB: Infection Control - HIV, AIDS, HBV (Delete)
 - GBEBE/JHCCE: News/Media - HIV, AIDS, or HBV (Delete)
 - GBEC: Drug-Free Workplace (Delete/Replace)
 - GBED: Pre-Employment Physicals/Drug Testing (Delete/Replace)
 - GBEDA: Drug and Alcohol Testing - Transportation Personnel
 - GBEDA-AR: Drug and Alcohol Testing - Transportation Personnel
 - GBHA: Parental/Family Relationship (Delete)

- GBHB: Personal Relationships with Students (Delete)
- GBI: Gifts and Solicitations
- GBK/KGC: Prohibited Use, Distribution, or Sale of Tobacco Products and Inhalant Delivery Systems
- GBL: Personnel Records
- GBLA: Disclosure of Information
- GBM: Staff Complaints
- GBM-AR: Staff Complaint Procedure
- GC: Licensed Staff Positions
- GCA: License Requirements
- GCAA: Standards for Competent and Ethical Performance of Oregon Educators
- GCBAA: Salary Placement - Out-of-District Experience (Delete)
- GBCA/GDBCA: Continuation Coverage Health Benefits (Delete)
- GCBD/GDBD: Leaves and Absences
- GCBDA/GDBDA: Family Medical Leaves
- GCBDA/GDBDA-AR-1: Federal Family and Medical Leave/State Family Medical Leave (Delete/Replace)
- GCBDA/GDBDA-AR-2: Request for Family and Medical Leave
- GCBDA/GDBDA-AR-3A: Certification of Health Care Provider--Employee's Serious Health Condition
- GCBDA/GDBDA-AR-3B: Certification of Health Care Provider--Family Member's Serious Health Condition
- GCBDA/GDBDA-AR-3C: Military Family Leave - Certification of Qualifying Exigency for Military Family Leave
- GCBDA/GDBDA-AR-3D: Military Family Leave - Certification of Serious Injury or Illness
- GCBDA/GDBDA-AR-4: FMLA/OFLA Eligibility Notice to Employee
- GCBDA/GDBDA-AR-5: Sample Designation Letter to Employee - FMLA/OFLA Leave
- GCBDA/GDBDA-AR-6: Designation Notice - FMLA/OFLA
- GCBDB/GDBDB: Early Return to Work
- GCBDC/GDBDC: Domestic Violence, Harassment, Sexual Assault or Stalking Leave
- GCBDC/GDBDC-AR: Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave
- GCBDD/GDBDD-AR: Sick Time
- GCBE/GDBE: Vacation and Holidays (Delete)
- GCC/GDC: Recruitment/Selection of Staff
- GCC/GDC-AR: Administrative Practicum - Procedures for Obtaining District Endorsement
- GCEA: Substitute Teachers (Delete)
- GCEA-AR: Substitute Teachers (Delete)
- GCEC: Job Sharing (Delete)
- GCEC-AR: Job Sharing (Delete)
- GCI/GDI: Assignment and Transfer

- GCL/GDL: Staff Development
- GCN/GDN: Evaluation of Staff
- GCPB/GDPB: Resignation of Employees
- GCPC/GDPC: Retirement of Staff
- GCPD: Discipline and Dismissal of Personnel
- GCQB: Research
- GCQB-AR: Research
- GCQBA: Copyrights and Patents
- GCQC: Exchange Teaching (Delete)
- GCQE: Student Teachers (Delete)
- GD: Classified Staff/Classified Staff Positions
- GDA: Instructional Assistants (Proposed)
- GDIA: Notice of Employment
- GDKA: Supplementary Pay/Overtime (Delete)
- Policies in Section K/L: District-Community Relations
 - KA/KAA: School-Community Relations Goals and Objectives (Delete)
 - KAB: Parental Rights
 - KAB-AR: Parental Rights
 - KB: Public Engagement and Communications Program (Delete)
 - KBA: Public Records
 - KBA-AR: Public Records
 - KBCA: News Releases
 - KBCB: Press Conferences and Interviews
 - KBCE: Sports and Special Events News Coverage
 - KBCE-AR: Sports and Special Events News Coverage
 - KC: Community Involvement in Decision Making (Delete)
 - KGA: Public Sales on District Property
 - KGC/GBK: Prohibited Use, Distribution, or Sale of Tobacco Products and Inhalant Delivery Systems*
 - KH: Public Gifts to the District
 - KH-AR: Public Gifts to the District
 - KHB: Scholarship Donations
 - KI: Public Solicitation in District Facilities (Proposed)
 - KI/KJ: Public Solicitation/Advertising in District Facilities (Delete)
 - KI/KJ-AR: Public Solicitation/Advertising in District Facilities (Delete)
 - KJ: Commercial Advertising (Proposed)
 - KJ-AR: Commercial Advertising (Proposed)
 - KJA: Materials Distribution
 - KJA-AR: Guidelines for Materials Distribution in Elementary Schools
 - KL: Public Complaints
 - KL-AR(1): Public Complaint Procedure
 - KL-AR(2): Appeal to the Deputy Superintendent of Public Instruction (Delete/Proposed)
 - LBD/IBDJA: Homeschooled Students** (Delete)
 - LBD/IBDJA-AR: Home Schooling Placement/Credit Guidelines** (Delete)

- LBE: Public Charter Schools
- LBE-AR: Public Charter Schools (Delete/Proposed)
- LE: Relations with Colleges and Universities (Delete)

RECOMMENDATION

The Superintendent recommends that the Board of Directors review the first reading of these policies in sections G, and K/L of the District's policy manual.



Code: GA
Adopted: 11/25/08
Orig. Code(s): GA

Personnel Policy Goals

(Do not recommend goals in policy; recommend delete.)

Through its personnel policies, the Board wishes to establish conditions that will attract and retain the highest qualified personnel for all positions who will devote themselves to the education and welfare of our students.

The Board recognizes that a dynamic, competent and efficient staff dedicated to education is essential to maintain a constantly improving educational program. The Board is interested in its personnel as individuals and recognizes its responsibility for promoting general staff welfare.

The Board's specific personnel goals include:

1. Recruiting, selecting and employing the most qualified personnel to staff the school system;
2. Providing compensation and benefit programs for all employees;
3. Providing an in-service training program for all employees as approved by the Board;
4. Conducting an effective employee evaluation program to meet or exceed the law;
5. Encouraging the development and maintenance of good employee morale.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)
[ORS 342.850](#)

[OAR 581-022-1720](#)

Corrected 1/16/19



Code: **GAA**
Adopted: 11/25/08
Orig. Code(s): GAA

Personnel: Definitions¹

“Licensed employees” are those holding a position that requires a license issued by the state Teacher Standards and Practices Commission (TSPC) or a letter of authorization from the Oregon Department of Education.

All licensed personnel shall have the credentials which legally qualify them for the work to which they are assigned.

1. A “teacher” is an employee who holds a teacher’s license or is registered to teach by TSPC. The individual is assigned full or part-time responsibility for instructing students.
2. “Other teacher/specialist” is an employee who holds a license issued by TSPC, a letter of authorization from the Oregon Department of Education, or a license from the Oregon State Board of Nursing. This individual is assigned responsibilities, related to instruction, but who is not engaged in full-time classroom instruction.
3. A “probationary teacher” is one who is not a contract teacher who works at least 135 consecutive days in any school year as a teacher in the District.
4. A “contract teacher” means any teacher who has been regularly employed by a District for a probationary period of not more than three successive school years and who has been retained for the next succeeding school year.
5. A “temporary teacher” is any teacher employed to fill a position designated as a temporary vacancy that occurs before or after the opening of school because of leave of absence, unanticipated enrollment, death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher. The individual is contracted for a specific limited time period.
6. A “substitute teacher” is any teacher employed to take the place of a temporary, probationary or contract teacher who is temporarily absent. A substitute teacher is employed on a day-to-day basis, without contract and does the work of the regularly assigned teacher during the latter’s absence from duty. Substitutes will not be eligible for fringe benefits and will be paid at a rate established annually by the Board in accordance with the provisions of Oregon law.
7. An “intern teacher” is a regularly enrolled student of an accredited teacher education institution and who teaches under the supervision of the staff of the institution and of the District in order to acquire

¹ Definitions are statutory and may be amended by collective bargaining agreements or other employment agreements.

practical experience in teaching. Intern teachers received academic credit from the institution and financial compensation from the District.

8. A “student teacher” is a regularly enrolled student of an accredited teacher education institution and who obtains practice teaching experience under the provisions of District contracts with such accredited institutions. Student teachers receive academic credit from the institution. They do not receive financial compensation from the District.

9. ~~An “administrator” is an employee who has been granted administrative authority and who spends time organizing, directing, supervising, controlling, or evaluating of District employees or programs.~~

- 10.9. An “administrator” is an employee who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license. An administrator includes, but is not limited to, all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts, who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services with public funds.

- 11.10. An “intern administrator” is an employee assigned temporary administrative duties and is under the supervision of a District administrator. These assignments are a training program to develop administrative skills for potential administrators.

- 12.11. “Temporary personnel” shall be appointed by the Superintendent with the recommendation of the principal or director. The Board shall be notified prior to the appointment when feasible, through a listing of names of those employed as temporary personnel. The appointment of temporary licensed personnel is the responsibility of the Superintendent, with the Board retaining confirmation authority.

- 13.12. “Licensed personnel” receive one year of credit toward contract status as a teacher ~~or an administrator~~ for every year of continuous employment in the district in a licensed position that includes at least 135 full days or the equivalent.

Completion of at least 135 half-time days of teaching or the equivalent shall count as one year of probationary service toward attainment of contract part-time teacher status. At least 30 consecutive days of half-time or more employment in the District in a successive year will be sufficient to keep the service intact, and the teacher shall not lose credit for previous probationary years served.

Notwithstanding the 135-day requirement, a teacher ~~or administrator~~ does not attain contract status until:

- a. ~~1~~-Retained for a fourth contract by the Board; and
- b. ~~2~~-Completion of all of the days called for in the third probationary contract.

Years of experience completed under a contract labeled “temporary” shall be counted toward fulfillment of the probationary requirement as long as they meet the criteria of No. 1 or No. 2 above.

“Classified personnel” are those employees in positions for which no teaching or administrative licenses are required by law.

1. “Regular classified employees” are those employed ~~for an indefinite period of time~~ in a position established by the Board ~~through the adoption of a job description~~.
2. “Temporary/substitute classified employees” are those employed on an as-needed basis.
3. “Classified supervisory employees” are those who serve in positions that exercise administrative authority or supervisory responsibility over classified employees and as defined in ORS 243.650(23). These individuals **may** have authority **in the interest of the employer** to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, **or discipline other employees, or responsibility to direct them,** or to adjust their grievances or **effectively to** recommend such action if the exercise of such authority is not of a merely routine or clerical nature.
4. “Support service specialists” are employees who are trained in the field of technology functions and/or have managerial responsibilities as defined in ORS 243.650(16) in a specialty area(s).

“Confidential employees” are designated in accordance with Oregon law. Such employees will be excluded from any bargaining unit. Salaries and benefits for confidential employees will be established by the Board.

“Administrative-Supervisory technical employee” means an employee of the district who possesses authority to formulate and carry out administrative and/or program decisions, or who represents administration’s interest by taking or effectively recommending discretionary actions that control or implement district policy, and who has discretion in the performance of these administrative and/or program responsibilities beyond the routine discharge of duties. An “administrative employee” need not act in a supervisory capacity in relation to other employees.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(6\), \(23\)](#)
[ORS 332.505](#)
[ORS 332.554\(3\)](#)
[ORS 342.120](#)
[ORS 342.125](#)

[ORS 342.420](#)
[ORS 342.610](#)
[ORS 342.815](#)
[ORS 342.835](#)
[ORS 342.840](#)

[ORS 342.845](#)
[OAR 584-020-0005](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

Corrected 2/20/19; 3/29/19



Code: **GAB**
Adopted: 1/25/11
Orig. Code(s): GAB

Job Descriptions

Job descriptions serve to:

1. To describe all essential functions-responsibilities that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. To describe attendance standards;
3. To help applicants determine the qualifications needed to fill a position;
4. To help District administrators determine which candidates to recommend for appointment; and
5. To assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions-responsibilities," as used in this policy, means the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his/her expertise or ability to perform the particular function.

"Attendance standards," as used in this policy, means the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements, and any special attendance needs of the position as determined by the District.

Job descriptions will be developed under the supervision of the Superintendent for each position in the District. Each job description shall be dated. As job descriptions are reviewed and/or revised, new dates will be affixed.

Job descriptions will be coded and retained on the District's website. The document will be available for inspection by any District employee or patron. Each employee shall receive a copy of his/her job description. Each employee shall affix his/her signature and date after having read the job description for their position.

Job descriptions will be reviewed as needed. Initial or revised job descriptions will be approved by the Superintendent or designee.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-022-2405](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Corrected 2/20/19



Code: **GABA**
Adopted: 11/25/08
Orig. Code(s): GABA

Standards of Ethical Professional Performance

The District's personnel are expected to adhere to the following standards:

1. Commitment to Students

- a. Deal justly and considerately with each student;
- b. Encourage the student to study a broad spectrum of issues and views and in turn encourage critical thinking;
- c. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and family;
- d. Conduct professional conversations concerning students in an appropriate place and manner;
- e. Avoid exploiting the professional relationship with any student or parent;
- f. Seek constantly to improve the educational opportunities for the student.

2. Employment Practices

- a. Apply for or offer a position on the basis of professional and legal qualifications;
- b. Adhere to the conditions of a contract or to the terms of an appointment until either has been terminated legally or by mutual consent;
- c. Conduct professional business, including grievances, through recognized channels;
- d. Accept no gratuities or gifts that might influence his/her/their judgment in the exercise of professional duties. (See ORS 244.040.);
- e. Assume his/her/their appropriate share of responsibility for the growth and education of all students;
- f. Be an honest, responsible employee;
- g. Engage in no outside employment that will impair the effectiveness of his/her/their service.

3. Commitment to Community

- a. Use educational facilities for purposes consistent with applicable policy, law and regulation.
- b. Accurately represent the District programs and status to the patrons.
- c. Understand that you are a role model to students.

4. Professional Requirements for Licensed/Certified Personnel

- a. Ability to teach effectively as determined through references and experience;
- b. Cooperate well on a professional level with peers, supervisors, students, and parents;
- c. Demonstrate self-discipline related to employment.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 2/20/19



Code: **GB**
Adopted: 11/25/08
Orig. Code(s): GB

General Personnel Policies

~~The employment of candidates to fill all positions will be approved by the Board upon recommendation of the Superintendent~~ will recommend candidates to fill licensed positions for Board approval. The Board expects the Superintendent or designee to will hire all classified, substitute and part time other personnel as needed and to bring these names before the Board for action at the earliest opportunity.

[*] Notice of all regular job openings will be available to current staff members. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies and general and specialized media.

Applications or inquiries concerning job openings will be received by Human Resources Department ~~on through the~~ standard District application forms process. The selection process will be coordinated and supervised by Human Resources Department, with the involvement of the appropriate administrators and supervisors.

Each candidate selected for a position with the District must possess or demonstrate eligibility for any certificate, license, or permit required to fill the position. In addition, the individual must be insurable by the District's insurance carrier for a position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the District may require any candidate, as a condition of employment, to hold a current, recognized first-aid card. A current employee required to hold a card will obtain it within 90 days from the date the District gives notification.

[*] Personnel selected for employment will be notified in writing following Board approval. This notification will specify the assignment, the job classification, the salary or hourly rate, the length of the work week and the length of the assignment. Non-selected applicants will be notified.

Initial assignments of staff will be made by the Superintendent or designee.

END OF POLICY

Legal Reference(s):

[ORS 342.664](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 653.305 to -653.326](#)

[ORS 659A.309](#)

[OAR 581-022-2405](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)

[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

Corrected 2/20/19



Code: **GBA**
Adopted: 11/14/17
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the District regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, veteran's status², **familial status**, genetic information, and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The Superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The Superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the District alleging noncompliance with Title IX. The name, address, and telephone number of the Title IX coordinator will be provided to all students and employees.

The Superintendent will develop other specific recruiting, interviewing, and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 243.672](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 659.850](#)
[ORS 659.870](#)

[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)

[ORS 659A.321](#)
[ORS 659A.409](#)
[ORS 659A.805](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0450](#)
[OAR 839-006-0455](#)

¹ "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

² The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R Part 1626 (2016).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2016).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.

Corrected 2/20/19



Code: **GBCA**
Adopted:

Staff Dress and Grooming

The Board believes that staff members set an example in dress and grooming for students and standards of professionalism for the district. A staff member who understands this precept and adheres to it enlarges the importance of **their** task, presents an image of professionalism and encourages respect for authority. These factors act in a positive manner towards the maintenance of discipline.

The district retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

All staff when on duty shall:

1. Be physically clean, neat and well groomed;
2. Dress in a manner consistent with their assigned duties;
3. Dress in a manner that communicates to students a pride in personal appearance;
4. Be groomed in such a way that does not disrupt the educational process nor cause a health or safety hazard;
5. Be allowed to wear religious attire in accordance with the employee's sincerely-held beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment; **and**
6. **Follow student dress code limitations.**

Staff are subject to **consequences and appropriate remedial action** for violating the terms of this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(7\)](#)
[ORS 327.109](#)

[ORS 332.107](#)
[ORS 339.351](#)

[ORS 659.850](#)
[ORS 659A.030](#)

OR. CONST., art. I, § 5.
U.S. CONST. amend. I.

Corrected 3/20/19



Code: **GBD**
Adopted: 11/25/08
Orig. Code(s): GBD

Board-Staff Communications

The Board as defined by Board policy BBAA—Individual Board Member’s Authority and Responsibilities, desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the Superintendent. However, this policy does not restrict protected labor relations communications of bargaining unit members. The Superintendent will develop and recommend to the Board processes for communications between the Board and district employees.

Official communications or reports to the Board or Board committee from any staff member or members should be submitted through the Superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district.

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will communicate as appropriate to keep staff fully informed of the Board’s concerns and actions.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Corrected 1/16/19



Code: **GBE**
Adopted: 11/01/15
Orig. Code(s): GBE

Staff Health and Safety

The Board directs the Superintendent to take all necessary and appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties. The input of staff will be encouraged in the development of District health and safety plans.

The Superintendent ~~for~~ designee will develop a District plan for dealing with any hazardous chemicals in the work place. Such plan will include the proper labeling, storage, and disposal of all such materials.

The Superintendent ~~for~~ designee will develop Districtwide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage, and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, employees will be trained to recognize and respond appropriately to the presence of hazardous chemicals, using the Safety Data Sheets (~~SDSs~~). All personnel who, during the performance of their duties or in an emergency, may be exposed to hazardous materials will be so informed, and will be trained to deal appropriately with these materials.

The Superintendent ~~for~~ designee will provide staff members with access to the SDSs (~~Safety Data Sheets~~), which must accompany any hazardous substance used in the work place.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 329.095](#)
[ORS 453.001](#) to -453.275

[OAR 437-001-0760](#)
[OAR 437-002-0020](#) to -0075

[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180](#) to -0182
[OAR 437-002-0360](#)
[OAR 437-002-0368](#)

[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-022-2225](#)

Corrected 1/16/19



Code: **GBEA**
Adopted: 11/25/08
Orig. Code(s): GBEA

Workers' Compensation Insurance

All employees, including students as required by Oregon Law, are covered by the District workers' compensation insurance. Any injury or illness to an employee while on duty (even if not considered serious by the employee) must be reported at once to the immediate supervisor who will submit a written report to the Superintendent's office within 24 hours. If medical attention is needed the employee will be advised to notify the medical service provider that the injury or illness is covered by workers' compensation laws. The accident or illness must qualify as an industrial accident or illness under state law and district regulations.

Any employee who is injured while on duty or becomes ill as a result of performing his/her responsibilities may receive compensation and expenses as prescribed by state law and rules.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 656.033](#)

[ORS 657.170](#)

[OAR 437-001-0760](#)

Corrected 1/16/19



Code: **GBEB**
Adopted: 4/24/18
Orig. Code(s): GBEB/JHCC

Communicable Diseases – Staff

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

An employee who knows that they have or have been exposed to any restrictable disease, may not attend work unless authorized by Oregon law. When a principal ~~for~~ designee¹ has reason to suspect that any employee has or has been exposed to any restrictable disease and exclusion is required, the principal ~~for~~ designee~~1~~ shall send the employee home. If the disease is a reportable disease, the principal ~~for~~ designee~~1~~ will report the occurrence to the local health department.

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

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the principal ~~for~~ designee~~1~~ shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

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

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

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

The ~~s~~Superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

¹ Or the site administrator for non-school locations ~~for~~ departments.

Legal Reference(s):

[ORS 431.150](#) to -431.157

[ORS 433.001](#) to -433.526

[OAR 333-018](#)

[OAR 333-019](#)-0010

[OAR 333-019](#)-0014

[OAR 437-002](#)-0360

[OAR 437-002](#)-0377

[OAR 581-022](#)-2220

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2017).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2017).

Corrected 1/16/19



Code: **GBEBA**
Adopted: 11/25/08
Orig. Code(s): GBEBA

Staff with HIV, AIDS and HBV

The District will strictly adhere in its policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV¹.

The District recognizes a staff member has no obligation under any circumstance to report his/her condition under this policy to the District and that the staff member has a right to continue working.

~~If an employee with HIV notifies the Superintendent of his/her medical condition, the Superintendent will immediately gather a team to review the employee's assignment to determine if such assignment may create a health risk for other persons. The team members will include:~~

- ~~1. The employee;~~
- ~~2. The employee's physician;~~
- ~~3. The employee's supervisor;~~
- ~~4. A medically trained professional;~~
- ~~5. Representative(s) of the District office; and~~
- ~~6. A public health agency representative.~~

~~Factors that the team should review include, but are not be limited to, may revise assignments that include application of first-aid assignments that and include personal hygiene care, or any other factors that could transmit blood or bodily fluids from one person to another. Periodic review of the employee's medical condition should be scheduled. The team will make its recommendations to the Superintendent.~~

~~If reassignment of the employee is advised by the team, the action taken will follow review and consideration of policies, regulations, and practices that govern such reassignments for medical reasons, including the use of appropriate sick leaves and disability leaves.~~

~~The employee's right to privacy and the confidentiality of medical records will be preservedkept confidential in accordance with law. Only as much information as necessary will be communicated to the~~

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

~~community and staff so that news is managed and the credibility and trustworthiness of the District is preserved.~~

~~These guidelines will be revised to conform with new medical information and guidelines published by county and state health departments. Such publications should be the basis for annual in-service training provided for employees.~~

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 342.850\(7\)](#)

[ORS 433.008](#)

[ORS 433.045](#)

[ORS 433.260](#)

[OAR 333-017-0000](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)

[OAR 581-022-2220](#)

Corrected 1/16/19



Code: **GBEBAA/JHCCBA/EBBAB**
Adopted: 11/03/08
Orig. Code(s): **GBEBAA/JHCCBA/EBBAB**

Hepatitis B/Bloodborne Pathogens

(Content incorporated into EBBA (section E) and removed in sections G and J.)

The Board recognizes that staff/students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff/students of exposure to bodily fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.

Consequently, the Board directs adherence to universal precautions. Universal precautions require that staff and students approach infection control as if all direct contact with human blood and bodily fluids is known to be infectious for HIV, HBV, and/or other bloodborne pathogens.

In order to reduce the risk to staff/students and minimize or eliminate staff exposure incidents to bloodborne pathogens, the Board directs the Superintendent to develop and implement an exposure control plan. The plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update shall also:

1. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens.
2. Annually document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

The plan shall include training followed by an offer of immunization with Hepatitis B vaccine for all staff who are required to provide first-aid to students and/or for all staff who have occupational exposure as determined by the District. Personal protective equipment appropriate to job tasks shall be provided by the District. Follow up by nursing/medical personnel will be provided by the District to any employee sustaining an occupational exposure.

The District recognizes that, as required by OAR 437-002-1030, employees who use medical sharps in the performance of their duties (e.g., administering injectable medicines to students, such as epinephrine and glucagon) must, at least annually, be provided with the opportunity to identify, evaluate, and select engineering and work practice controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices such as sharps with engineered sharps injury protections and needleless systems, etc.). The District will implement such work practice controls, as appropriate.

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 437-002-1030](#)
[OAR 437-002-1035](#)

Corrected 1/16/19

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Code: **GBEBC/JHCCC/EBBAA**
Adopted: 11/25/08
Orig. Code(s): **GBEBC/JHCCC/EBBAA**

Infection Control - HIV, AIDS, HBV

(See revisions of EBBAA; delete from section G and J.)

The District shall use universal precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The District shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

Staff and students shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal cleanup, appropriate disposal, immunization and personal hygiene, as well as the location and a content review of first-aid and clean-up kits. Kits shall be available for each room in the building and in each District vehicle.

In addition to an annual in-service, staff and students on a regular basis will receive HIV, AIDS and HBV information.

The information shall emphasize infection – how infection is spread as well as how it is not spread.

The District will cooperate with the Oregon Department of Education, the Oregon Department of Human Services, Public Health Division, the local health department and the education service district in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0517\(13\)\(c\),\(e\)](#)

Corrected 1/16/19

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



Code: **GBEBE/JHCCE**
Adopted: 5/26/09
Orig. Code(s): **GBEBE/JHCCE**

News/Media - HIV, AIDS or HBV**

(Use policy in section KL for news release information.)

The District shall appoint a District spokesperson who shall develop press releases or conduct news conferences regarding rumored or identified HIV+ or AIDS cases.

The release/news conference shall stress:

1. School districts are not informed of a person infected with HIV or AIDS unless the infected person or his/her parent releases the information;
2. School districts, if informed, may not release the information unless the infected person or parent gives permission for such release;
3. School districts may not prevent a staff member from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school.

If a news conference is held, the District shall ask the local health department or other health authorities to assist the District spokesperson with the press conference.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 342.850\(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-012-0270](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)
[OAR 581-022-1440](#)

Corrected 1/16/19



Code: **GBEC**
Adopted: 12/01/15
Orig. Code: GBEC

Drug-Free Workplace

(See proposed version)

The District believes that illegal use of alcohol and other drugs is a problem that dramatically affects the physical, social, and emotional health of the individual, the family, and our educational system.

The District believes that school employees are responsible for acting as role models for students and as representatives to the community of the District's commitment to combat drug and alcohol abuse.

In order to ensure the highest standards of learning, safety, health, and well-being for students and employees, the District endorses substance abuse policies that help students and employees avoid alcohol and other drug use.

The District will take corrective disciplinary actions when necessary, and may recommend appropriate aftercare. Aftercare will not be incumbent upon the District.

This policy applies to all employees, including the employees of contractors.

1. Responsibilities Regarding Drugs and Alcohol in the Workplace:

The following conduct is strictly prohibited and will subject an employee to immediate discipline, up to and including immediate termination:

- a. No District employee shall unlawfully manufacture, buy, sell, transport, distribute, dispense, possess, use, or be under the influence of intoxicants, including alcohol, or illegal drugs, or controlled substances, as defined by law, in the workplace, while on District property, during work hours (including meal periods), while assigned to extra duty or special projects, including those held after or in addition to regular school hours, and while driving between work sites during the work day, in either a District-supplied vehicle or a vehicle supplied by the employee.
 - (1) "Drugs" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other controlled substance as defined in schedules I through V of Section 202 of the controlled substance act (21 U.S.C 8120 and as further defined by regulation at 21 C.F.R 1308.11-1308.15).
 - (2) Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers, or liquor.
 - (3) "Workplace" shall mean the site of the performance of work done for the District. This includes any District building or District building premises, any District-owned vehicle, or any other District-approved vehicle (including the employee's own vehicle) while

used to transport students off school property during any District-sponsored or District-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

- (4) The legal/medical use of controlled substances may be exempt from this policy.
- b. No District employee shall knowingly sell, market, or facilitate the sale, use, or distribution of steroid or performance enhancing substances to Grades K-12 students, or knowingly endorse or suggest the use of such substances.
- c. An individual is considered to be “under the influence of alcohol, intoxicants, and/or a controlled substance” when, in the District’s determination, based upon the supervisor’s observations and testing conducted by and interpreted by trained medical personnel, the controlled substance, alcohol, or intoxicant is deemed to be at a level that may impair the individual’s ability to safely and/or efficiently perform assigned work, or prevent the employee from presenting a positive role model to students.
- d. If the District has reasonable suspicion that an employee is under the influence of intoxicants, including alcohol or any controlled substance, the District will require the employee to submit to immediate testing by trained medical personnel. Refusal to submit immediately to such tests may result in disciplinary action, up to and including dismissal.
- e. Reasonable suspicion of employee use of an unlawful controlled substance or alcohol will be based on specific, contemporaneous, articulable observations made by a trained supervisor, as designated by the District. These observations may include, but are not limited to, the following:
- (1) Observed abnormal appearance or behavior, or impairment in mental or physical performance (for example, dilated pupils, slurred speech, unsteady balance, difficulty walking, or peculiar odors)
 - (2) Direct observation of use in the workplace
 - (3) Indications of chronic and withdrawal effects of drugs
 - (4) Noticeable decline in job performance that may be associated with the misuse of drugs
 - (5) A work-related accident in conjunction with a basis for reasonable suspicion as listed above
- f. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the supervisor authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
- g. The District reserves the right, with prior notice and reasonable suspicion, to conduct searches on District property of employees and/or their personal property that is on the District’s premises. The District also reserves the right, with or without prior notice and reasonable suspicion, to conduct searches of District property, vehicles, or equipment at any time. A refusal to submit to a search may result in disciplinary action, up to and including dismissal.
- h. Employees who are convicted of any violation of criminal drug statutes occurring in the workplace are required to notify the Superintendent or designee no later than five days after such conviction.¹

¹ Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

2. Notice to Employees:

The District will annually provide employees with the following information:

- a. The dangers of drug and alcohol abuse in and outside the workplace;
- b. The terms of this District policy;
- c. Any available drug counseling, rehabilitation, and employee assistance programs (the District provides an employee assistance program as specified through the employee agreements);
- d. The penalties an employee can incur for any infraction of this policy.

3. District Action in Case of Violation of this Policy by Employees:

- a. As a condition of employment with the District, all employees are required to abide by the terms of this policy and any implementing administrative rules.¹
- b. If the District's investigation determines that an employee has violated this policy and/or implementing administrative rules, the District will take appropriate disciplinary action(s), including reprimand, suspension, and/or termination of employment. Disciplinary sanctions short of termination may include that the employee satisfactorily complete an appropriate substance abuse program of rehabilitation.¹
- c. Through implementation of this policy, the administration will strive to maintain a drug-free workplace, and to fulfill the District's role in educating students and the community on the dangers of drug and alcohol abuse and modeling appropriate behavior.

4. Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

5. Leave for Participation in Abuse Assistance or Rehabilitation Program

The District may, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)

[OAR 581-022-2045](#)
[OAR 581-022-2210](#)
[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).
Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Corrected 3/20/19



Code: **GBEC**
Adopted: 4/30/19

Drug-Free Workplace

The district shall provide a drug-free workplace.

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the workplace.

This policy applies to all District employees, including but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

The district shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's district duties; or knowingly endorse or suggest the use of such substances.

An employee shall, as a condition of employment, abide by the provisions of this policy.¹

The District will take corrective disciplinary actions when necessary, and may recommend appropriate aftercare. Aftercare will not be incumbent upon the District.

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act (21 U.S.C. §§ 811-812 and as further defined by regulation in 21 C.F.R. §§ 1308.11-1308.15), as modified under Oregon Revised Statute (ORS) 475.035.
2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.

¹ Districts directly receiving grants or contracts from the federal government are required to meet this obligation.

3. “Conviction” means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or state criminal drug statutes.
4. “Criminal drug statute” means a Federal or State criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
5. “Drug-free workplace” means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based on specific, contemporaneous, articulable observations made by a trained supervisor, as designated by the District.

The observations may include, but are not limited to, the following:

1. Observed abnormal behavior or impairment in mental or physical performance (e.g., dilated pupils, slurred speech, unsteady balance, difficulty walking, or peculiar odors);
2. Direct observation of use in the workplace;
3. Indications of chronic and withdrawal effects of drugs;
4. The opinion of a medical professional;
5. Noticeable decline in job performance that may be associated with the misuse of drugs;
6. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
7. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

An individual is considered to be “under the influence of alcohol, intoxicants, and/or a controlled substance” when, in the District’s determination, based upon the supervisor’s observations and testing conducted by and interpreted by trained medical personnel, the controlled substance, alcohol, or intoxicant is deemed to be at a level that may impair the individual’s ability to safely and/or efficiently perform assigned work, or prevent the employee from presenting a positive role model to students.

If the District has reasonable suspicion that an employee is under the influence of intoxicants, including alcohol or any controlled substance, the District will require the employee to submit to immediate testing by trained medical personnel. Refusal to submit immediately to such tests may result in disciplinary action, up to and including dismissal.

A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the supervisor authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

The District reserves the right, with prior notice and reasonable suspicion, to conduct searches on District property of employees and/or their personal property that is on the District's premises. The District also reserves the right, with or without prior notice and reasonable suspicion, to conduct searches of District property, vehicles, or equipment at any time. A refusal to submit to a search may result in disciplinary action, up to and including dismissal.

Sanctions and Remedies²

If the District's investigation determines that an employee has violated this policy and/or implementing administrative rules, the District shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action, which may include reprimand, transfer, granting of leave with or without pay or suspension with or without pay, and/or termination of employment.

Within 30 calendar days of learning of an employee's criminal drug statute conviction for a violation occurring in the workplace, the District shall:

1. Take appropriate action, which may include discipline up to and including termination; and/or
2. Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer (The District provides an employee assistance program as specified through the employee agreements).

The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

Notice to Employees

The district shall annually inform employees of the following:

1. Dangers of drug and alcohol abuse in the workplace;
2. Existence of and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation, and employee assistance programs³; and
4. Penalties that may be imposed for violations of this policy.

² Ibid. p. 1

³ The District provides an employee assistance program as specific through the employee agreements.

Notification by Employee of Conviction⁴

An employee shall, as a condition of employment, notify the district in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

Notification by the District of an Employee Conviction

The district shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction, for a violation occurring in the workplace, no later than 10 calendar days after learning of such conviction.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 336.222](#)

[ORS 342.721](#)

[ORS 342.723](#)

[ORS 342.726](#)

[ORS Chapter 475](#)

[ORS 657.176](#)

[OAR 581-022-2045](#)

[OAR 581-022-2210](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

⁴ Ibid. p. 1



Code: **GBED**
Adopted: 11/25/08
Orig. Code(s): GBED

Pre-Employment Physicals/Drug Testing

(Version 1)

(See version 2 for recommended language.)

The District may require pre-employment physicals of any applicant who is a finalist for a position designated by the District.

Pre-employment physicals will be done by a medical doctor selected by the District. District required pre-employment physical expenses will be paid by the District. The District will require pre-employment physicals that are tailor made to the job requirements. Drug testing may be required at the expense of the applicant.

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The District will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security.¹

If drug testing is required, the District will determine the type of drug test and where the test is to be conducted.

Information the District receives regarding pre-employment physicals and drug testing will be placed in a medical file for successful applicants. Information for unsuccessful applicants will be kept confidential for six months and then destroyed.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 657.176](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/16/19

¹ Based on Lanier – “Safety sensitive” may also include positions that have heavy student contact and in loco parentis responsibility (e.g., teachers, administrators, paraprofessionals).



Code: GBED
Adopted:

Medical Examinations and Drug Testing

(Version 2)

Medical Examinations

The district may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

All offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a health care professional selected by the district. District-required medical examination expenses will be paid by the district.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

Drug Testing

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy

machinery operators) and positions in which the person is responsible for students' safety and security.¹ The district will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the district. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[ORS 657](#).176

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/16/19

¹ Based on Lanier v. City of Woodburn – “Safety sensitive” may also include positions that have heavy student contact and in loco parentis responsibility (e.g., teachers, administrators, paraprofessionals).



Code: **GBEDA**
Adopted: 8/26/14
Orig. Code: GBEDA

Drug and Alcohol Testing - Transportation Personnel

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Corrected 1/16/19



Code: **GBEDA-AR**
Adopted: 9/23/14
Orig. Code: GBEDA-AR

Drug and Alcohol Testing - Transportation Personnel

The following procedures shall govern the District's drug and alcohol misuse prevention program. This administrative regulation is intended to comply with the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT) regulations.

Program Coordinator

A director or designee will be designated as the District's drug and alcohol misuse prevention program coordinator. This director or designee will coordinate the District's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA).

The coordinator will:

1. Ensure that all employees subject to DOT testing receive written materials explaining the District's drug and alcohol misuse prevention program, including:
 - a. The DOT drug and alcohol testing regulations, and the District policy and administrative regulations.
 - b. A contact person knowledgeable about the materials, policy, administrative regulations, and OTETA.
 - c. The categories of employees covered.
 - d. Information about the safety-sensitive functions and period of the work day the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time.
 - e. Specific information concerning prohibited conduct.
 - f. Circumstances under which employees will be tested.
 - g. Procedures used in the testing process.
 - h. The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382.
 - i. Explanation of what constitutes a refusal to submit to a drug and/or alcohol test.
 - j. Consequences of violations (e.g., discipline up to and including dismissal as required by the District, and removal from safety-sensitive functions as may be required by the OTETA), and notification of resources available to the driver in evaluating and resolving problems

associated with the misuse of alcohol and drugs, including the names, addresses and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs.

k. Information on the effects of drug and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem (driver's or co-worker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available, and/or referral to the administration.

2. Ensure that employees sign statements certifying that they have received the materials.
3. Ensure that Designated Employer Representatives (DER) designated to determine reasonable suspicion receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech, and performance indicators of probable drug abuse and alcohol misuse.
4. Ensure District compliance with applicable provisions of the OTETA's requirements regarding the District's management information system, and retention and confidentiality of records.
5. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing.
6. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing.
7. Ensure selection of a laboratory certified by the Department of Health and Human Services (DHHS) to conduct drug specimen analysis.
8. Ensure selection of a qualified medical or osteopathic doctor to serve as a Medical Review Officer (MRO) to verify laboratory drug test results.
9. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in OTETA.
10. Ensure that the District's drug and alcohol misuse prevention program is maintained in at least outline form, on file, and available for inspection at the transportation department. The District shall maintain the following:
 - a. Information regarding the effects and consequences of drug and alcohol use on personal health, safety, and the work environment.
 - b. Information regarding the manifestations and behavioral changes that may indicate drug and alcohol use or abuse.
 - c. Documentation of training given to employees.
 - d. Documentation that drug and alcohol training for all supervisory personnel included at least two hours (60 minutes of each, i.e., drug training and alcohol training) on the signs and symptoms of drug use and alcohol misuse, and how to handle reasonable suspicion incidents.
11. ~~To meet the documentation and confidentiality requirements of OTETA, e~~ Ensure that clearly defined communication procedures are in place so authorized individuals can send and receive information ~~to meet the documentation and confidentiality requirements of OTETA~~. This would include the method (e.g., mail, facsimile, etc.) and frequency (e.g., daily, weekly, etc.) of the communications, as well as the authorized individuals.

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

Pre-Employment Testing

The District shall conduct pre-employment testing as follows:

1. Testing for drugs is required of applicants for DOT-covered driver positions and safety sensitive positions as required by the OTETA. A negative test result must be received before the individual is allowed to drive a commercial motor vehicle. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug and alcohol test results.
2. Individuals offered employment with the District and employees transferring to positions subject to the OTETA contingent on drug and alcohol testing must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee’s successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years.
3. The District shall obtain and review drug and alcohol information from previous employers of the past two years no later than 14 calendar days after the driver is used for the first time. The District will provide the driver’s written permission for release of information to the previous employers.
4. Release of such information may be by telephone, letter, or any other method that ensures confidentiality. The District will maintain a written, confidential record of each past employer contacted.
5. The District will not use a driver with a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer unless the driver is in compliance with the SAP’s treatment program and the OTETA’s return-to-duty test requirements.
6. The applicant will be notified that the urine sample collected shall be tested for the presence of drugs; prior to being directed by the District to go to a collection site for drug and alcohol testing.
7. Failure to report to the collection site for testing within the time frame specified by the District shall constitute a refusal to report and result in immediate termination of the employment or transfer offer.
8. Pre-employment drug and alcohol testing will be paid for by the prospective employee. Under District authority, and as permitted by the DOT, a negative dilute result is unsatisfactory on a pre-

employment test. Applicants will be given one additional opportunity to provide a valid specimen. The result of the second test will determine whether the applicant is eligible for employment in a safety sensitive position.

9. Test results must be negative for drugs and alcohol. Individuals who fail to meet drug and alcohol requirements will not be hired or transferred voluntarily or involuntarily to covered positions.
10. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff.
11. The District will notify individuals offered employment with the District contingent on drug testing of the results of testing, upon request, within 60 days of being notified of the status of the employment application.
12. Refusal to submit to such testing and/or to provide signed permission for the release of past testing information, as required by the District, shall result in immediate termination from employment or transfer consideration.
13. Any candidate with a urine sample that tests positive for the use of adulterants shall not be considered for employment. Adulterants are substances that corrupt or make impure drug screening results.

A drug test result which is verified as positive for unauthorized use of controlled substances or found to be substituted or adulterated, will disqualify the applicant for the OTETA position. Applicants for DOT-covered driver positions with positive test results must wait at least 90 days and fulfill any federal requirements for return to duty at their own expense before reapplying.

14. The individual may request a screening of the split specimen at his/her expense. All such requests must be received in writing by the District no later than 72 hours following notification to the applicant of the positive test results.

Post-Accident Testing

The District shall conduct post-accident testing as follows:

DOT-covered drivers are required by DOT to be tested after an accident if:

1. There is a fatality;
2. The driver receives a citation for a moving traffic violation and there is an injury requiring medical treatment away from the scene of the accident; or
3. The driver receives a citation for a moving traffic violation and a vehicle must be towed from the scene of the accident (DOT accidents).

Additionally, employees who are involved in safety-related incidents or accidents on the job may be required to be tested for drugs or alcohol under the District's independent authority (non-DOT accidents).

4. Drivers are required to remain available for testing after any DOT accident. The employee must report for post-accident drug and alcohol testing as soon as possible following a motor vehicle accident meeting DOT criteria in items 1-3 above which occurs while the employee is performing District safety-sensitive functions; ~~or as a precaution to prevent litigation, a~~ non-DOT post drug/alcohol test may be administered at the discretion of the District.
 - a. The employee will be escorted to the designated collection site for post-accident drug and alcohol testing as soon as possible following the occurrence of the accident, but no later than 32 hours after the incident/accident. Alcohol testing will be conducted only if there is reasonable suspicion of alcohol misuse, and must take place as soon as possible, but no later than eight hours after the accident.
 - b. If alcohol testing has not been administered within two hours, the District will prepare and maintain a record stating the reasons the test was not promptly administered.
 - c. If alcohol testing is not administered within eight hours, the District will cease attempts to administer an alcohol test and will prepare and maintain a record specifying why the test was not administered.
 - d. If drug testing has not been administered within 32 hours following the accident, the District will cease attempts to administer such tests and will document why the test was not administered.
 - e. The employee will inform the appropriate District official or designee as soon as possible following the accident, giving as much detailed information about the accident as available (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.).

If the accident does not meet any of the DOT criteria, the District management may require ~~non-DOT~~ testing for drugs or alcohol under the District's independent authority based on the extent of injuries, ~~or equipment damage, or contract requirements, or to minimize any negative effects from possible future litigation.~~

5. The District will provide employees with necessary post-accident testing information, procedures, and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in District vehicles as appropriate. Instructions will include telephone numbers of the District drug and alcohol misuse prevention program coordinator or other District officials to contact. Under the District's independent authority, employees will be removed from safety sensitive job duties until all test results have been received.
6. The employee shall remain readily available for testing or may be deemed by the District to have refused to submit to testing. ~~The~~ Such refusal is treated as if the District received a positive alcohol or drug test. Nothing in this requirement shall cause the delay of necessary medical attention for injured people following an accident or prohibit an employee from leaving the scene of an accident for the period necessary to obtain necessary emergency medical care or assistance in responding to the accident.
7. The District may use the results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state, and/or local law enforcement officials having independent authority for the test, if the results of the tests are obtained by the District and the tests conform to all applicable federal, state, and/or local requirements.

8. An employee who is involved in an accident involving a fatality, injury, and/or tow away as described by the OTETA, is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Random Testing

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

1. An objective outside party will conduct random selections for the District. DOT-covered drivers will be in a random “pool” with federally-regulated employees from other companies (consortium). Each person in the pool will have the same chance of being selected every time a selection occurs. As a result, individuals are subject to testing at any time, and may be randomly tested more than once in a calendar year. Random testing through the consortium will be reasonably distributed through the calendar year.
2. Not less than ~~50~~ 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the District for testing rate purposes.

~~a. The District will meet minimum testing rates.~~
3. The testing rate may be adjusted by FMCSA based on industrywide data;
4. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, All employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
5. The selection of employees for random testing shall be made by a scientifically valid method. The District uses an outside contractor, whose process ensures that all employees shall have an equal chance of being tested each time selections are made.
6. All testing shall be unannounced, and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is “done for the year.” The date selected will be kept confidential to ensure that testing is unannounced as required by law.
7. Following notification of testing, selected employees shall proceed to the District-selected collection site immediately or as soon as possible.
8. An employee shall only be tested for alcohol before the driver is scheduled to perform his/her safety sensitive functions, during, or just after performing such functions.
9. Employees off work due to leave, vacation, and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as possible upon return to duty, but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

Reasonable Suspicion Testing

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

1. The District will test covered employees whenever there is reasonable suspicion, including police and arrest reports, to believe that the employee has engaged in drug or alcohol misuse.
2. Reasonable suspicion will be based on specific, contemporaneous, articulable observations made by a trained ~~supervisor~~ administrator or designee as designated by the District, concerning appearance, behavior, speech, or body odors indicative of employee drug or alcohol misuse. Observations of drug misuse may include indications of chronic and withdrawal effects of drugs and noticeable decline in job performance that may be associated with the misuse of drugs.
3. Hearsay or second hand information is not sufficient to require an employee to submit to testing. However, if the District receives information directly from a person who witnesses an employee's drug or alcohol misuse, this information ~~will~~ may be sufficient to require an employee to submit to testing.
4. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with Board policy, administrative regulations, and the provisions of the OTETA.
5. A written record shall be made of the observations leading to a reasonable suspicion ~~drug~~ test and signed by the ~~supervisor~~ administrator or designee authorized to make such observations within 24 hours of the observed behavior or before the results of the ~~drug~~ test are released, whichever is earlier.
6. The District will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

Return to Duty

The DOT requires that DOT-covered drivers who have violated the federal drug/alcohol prohibitions undergo a return-to-duty procedure, which includes return-to-duty testing (under direct observation, if required), with "negative" test results prior to return to work. The District's policy to terminate employees who have violated the drug and alcohol prohibitions negate the need for a return-to-duty test policy.

Prescription Medicines

The DOT permits employers to require drivers to report therapeutic drug use. All District employees who take prescription medications with warning labels regarding driving or operating equipment ~~or commercial motor vehicle~~ while using the medicine are required to:

1. Discuss use of the medicine with their ~~doctors~~ licensed medical practitioner, specifically with regard to how it could affect their job performance.
2. Inform the District supervisor that they are using a medication which could impair performance.

The notification can be personal, by telephone, or by a note in an envelope addressed to the supervisor. The District may change an employee's job duties temporarily to ensure safety.

Use of prescribed medicine according to the healthcare provider's instructions is not a violation of this administrative regulation or Board policy. It is a violation of federal law, and of Board policy and this administrative regulation to use other people's or another person's prescription medication(s).

Marijuana is a Class 1 controlled substance; its use is illegal under federal law. The state of Oregon permits the use of marijuana to treat medical conditions when supported in writing by a licensed medical doctor. This is not an acceptable explanation for a positive drug test for DOT-covered drivers. The District MRO will automatically report such tests as positive, and the employee will be terminated.

Follow-up Testing

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

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

Drug and Alcohol Testing Procedures

The District, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures in accordance with federal standards (49 C.F.R. Part 40) as follows:

1. **Drugs**
 - a. The applicant or employee reports to the District-designated collection site and provides positive identification (e.g., photo ID);
 - b. A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
 - c. Following completion of a chain-of-custody form, both specimen bottles are forwarded to the DHHS certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
 - d. Testing results are reported to the District-selected MRO by mail or electronic transmission. Results may not be given over the phone;
 - e. The MRO will verify both negative and positive testing results;
 - f. The MRO will report the verified negative testing results to the District;
 - g. The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found, and determine whether there is any valid medical reason for the positive testing results;

- h. A verified valid medical reason for a positive test result will be reported as a negative test result to the District;
- i. If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the District;
- j. The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the employee;
- k. Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- l. The MRO will report results of the second screening to the employee and the District;
- m. The MRO will meet all OTETA requirements, including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results, and maintenance of confidentiality requirements as may be applicable;
- n. Detailed drug testing procedures may be obtained by contacting the District's drug use and alcohol misuse prevention coordinator or designee.

2. Alcohol

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

Positive Test Results

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

Investigations and Searches

In order to enforce Board policy under independent District authority, the District may investigate potential violations and require personnel to undergo drug/alcohol screening, including urine, breath, or other appropriate tests. When there is reasonable cause, the District may search all areas of the District's physical premises, including vehicles on District property, lockers, work areas, desks, purses, briefcases, and other locations or belongings brought onto District work sites.

Record Keeping/Record Reporting

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

1. Records related to the collection process:
 - a. Documents relating to the random selection process;
 - b. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 - c. Documents generated in connection with decisions on post-accident testing;
 - d. Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
 - e. An annual calendar year report summarizing results of the District's drug and alcohol misuse prevention program will be prepared and maintained when requested by the FMCSA as part of an inspection, investigation, special study, or for statistical purposes.
2. Records related to a driver's test results, including:
 - a. The District's copy of the alcohol testing form, including the test results;
 - b. The District's copy of the controlled substance test custody and control form;
 - c. Documents sent by the MRO to the District;
 - d. Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 - e. Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
3. Records related to evaluations as follows:
 - a. Records concerning a driver's compliance with recommendations of the SAP;
 - b. Records pertaining to a determination by an SAP concerning his/her evaluation of a covered employee who tested positive for drugs, or failed an alcohol test, or refused to test.

4. Records related to education and training as follows:
 - a. Materials on drug and alcohol misuse awareness, including a copy of the District's policies and administrative regulations on drug and alcohol misuse and related information;
 - b. Driver's signed receipt of education materials;
 - c. Documentation of training provided to supervisors for the purpose of qualifying them to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
 - d. Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
5. Records related to alcohol and drug testing as follows:
 - a. Agreements with collection site facilities, laboratories, MROs, and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable.
 - b. Names and positions of officials and their role in the District's drug and alcohol testing program(s).
 - c. Semi-annual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The District will document laboratory failures to provide statistical summaries and any District follow-up efforts to obtain such reports.
6. Records will be retained by the District as follows:
 - a. Five years:
 - (1) Records of employee alcohol tests with positive results;
 - (2) Records of verified positive drug test results;
 - (3) Documentation of refusals to take required drug and/or alcohol tests;
 - (4) Drug testing custody and control forms;
 - (5) Employee evaluation and referrals;
 - (6) A copy of each annual calendar year report summary.
 - b. Two years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).
 - c. One year:

Records of negative drug test results and canceled drug tests.
 - d. Indefinite period:

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

7. To ensure confidentiality requirements are met, records will be maintained in a secure location with controlled access.
 - a. Drug and alcohol misuse prevention program records will be maintained at the transportation department. Records relating to individual employee drug and/or alcohol testing, evaluation, and treatment will be maintained separately from the employee's personnel file.
 - b. Employees are entitled, upon written request, to obtain copies.
 - c. The District may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee, or National Transportation Safety Board safety investigations.
 - d. The District shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413(a)(1))*.

*Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver:

1. Failed alcohol tests (breath alcohol content of 0.04 or greater).
2. Verified positive drug tests.
3. Refusals to test.

Refusal to Test

Compliance with Board policy is a condition of employment with the District. Refusal to test, including refusing to cooperate with the testing procedures or personnel or purposefully interfering with testing (e.g. adulteration or substitution), will result in termination of employment.

Disciplinary Consequences/Termination

Any employee who tests positive for drugs, alcohol or adulterants in random sampling, post-accident, or reasonable suspicion testing will be terminated immediately.

Employees who violate the prohibitions in Board policy or administrative regulation will be removed immediately from safety sensitive duties. Employees are subject to disciplinary action, up to and including termination of employment. Under the District's independent authority, disciplinary consequences for violations of Board policy or administrative regulation are as follows:

1. Positive tests for drugs and alcohol: termination of employment.
2. Refusal to test: immediate termination of employment.
3. Other policy violations: disciplinary action, up to and including termination of employment.

Ordinarily, the employment of DOT-covered employees who have violated the District's drug/alcohol prohibitions will be terminated promptly. Such employees will be ineligible for employment for a period of one year.

The District reserves the right to consider all circumstances involved in a violation of Board policy or administrative regulation before taking disciplinary action.

The District will distribute educational material, including this ~~AR~~ administrative regulation, and make informational resources available to DOT-covered drivers as required by DOT.

Referrals, Evaluation, and Treatment

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

1. Early recognition and treatment of alcohol and drug abuse are essential to successful rehabilitation. The District will assist employees with these problems by referring them to appropriate treatment programs.
2. This applies only to current employees and not to job applicants who refuse testing or who test positive for drugs and/or alcohol.
3. This shall not be interpreted to require the District to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary.

Employees voluntarily seeking assistance for a substance abuse problem, through an agreed medical source, will not be disciplined as a result of their disclosure or prior drug or alcohol use. Treatment will be handled in confidence. However, an employee may avoid discipline for violation of this regulation only by participating in a treatment program and complying with the following requirements:

1. Volunteers for such treatment prior to being confronted by a supervisor or law enforcement personnel with the possible violation of this regulation or before being involved in an accident.
2. Signs a release so that appropriate District official(s) may communicate with the treatment provider.
3. Successfully adheres to requirements of and completes the prescribed treatment program, including any recommendations of the program for after care.
4. Does not engage in conduct violating this regulation regarding use of alcohol, illegal drugs, and unauthorized prescription drugs.

In the case of employees returning to work after successful completion of a treatment program, the District reserves the right to test for drug and/or alcohol use on a random or periodic basis and/or to receive reports of testing by the treatment provider. Any positive test will constitute just cause for discharge.

Corrected 3/20/19



Code: **GBHA**
Adopted: 11/25/08
Orig. Code: GBHA

Parental/Family Relationship**

(Refer to policy GBH/JECAC)

In determining whether a person is acting in a parental relationship to a student, the District shall examine the facts and circumstances of each case.

Reasonable requests for relevant information from students or persons appearing to be in a supervisory role of a student may be made.

Characteristics that describe a parental relationship would include:

1. Whether the person has physical custody and control of the student;
2. Whether the person supplies the student with food, clothing, shelter or other incidental necessities;
3. Whether the person provides the student with care, education and discipline;
4. Whether the person may authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the student and, in an emergency where the student's safety appears to urgently require it, whether the person may authorize surgery or other extraordinary care.

Definition of "family": A group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.

END OF POLICY

Legal Reference(s):

[ORS 329.145](#)

[ORS 339.133](#)

[ORS 419B.373](#)

Corrected 1/16/19



Code: **GBHB**
Adopted: 11/25/08
Orig. Code: GBHB

Personal Relationships with Students

(Refer to policy GCAA or Ethical Educator)

All staff members are expected to maintain appropriate and professional boundaries with students.

While staff members may have occasion to invite groups of students to their homes, or provide a special activity as a reward or special recognition, invitations to an individual student are not considered acceptable.

When a staff member plans any activity involving a select group of students, away from the school setting, the Superintendent/designee must be notified.

Good judgment will enhance the teacher-student relationship and reflect positively on the school as well as the individual staff member.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 1/16/19



Code: **GBI**
Adopted: 2/27/18
Orig. Code: GBI

Gifts and Solicitations

Individual employees need to be accountable for maintaining integrity and avoid accepting anything of material value¹ offered by another for the purpose of influencing their professional judgment, including things/items from companies or organizations doing business with the District.

Students and their parents should not be encouraged to give gifts to teachers and other District employees. Staff members will not accept items of materials value² from individual students. Instead, The Board welcomes, as appropriate, the writing of letters by students to staff members expressing gratitude and appreciation.

Individual employees will limit giving gifts² to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or for retirement gifts. Staff-initiated “sunshine funds” are exempt from this policy.

No staff member may solicit funds in the name of the school or District through the use of, including but not limited to, internet-sourced crowdfunding or other similar types of fund raising without the approval of the principal or superintendent or designee.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the schools without the Superintendent’s or designee’s approval. Staff members may not be made responsible, or assume responsibility, for collecting money or distributing any fund-drive literature within the schools without the approval of the principal or Superintendent or designee.

Upon receiving authorization from the principal and consent of the person with whom they wish to confer, solicitors and/or consultants may be allowed to meet with a staff member in a school building prior to or after duty hours or during the staff person’s lunch period. Preparation periods shall not be used for the purpose of meeting with solicitors or consultants.

¹ “Material value” is defined as \$50 from a single source in a single year.

² “Gift” means something of economic value given to a public official or the public official’s relative or household member without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or household members of public officials on the same terms and conditions; and something of economic value given to a public official or the public official’s relative for valuable consideration less than that required from others who are not public officials. See ORS Chapter 244 for gift definition exceptions.

The soliciting of staff by sales people, other staff or agents during on-duty hours is prohibited. Any solicitation should be reported at once to the principal or supervisor. ~~Advertising is not allowed in the building without the approval of the principal/superintendent or designee.~~ *(This last sentence is covered in policy KJ)*

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to -244.400
[ORS 339.880](#)

[OAR 584-020-0000](#) to -0045
[OAR 199-005-0005](#) to -199-020-0020

Corrected 2/20/19



Code: **GBK/KGC**
Adopted: 5/22/18
Orig. Code: GBK/KGC

Prohibited Use, Distribution, or Sale of Tobacco Products and Inhalant Delivery Systems

The Board establishes a school and working environment that is free of smoke, aerosols, and vapors containing inhalants

The use, distribution, or sale of tobacco products or inhalant delivery systems by staff on District property, including parking lots, at District-sponsored events, in District-owned, rented or leased vehicles or otherwise while on duty on or off District premises is prohibited. Use, distribution, or sale of tobacco products or inhalant delivery systems by all others on District property, in District vehicles or at District-sponsored events, on or off District premises, on all District grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport District students to school-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

For the purpose of this policy, “tobacco products” is defined to include, but is not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Clothing, bags, hats, and other personal items used by staff to display, promote, or advertise tobacco products or inhalant delivery system are prohibited on all District grounds, including parking lots, at school-sponsored activities, or in District vehicles. Advertising is prohibited in all school-sponsored publications, in all school buildings, on District grounds, including parking lots, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco product and inhalant delivery system industries is similarly prohibited. The District will not contract with other public or private alternative schools that allow the use of tobacco products or inhalant delivery systems on campus.

Staff violations of this policy will lead to disciplinary action up to and including dismissal.

Violation by all others will result in appropriate sanctions as determined and imposed by the Superintendent or the Board, and may result in the individuals' removal from District property. The District reserves the right to restrict access to District property by individuals who are repeat offenders.

Information about community resources and/or cessation programs to help staff may be provided.

The Superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by persons under 21 years of age on or off District grounds or at District-sponsored activities.

This policy shall be enforced at all times. The Superintendent will develop guidelines as needed to implement this policy, including provisions for notification of the District's policy, through such means as staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the District's policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.227](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 1/16/19



Code: **GBL**
Adopted: 11/25/08
Orig. Code: GBL

Personnel Records

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

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

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

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

1. The individual employee. An employee or designee (designated in writing by the employee) may arrange with the human resources department to inspect the contents of his/her the employee's personnel file on any day the Human Resources Department is open for business.
2. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection.
3. The Superintendent and designated members of the central administrative staff.
4. District administrators and supervisors who currently or prospectively supervise the employee.
5. Attorneys for the District or the District's designated representative on matters of District business.
6. The disciplinary records of a District employee convicted of a crime listed in Oregon Revised Statute (ORS) 342.143 are not exempt from disclosure under ORS 192.501345 or 192.502355 and may be released to any person upon request. Prior to the release of disciplinary records, the District shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a District employee who is not the subject of the disciplinary record.

7. Upon request from a law enforcement agency, the Department of Human Services, or the Teachers Standards and Practices Commission, a District shall provide the records of investigations of suspected child abuse by a District employee.

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

~~Release of personnel records to requests by parties other than those authorized to inspect them will be only upon receipt of a court order listed above will follow Board policy KBA – Public Records.~~

END OF POLICY

Legal Reference(s):

[ORS 339.370 – 339.374](#)
[ORS 339.388\(7\)-\(9\)](#)

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

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

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 2/20/19



Code: GBLA
Adopted:

Disclosure of Information

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

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil rights.
2. The disclosure is of the disciplinary records¹ of a district employee who has been convicted of a crime listed in Oregon Revised Statute (ORS) 342.143. These records are generally not exempt from disclosure under ORS 192.345 or ORS 192.355. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record;
3. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee;
4. No later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388(7).

END OF POLICY

Legal Reference(s):

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

[ORS 339.378](#)
[ORS 339.388\(7\),\(8\),\(9\)](#)

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

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

Corrected 3/20/19

¹ "Disciplinary records" is defined as records related to a personnel discipline action or materials or documents supporting that action.



Code: **GBM**
Adopted: 3/13/18
Orig. Code: GBM

Staff Complaints

The Superintendent or designee will develop a complaint procedure that will be available for all employees who believe there is evidence of and wish to report a violation, interpretation, or inappropriate application of District personnel policies and/or administrative regulations; a mismanagement, gross waste of funds, or abuse of authority; or believe there is evidence that the District created a substantial and specific danger to public health and safety by its actions. Any school employee shall have the right of access to the complaint procedure adopted by the District. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of District personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal, or contract non-extension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations have been developed to outline procedural timelines and steps under this policy. The District will use the complaint process outlined in administrative regulation GBM-AR- Staff Complaint Procedure to address any alleged violations of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 659A.199 to -659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Corrected 2/20/19



Code: **GC**
Adopted: 1/25/11
Orig. Code: GC

Licensed Staff Positions

The Superintendent shall establish licensed staff positions necessary to carry out the District's instructional goals.

Positions so established may include those which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#) [OAR 581-021-0045](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Corrected 3/20/19



Code: **GCA**
Adopted: 9/25/18
Orig. Code: GCA

License Requirements

The Board, in adhering to Oregon Revised Statutes, shall require all applicants selected for employment for positions that require Teacher Standards and Practices Commission (TSPC) licensing, to hold a valid Oregon license issued by the TSPC as a condition of employment. The eDistrict must be able to verify the current license of applicants offered employment before the Board will consider approving their employment.

If an applicant's license application with the TSPC is pending, the eDistrict may allow the applicant to teach for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.

The eDistrict will complete a review of the applicant's employment history prior to beginning employment.

The eDistrict will verify the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the eDistrict.

This 90-day teaching option will only be applied to those positions of high need, specialty areas, or emergency assignments as determined by the eDistrict.

The verification of TSPC licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current.

END OF POLICY

Legal Reference(s):

[ORS 339](#).374

[ORS 342](#).120 to-342.203

[OAR 584-050](#)-0035

[OAR 584-200](#)-0020

Corrected 3/20/19



Code: GCAA
Adopted: 11/25/08
Orig. Code: GCAA

Standards for Competent and Ethical Performance of Oregon Educators

Application of Rules

1. Oregon Administrative Rules were adopted by the Teacher Standards and Practices Commission (TSPC) in accordance with Oregon Revised Statutes (ORS).
2. Oregon Administrative Rules (OAR) may be used as criteria by the ~~Teacher Standards and Practices Commission~~ TSPC in matters pertaining to the revocation or suspension of licenses issued by the commission under Oregon Revised Statutes or the discipline of any license holder or any person who has held a license at any time within five years prior to issuance of the notice of charges under ~~Oregon Revised Statutes~~ Oregon law.
3. The commission determines whether an educator's performance is ethical or competent in light of all the facts and circumstances surrounding the educator's performance as a whole.
4. The commission will promptly investigate complaints:
 - a. The commission may at its direction defer action to charge an educator against whom a complaint has been filed under ~~Oregon Revised Statutes~~ Oregon law when the investigation report indicates that disciplinary action against the educator is pending at the local District level or when criminal charges are pending or are likely to be filed against the educator. In considering whether to defer action to charge an educator, the commission shall consider all relevant circumstances including the nature and seriousness of the allegations and whether the educator is currently employed as a teacher or school administrator;
 - b. The executive secretary shall regularly inform the commission of the status of any complaints on which the commission has deferred action.

Definitions

The following definitions apply to Oregon Administrative Rules unless otherwise indicated by context:

1. "Administrator": ~~Any supervisory~~ educator who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license;
2. "Competent": ~~Dis~~discharging required duties as set forth in these rules;
3. "Educator": ~~Any licensed or registered~~ or certified person who is authorized to be engaged in the instructional program including teaching, counseling, school psychology, administering and supervising;

4. “Ethical”: ~~Conforming to the professional standards of conduct set forth in these rules;~~
5. “Sexual contact”: ~~any conduct with a student that includes, but is not limited to:~~
 - a. The intentional touching of the breast or other intimate parts of a student.
 - b. Causing, encouraging or permitting a student to touch the breast or other intimate parts of the educator;
 - c. Sexual advances and verbal or physical conduct of a sexual nature and directed toward a student;
 - d. Verbal or physical conduct of a sexual nature when directed toward a student or when such conduct has the effect of unreasonably interfering with a student’s educational performance or creates an intimidating, hostile or offensive educational environment; or
 - e. Verbal or physical conduct which has the effect of unreasonably interfering with a student’s educational performance or creates an intimidating, hostile or offensive educational environment.
6. “Sexual harassment”: ~~Any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:~~
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
7. “Teacher”: ~~Any person who holds a teacher’s license as provided in Oregon Revised Statutes or is registered to teach by TSPC ORS 342.125.~~
8. “Student”: any individual enrolled in the state’s public or private schools from preschool through high school graduation or any individual under the age of 18.

The Competent Educator

The teacher or administrator demonstrates a commitment to:

1. Recognizing the worth and dignity of all persons ~~and respect for each individual;~~
2. Encouraging scholarship;
3. Promoting democratic ~~and inclusive~~ citizenship;
4. Raising educational standards;
5. Using professional judgment;
6. Promote equitable learning opportunities.

Curriculum and Instruction

The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of goals as they are appropriate for each individual.

The competent teacher demonstrates:

1. Use of state- and District-adopted curriculum and goals;
2. Skill in setting instructional goals and objectives expressed as learning outcomes;
3. Use of current subject matter appropriate to the individual needs of students;
4. Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available;
5. Skill in the selection and use of teaching techniques conducive to student learning.

The competent administrator demonstrates:

1. Skill in assisting individual staff members to become more competent teachers by complying with state law, rules and lawful and reasonable district policy and contracts;
2. Knowledge of curriculum and instruction appropriate to assignment;
3. Skill in implementing instructional programs through adequate communication with staff;
4. Skill in identifying and initiating any needed change which helps each student realize their personal learning potential.

Supervision and Evaluation

The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the District's program and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

The competent teacher demonstrates:

1. Multiple ways to assess academic progress of individual students;
2. Skill in the use/application of assessment data to assist individual student growth;
3. Procedures for evaluating curriculum and instructional goals and practices;
4. Skill in the supervision of students; and
5. Skills in differentiating instruction.

The competent administrator demonstrates:

1. Skill in the use of assessment data to provide effective instructional programs;
2. Skill in the implementation of the District's student evaluation program;
3. Skill in providing equal opportunity for all students and staff; and
4. Skill in the use of ~~evaluation~~ **employee and leadership** techniques appropriate to the assignment and according to well-established standards which ensure due process for the staff ~~being evaluated for~~ **which the administrator is responsible for evaluating.**

Management Skills

The competent educator is a person who understands students and is able to relate to them in constructive **and culturally competent** ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required and as needed to assist the growth of students.

The competent teacher demonstrates skills in:

1. Establishing and maintaining classroom management that is conducive to learning;
2. Using and maintaining district property, equipment, and materials appropriately;
3. Using and maintaining student records as required by **federal and state law and** ~~d~~ District policies and procedures;
4. **Using District and school business and financial procedures; and**
5. Abiding by **lawful and reasonable** District rules and regulations.

The competent administrator demonstrates:

1. **Leadership S** skills in managing the school, its students, staff and programs as required by lawful and reasonable District policies, rules and regulations, state and federal laws and regulations and other programs as assigned and assures that staff is informed of these requirements; **and**
2. Skills in planning and staff utilization.

Human Relations and Communications

The competent educator works effectively with others – students, staff, parents and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity and judgment about educational matters, the school and the needs of students.

The competent teacher demonstrates:

1. Willingness to be flexible in cooperatively working with others; **and**

2. Skill in communicating with students, staff, parents and other patrons.

The competent administrator demonstrates:

1. Skill in helping students, staff, parents and other patrons to learn about the school, the District, and its program;
2. Skill in communicating the District and school goals to staff and the public;
3. Willingness to be flexible in cooperatively working with others; and
4. Skill in reconciling conflict.

The Ethical Educator

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing, the ethical educator considers the needs of the students, the District and the profession.

The ethical educator, in fulfilling obligations to the student, will:

1. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and the student's family;
2. Refrain from exploiting professional relationships with any student for personal gain or in support of persons or issues; and
3. Maintain an appropriate professional student-teacher relationship by:
 - a. Not demonstrating or expressing professionally inappropriate interest in a student's personal life;
 - b. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
 - c. Reporting to their supervisor if the educator has reason to believe a student is, or may be, becoming romantically attached to the educator; and
 - d. Honoring appropriate adult boundaries with students in conduct and conversations at all times.

The ethical educator, in fulfilling obligations to the District, will:

1. Apply for, accept, offer or assign a position of responsibility only on the basis of professional qualifications and will adhere to the conditions of a contract or the terms of the appointment;
2. Conduct professional business, including grievances, through established lawful and reasonable procedures;
3. Strive for continued improvement and professional growth;
4. Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties; and

5. Not use the District's name, property, or resources for non-educational benefit without approval of the educator's supervisor or the appointing authority.

The ethical educator, in fulfilling obligations to the profession, will:

1. Maintain the dignity of the profession by respecting and obeying the law and exemplifying personal integrity and honesty;
2. Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities; and
3. Respond to requests for evaluation of colleagues and to keep such information confidential as appropriate.

END OF POLICY

Legal Reference(s):

[OAR 584-020-0000](#) to -0035

Corrected 3/20/19; Corrected 3/20/19



Code: **GCBA**
Adopted: 11/25/08
Orig. Code: GCBA

Salary Placement - Out-of-District Experience

Teachers new to the District shall be allowed full teaching credit for each year of prior teaching experience in the public schools, K-12. Substitute teaching shall not count unless it was done on a full-time contract basis. After evaluation, some credit may be allowed for private schools or nontraditional teaching experience. In order to receive credit for a year of teaching, the teacher must complete a minimum of 50 percent of the contract year on a full-time basis or a full year working a minimum of 50 percent of the time.

Prior experience for college teaching may be granted under the following conditions:

1. The college or university was accredited by an appropriate agency;
2. The teacher was employed by the college or university in a permanent, full-time official teaching capacity under a full-year contract with the college as opposed to a temporary position, graduate assistant, etc.;
3. The position held in the college or university was directly related to the position for which application is made in the District.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corrected 3/20/19



Code: GBCA/GDBCA
Adopted: 11/25/08
Orig. Code: GBCA/GDBCA

Continuation Coverage Health Benefits

(Refer to OEBC)

In keeping with federal and state legislation, the District will extend the benefit of “continuation coverage” health insurance to all employees eligible under the law.

Eligible employees must notify the district within a 60-day period from the date of retirement, termination, reduction in hours or reduction in force that they choose to continue the District-sponsored health plan.

Premiums for continuation coverage will normally be paid by the employee. Payment may be no more than 102 percent of the actual cost of coverage for the first 18 months. For certain employees eligible for coverage from 18 months up to 29 months, payment may be no more than 150 percent of the actual cost of the coverage. The Board will designate the deadline for payment reaching the business office.

Former employees covered by continuation coverage are responsible for notifying the District when such coverage is no longer needed or if the necessity of moving to an individual plan occurs, whichever is sooner.

END OF POLICY

Legal Reference(s):

[ORS 743B.343](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1 to -300bb-8 (2012).
Tanner v. OHSU, 157 Or. App. 502 (1998).

Corrected 3/20/19



Code: **GCBD/GDBD**
Adopted: 11/25/08
Orig. Code: GCBD/GDBD

Leaves and Absences

Leave entitlement for personal illness or injury will accrue at the rate of 10 days each year as provided by Oregon Revised Statute 342.596 law. Twelve-month employees will accrue one day per month or 12 days each year.

In accordance with state law, this leave will accumulate without limit.

The District reserves the right to require proof of personal illness or injury from all employees, including a medical examination by a physician chosen and paid for by the District. Any employee refusing to submit to such an examination, or to provide other evidence as required by the District shall be subject to appropriate disciplinary action, up to and including dismissal.

All medical information will be kept confidential, in a separate file from personnel records, and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Other paid and unpaid leaves will be determined by the District's negotiated agreements.

Sickness or other unavoidable circumstances which prevent a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the teacher being placed on unpaid leave for the remainder of the school year or until the teacher's disability is removed and he/she is able to return to work. If the teacher is unable to return to work the following August 1, the Board may terminate the teacher's employment subject to state and federal law.

All district-paid employee benefits, such as health and dental insurance, will cease on the last day of the month in which employment is terminated, or the staff member is placed on unpaid leave, unless the unpaid leave is in conjunction with state or federal family medical leave. The staff member will be informed of his/her rights to remain a part of the district benefit plan at personal expense.

Any worker who has sustained a compensable personal injury or illness and is disabled and unable to perform essential job functions, will be reemployed at such time as a physician issues a Fitness-for-Duty Certification. Such rights of reemployment are subject to seniority rights and other restrictions of the collective bargaining agreement between the employer and employee bargaining unit.

No employee shall be absent from the building or job to which assigned during working hours without permission of the immediate supervisor.

END OF POLICY

Legal Reference(s):

[ORS 332](#).507

[ORS 342](#).610

[ORS 342](#).545

[ORS 659A](#).046

Knapp v. North Bend, 304 Or. 34 (1987).

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).

Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/16/19



Code: GCBDA/GDBDA
Adopted: 5/26/09
Orig. Code: GCBDA/GDBDA

Family Medical Leaves

When applicable, the District will comply with all the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military 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, and 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 worksite, 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 federal law FMLA, he or she an employee must have been employed by the District for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under state law OFLA, an employee 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. However, 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 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

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

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

[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 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 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act Amendments Act of 2008.

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

Corrected 1/16/19



Code: GCBDB/GDBDB
Adopted: 11/25/08
Orig. Code: GCBDB/GDBDB

Early ~~Return~~ Reinstatement to Work

Efforts will be made on a case-by-case basis to ~~return~~ reinstate employees to work early. ~~Returns~~ The reinstatement will be within the requirements of the injury or illness, the limitations of the law and the limitations of the District. Any employee suspended from work due to drug or alcohol use will be returned on a case-by-case basis as well. Prior to returning to work the employee must complete any rehabilitation and/or drug abuse assistance programs established by the District, and in addition, the District may require a current drug test (ORS 659A.124).

In the event an employee is not able to perform essential job functions completely after an illness or injury, the District will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of job-a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids or services. Reasonable accommodations must not result in an undue hardship on the District.

If an employee cannot be reasonably accommodated in his/her current job position, the District will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the District will provide temporary unpaid leave if recovery is ongoing and sick leave is exhausted as an accommodation in accordance with state and federal law. Unpaid leave will be provided in accordance with Oregon law.

The District will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The Superintendent or designee will develop procedures as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)
[ORS 659A.046](#)

[ORS 659A.122 – 659A.127](#)
[OAR 436-110-0001 to -0900](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/16/19



Code: GCBDC/GDBDC
Adopted:

Domestic Violence, Harassment, Sexual Assault, or Stalking Leave

Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by Oregon Revised Statute (ORS) 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The district may limit the amount of leave, if the employee's leave creates an undue hardship on the district.

The district shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of the employee's intent to take leave unless giving advance notice is not feasible.

The district may require the employee to provide certification that:

1. The employee or minor child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a report from law enforcement indicating the employee or child or dependent was a victim of domestic violence, harassment, sexual assault, or stalking.
2. A copy of a protective order or other evidence from a court, administrative agency, or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault, or stalking.

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or a victim services provider that the employee, employee's child or dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, or stalking.

All records and information kept by the district regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use accrued paid leave, including personal, sick, or accrued vacation leave. The employer may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available, consistent with Board policies and/or any collective bargaining agreement.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

Corrected 3/20/19



Code: **GCBDD/GDBDD**
Adopted: 10/01/16
Orig. Code: GCBDD/GDBDD

Sick Time

This policy applies only to District employees who are not covered by a collective bargaining agreement or other employment agreement. In the District's collective bargaining and other employment agreements, provisions regarding sick time shall comply with sick leave laws.

"Employee" means an individual who is employed by the District, and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the District.

The District shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments, and may be used for the employee's or a family member's¹ mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition, or need for preventive care; or for reasons consistent with the Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA). Sick time may also be used in the event of a public health emergency.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The District reserves the right, after three consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the District. An employee refusing to submit to such an examination or to provide other evidence as required by the District, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

¹ "Family member" is defined by the Oregon Family Leave Act (OFLA).

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the District may require the employee to provide advance notice of their intention to use sick time within ~~ten~~(10) days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the District (e.g., grading deadlines, in-service training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the District as soon as practicable.

The District shall establish a standard process to track the eligibility for sick time of a substitute.

Upon termination for any reason, employees are not entitled to the cash value of their accrued, but unused, sick leave **accrued under ORS 653.601 – 653.661**.

Nothing in this policy impacts the District’s sick leave obligation under Oregon Revised Statute (ORS) 332.507.

END OF POLICY

Legal Reference(s):

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

[ORS 342.610](#)
[ORS 653.601 to -653.661](#)

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

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/16/19



Code: **GCBE/GDBE**
Adopted: 11/25/08
Orig. Code: GCBE/GDBE

Vacations and Holidays

Holidays and vacation periods, both paid and unpaid, are determined as a result of negotiations between the District and the licensed and classified exclusive bargaining representatives.

Holidays and vacation periods, both paid and unpaid, shall be established by the Board for nonrepresented employees.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)

[ORS 336.010](#)

Corrected 1/16/19



Code: GCC/GDC
Adopted: 1/25/11
Orig. Code: GCC/GDC

Recruitment/Selection of Staff

The Superintendent will develop and maintain a recruitment program designed to attract personnel to the District.

It is the responsibility of the Superintendent, with the assistance of other District administrators, to determine the personnel needs of the District and to locate suitable candidates to recommend for employment by the District.

The search for staff members may extend to a variety of educational institutions and geographical areas. The diverse characteristics of the District will be considered.

Present employees are encouraged to apply for any position for which ~~he/she~~ **they** meets the stated requirements.

~~Applicants will be considered for specific positions on the basis of written job descriptions or responsibilities. Application will be made to the District office. (These first two sentences are redundant (See policy GB); instruction where to apply would be provided in the position announcement. Recommend delete from policy.)~~ **The Superintendent shall recommend to the Board the person selected to fill the position. The Board will give or deny formal approval. (These last two sentences applies to hiring of licensed staff only, the superintendent may hire classified without board approval; this restates other policy.)**

The appointment of temporary personnel is the responsibility of the Superintendent, with the Board retaining confirmation authority.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 659.805](#)
[ORS 659.850](#)
[ORS 659A.009](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)

[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.409](#)
[OAR 581-021-0045](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

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

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Corrected 3/20/19



Code: **GCEA**
Adopted: 11/25/08
Orig. Code: GCEA

Substitute Teachers

(Do not need policy for this.)

Substitute teachers will be assigned by the principal to fill a temporary vacancy caused by absence of a regular teacher. The assignment will be made from an approved list of properly licensed and otherwise qualified teachers. Substitute teachers will be made aware of school rules and regulations necessary in carrying out assignments. Substitute teachers are at will employees.

Substitute teachers will be paid an amount commensurate with the duties performed. Pay will not be less than the minimum required by law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.420](#)

[ORS 342.610](#)
[ORS 342.815](#)

[OAR 584-020-0000](#) to -0045

Corrected 3/20/19



Code: GCEC
Adopted: 11/25/08
Orig. Code: GCEC

Job Sharing**

(Do not need policy for this.)

The Board may consider job sharing as a staffing option on a case by case basis. Job sharing shall be defined as “two staff members voluntarily sharing the responsibilities of a single position.”

The District’s overall cost of a job share may not exceed that of one full-time equivalency. Salary, leaves and fringe benefits will be determined in accordance with the professional agreement between Hillsboro Education Association and the District.

Job sharing requests will be considered on an individual basis by the principal and are subject to the Superintendent’s approval. Requests will be considered based on the guidelines in administrative regulation GCEC-AR – Job Sharing.

Job sharing will be evaluated annually to determine renewal. If, upon the Superintendent’s and principal’s evaluation, job sharing is not renewed for the ensuing school year, the two employees affected will be assigned positions that are not less than the full-time equivalent of their job-share positions, subject to any state statute, negotiated agreement, or Board policy on reduction in force.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 3/20/19

Job Sharing** – GCEC

1-1



Code: **GCI/GDI**
Adopted: 9/25/18
Orig. Code: GCI/GDI

Assignment and Transfer

Assignment of all personnel employed by the ~~d~~District will be made under the direction of the ~~s~~Superintendent or designee.

The ~~s~~Superintendent or designee will develop procedures for the voluntary and involuntary transfer of employees within the ~~d~~District, aligning the procedures with the provisions of the negotiated agreement. These procedures will be based on filling the ~~d~~District's personnel needs.

END OF POLICY

Legal Reference(s):

[ORS 236.610 to -236.630](#)

[OAR 581-022-2405](#)

Corrected 3/20/19



Code: GCL/GDL
Adopted: 10/24/17
Orig. Code: GCL/GDL

Staff Development

In order to strengthen and refine professional skills of District personnel, the Superintendent ~~for~~ designee will develop a comprehensive staff development program for all employees.

~~The development and implementation of the District's staff development program, including provisions for the professional growth of staff, will be based on the strategic plan and/or school improvement plan. Building site councils will be encouraged to participate in the development and implementation of the district's staff development program including provisions for the professional growth of staff.~~

Staff development programs, whether provided directly by the District or through District contracts with third parties, will provide appropriate, reasonable accommodations to ensure that such programs are available to employees with disabilities.

~~Completion of continuing professional development (CPD) requirements, as set forth in OAR Chapter 584, Division 090 by the Teacher Standards and Practices Commission (TSPC) for license renewal, are the sole responsibility of the employee. Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, he / she / they the employee must report the professional development units (PDUs) to the d District Human Resources department. The Human Resources department will submit a Professional Educational Experience Report (PEER) form to TSPC. TSPC will randomly audit individual educators, who are expected to retain copies of all records showing completion of PDUs for at least six years.~~

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.125](#)
[ORS 329.704](#)
[ORS 342.138](#)

[ORS 342.856](#)
[OAR 581-022-0606](#)
[OAR 581-022-2405](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).
Eugene Educ. Ass'n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 3/20/19



Code: GCN/GDN
Adopted: 6/26/18
Orig. Code: GCN/GDN

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract non-extension, contract renewal or non-renewal, dismissal, and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the teacher's professional growth path;

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition, and classroom practices of teachers;
2. Refine the support, assistance, and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the student, the school and the District;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards, and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the District must evaluate teachers on a regular cycle. The Superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the District.

Contract teachers shall be evaluated at least every other year.

Classified Staff

All classified employees will be formally evaluated by their immediate supervisor in accordance with the classified bargaining agreement.

Supervisory/Technical Staff

All supervisory/technical employees shall be formally evaluated by their immediate supervisor in accordance with the memorandum of agreement.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 342.850](#)

[ORS 342.856](#)
[OAR 581-022-2405](#)

[OAR 581-022-2410](#)
[OAR 581-022-2415](#)

Corrected 3/20/19



Code: **GCPB/GDPB**
Adopted: 9/25/18
Orig. Code: GCPB/GDPB

Resignation of Employees

A licensed staff member who wishes to resign from their position with the District must give written notice of at least 60 days ~~at or upon~~ **or at** the time of resignation. The Superintendent or designee is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations, or inform the teacher that ~~he/she must~~ **the District requires them to** continue teaching for part or all of the 60-day period.

Where less than a 60-day notice is given, the Board may request that the Teacher Standards and Practices Commission discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

In accordance with the classified-management agreement, a classified staff member who wishes to resign from their position with the District must file a written notice in the human resources department at least two weeks prior to the date ~~he/she~~ **the classified employee** wishes to leave District employment. The Superintendent or designee is authorized to accept the resignations of classified employees effective the day it is received.

END OF POLICY

Legal Reference(s):

[ORS 342.545](#)
[ORS 342.553](#)

[ORS 652.140](#)

[OAR 581-022-2405](#)
[OAR 584-050-0020](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Corrected 3/20/19



Code: **GCPC/GDPC**
Adopted: 11/25/08
Orig. Code: GCPC/GDPC

Retirement of Staff

In order to assist the District in its planning efforts, staff members who are considering retirement are encouraged to notify the District as early as possible, preferably at the beginning of the school year in which the retirement will take place.

The Superintendent will develop procedures administrative regulations as may be necessary for District employees who retire and begin receiving benefits from the Public Employees Retirement System to request continued employment.

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS 243.303](#)
[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).
OR. CONST., art. IX, §§ 10-13.

Corrected 3/20/19



Code: **GCPD**
Adopted: 11/25/08
Orig. Code: GCPD

Discipline and Dismissal of Personnel

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)

[ORS 342.835](#)
[ORS 342.865](#) to [-342.910](#)
[ORS 342.934](#)

[ORS 652.140](#)
[OAR 584-020-0040](#)

Corrected 3/20/19



Code: **GCQB**
Adopted: 11/25/08
Orig. Code: GCQB

Research

Employees are encouraged to participate in research and experimentation in the interests of the development and improvement of education. If an employee plans to engage in a research project during the work day or using school resources or students, either for study toward advanced work or for use in classroom instruction, approval must be secured from the Superintendent **or designee**. If such a study results in material which would be useful to other employees, it is recommended that it be made available for distribution throughout the District. For the protection of all concerned, privacy rights of students or other individuals involved in research projects must be protected.

Research which is conducted by or for a non-District employee must be approved by the Superintendent or designee.

Employees shall not use the District's name without prior approval when describing District activities or programs. Neither shall they use it to add authenticity to an authorship.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2016).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2016).

Corrected 3/20/19



Code: GCQBA
Adopted: 11/25/08
Orig. Code: GCQBA

Copyrights and Patents

The Board considers that the District has proprietary rights to publications, instructional materials, and other devices prepared by District employees during their paid work time. However, the Board also recognizes the importance of encouraging its professional staff to engage in professional writing, research, and other creative endeavors.

Publications, articles, materials, models, and other items produced for District use with District time and money by school personnel as part of their district responsibilities shall remain the property of the District.

The District shall apply for copyrights and patents when deemed appropriate.

If an employee produces items described above partly on his/her own time and partly on District time, the District reserves the right to claim full ownership. The employee, however, may petition the District for assignment of copyright or patent rights. Employees shall not attempt to copyright or patent any item described without the knowledge and consent of the Superintendent or designee.

Employees who intend to make application to patent or copyright any item shall furnish to the Superintendent or designee full, complete and prompt information about the item.

If the District does not take appropriate action to seek a patent or copyright within three months after full disclosure, the District will waive and relinquish any interest in the item.

It is the intent of the Board to adhere to the provisions of the current Copyright Laws and Congressional Guidelines.

(Copyright guidelines is covered in EGAAA; this policy is related to gaining copyrights and patents.)

~~The Board directs that district employees adhere to all provisions of Title 17 of the United States Code, entitled "Copyrights," and other relative federal or state legislation and guidelines related to the duplication, retention and use of copyrighted materials.~~

~~Employees who make and/or use copies of copyrighted materials in their jobs are expected to be familiar with published provisions regarding "fair use" in public display, and are further expected to be able to provide their supervisor, upon request, the justification, in accordance with current copyright laws and guidelines, for copies that have been made or used.~~

- ~~1. Unlawful copies of copyrighted materials may not be produced on District-owned equipment.~~
- ~~2. Unlawful copies of copyrighted materials may not be used with District-owned equipment, within District-owned facilities or at District-sponsored functions.~~

3. ~~The legal and/or insurance protection of the District may not be extended to employees who willfully violate copyright laws.~~
4. ~~A synopsis of pertinent copyright laws shall be posted in each office, workroom, media center and computer laboratory throughout the district and training will be provided for all employees.~~

END OF POLICY

Legal Reference(s):

[ORS 332.745](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2016).

Patents, 35 U.S.C. §§ 1-376 (2012).

Corrected 3/20/19



Code: GCQC
Adopted: 11/25/08
Orig. Code: GCQC

Exchange Teaching

The Board supports the concept of exchange teaching as a means to provide professional growth opportunities for teachers. The Superintendent shall develop procedures by which District teachers may participate in exchange teaching programs.

The Superintendent will address the following in the processing of the exchange teacher application: professional qualifications, retirement, license/certification, fringe benefits, salary placement, experience, seniority, length of service, PERS, sick leave accumulation, visa status (INS), and liability.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.965](#)

Corrected 3/20/19



Code: **GCQE**
Adopted: 11/25/08
Orig. Code: GCQE

Student Teachers

(Do not need policy.)

The District will participate as a training site for student teachers completing their training at Oregon colleges and universities when it is determined by the Superintendent that such participation will be in the District's best interests.

All arrangements for the placement of student teachers in the District will be made through direct contact between the District, Superintendent or designee, and the teacher's training program.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corrected 3/20/19



Code: **GD**
Adopted: 1/25/11
Orig. Code: GD

Classified Staff/Classified Staff Positions

“Classified personnel” are those employees in job positions for which no teaching or administrative licenses are required by law. The Superintendent or designee will designate classified employee positions. The essential job functions, titles, and examples of work performed are to be prescribed in a written job description for each position classification.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.505](#)

[ORS 659.805](#)

[ORS 659.850](#)

[ORS 659A.009](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.142](#)

[ORS 659A.145](#)

[ORS 659A.233](#)

[ORS 659A.236](#)

[ORS 659A.309](#)

[ORS 659A.409](#)

[OAR 581-021-0045](#)

[OAR 581-022-2405](#)

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

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

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

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

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Americans with Disabilities Act Amendments Act of 2008.

Corrected 3/20/19



Code: **GDA**

Adopted:

R

Instructional Assistants

Instructional assistants shall be hired by the superintendent.

All instructional assistants must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years of age or older; and
3. Have standards of moral character as required of teachers.

In addition to the above, instructional assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Instructional assistants¹ who work in Title IA programs and provide instructional support must have:

1. Completed at least two years of study at an institution of higher education; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

The district **will not** require individuals newly hired as Title IA instructional assistants who have met another district's academic assessment to meet the district's academic assessment standards.

¹ Instructional assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title IA funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title IA programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

The general responsibilities of an instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor with instruction. The instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent and family involvement activities and media center or computer laboratory support.

Instructional assistants shall not be used by the district or teacher as substitute teachers. The responsibility for classroom supervision remains with the teacher at all times.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[ORS 342.120](#)
[OAR 581-022](#)-2400(2)

[OAR 581-037](#)-0005 to -0025
[OAR 584-005](#)-0005(27),(41)

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.
Section 503 of the Rehabilitation Act of 1973.

Corrected 3/20/19



Code: **GDIA**
Adopted: 11/25/08
Orig. Code: GDIA

Notice of Employment

No later than May 30 of each year, all employees for whom a teaching license is not required will receive written notification of the District's intent to rehire them for the subsequent academic year in the same or a similar capacity.

The notices shall address reasonable assurance of continued employment as covered in the Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

Legal Reference(s):

[ORS 332.554](#)

[OAR 581-022-2405\(4\)](#)

Corrected 3/20/19



Code: **GDKA**
Adopted: 11/25/08
Orig. Code: GDKA

Supplementary Pay/Overtime

The Board shall provide a uniform policy governing non-union employees when required to work beyond normal working hours.

Overtime pay for employees shall be allowed only in the case of emergency and only when authorized in advance, by the employee's direct supervisor. Any employee who works unauthorized overtime shall be found insubordinate and shall be subject to disciplinary action.

The approved district work week is from 12:01 a.m. Sunday to 11:59 p.m. Saturday.

Any exception to overtime rules shall require the written approval of the Superintendent.

END OF POLICY

Legal Reference(s):

[ORS 653.268](#)

Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206-207 (2006).

Corrected 3/20/19



Code: KA/KAA
Adopted: 1/22/08
Orig. Code(s): KA/KAA

School-Community Relations Goals and Objectives

(Policy here is not recommended; do not need. Consider other policies and board goal process.)

It shall be the policy of the Board to encourage open communication between the District and the community in order that the community will recognize and provide for the needs of the schools and that the schools will recognize and provide for the needs of the community.

The Board's goals for achieving positive school-community relations are to:

1. Develop public understanding of all aspects of school operations, ascertain public attitudes toward issues in education, and identify the public's educational expectations for their students;
2. Secure adequate financial support for the educational program;
3. Help citizens feel responsibility for the quality of education provided by their schools;
4. Earn the public's confidence with regard to school staff and services;
5. Foster public understanding of the need for constructive change and solicit public advice on achieving educational goals;
6. Involve citizens in solving educational problems;
7. Promote cooperation between the school and the community and share the leadership for improving community life.

Achieving these objectives requires that the Board and staff, individually and collectively, express positive attitudes toward the schools in their daily contacts with parents, community members, and one another; make systematic, honest, and continuing efforts to discover what the public thinks and what citizens want to know; interpret school programs, problems, and accomplishments; and develop an active partnership with the community in working toward improvement of the educational program.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 11/20/19

School-Community Relations Goals and Objectives – KA/KAA

1-1



Code: **KAB**
Adopted: 10/24/17
Orig. Code(s): KAB

Parental Rights

The Board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining ~~the~~ District and student needs for educational services, and in program development and ~~the~~ District operations. To assist the ~~the~~ District in this effort, and in accordance with ~~the Every student Succeeds Act of 2015 (ESSA)~~ law, the ~~the~~ District affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed by the ~~the~~ District to a student, including any ~~the~~ District survey containing "covered survey items"¹ ~~as defined by the ESSA~~;
2. Any instructional material used by the ~~the~~ District as part of the educational curriculum for the student;
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

As provided by law, parents of ~~the~~ District students will also, upon request, be permitted to excuse their student from "covered activities"² ~~as defined by ESSA~~. The rights provided to parents under this policy, transfer to the student when the student turns 18 years of age or is an emancipated minor under applicable state law.

The ~~s~~ Superintendent will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in ~~the~~ District schools. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

¹"Covered survey items," ~~under ESSA~~, include one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

² "Covered activities," requiring notification ~~under ESSA~~, include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

The Superintendent shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and District procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Every Student Succeeds Act of 2015, 20 U.S.C. § 7928 (2012).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

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

Corrected 10/16/19



Code: **KB**
Adopted: 1/22/08
Orig. Code(s): KB

Public Engagement and Communications Program**

The Board believes that an effective public engagement and communications program is a necessary component of a school system's organization and operation. Therefore, the Board supports the Superintendent and principals in creating a program that invites the public to assist in establishing the District's mission and objectives.

The District's public engagement and communications program will:

1. Provide meaningful opportunities to seek and use public input on issues affecting the operation of the District;
2. Encourage a better understanding of the objectives, needs, and accomplishments of the total educational program;
3. Be a planned, systematic, two-way process between the Board and Superintendent and the District's employees and the community;
4. Include the use of a variety of media such as meetings, letters, circulars, seminars, publications, electronic media, and personal contacts;
5. Provide the information sharing and discussion channels necessary for resolving differences and eliminating misunderstandings;
6. Encourage informal as well as formal methods of communication.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 10/16/19



Code: **KBA**
Adopted: 12/12/17
Revised/Readopted:
Orig. Code(s): KBA

Public Records**

“Public record” means any information that:

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

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

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the office of the superintendent ~~or~~ designee. The ~~d~~District shall respond in accordance with the procedures and timelines established by State law and outlined in the administrative regulation KBA-AR-~~3~~ - Public Records.

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

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

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

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

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

Employee and volunteer addresses, electronic mail addresses (other than district electronic mail addresses assigned by the district to district employees), social security numbers, dates of birth, and telephone numbers contained in personnel records maintained by the district are exempt from public disclosure pursuant to Oregon Revised Statute (ORS) 192.~~445~~368 and ORS 192.~~502~~355(3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. District electronic mail addresses assigned by the district to district employees are not exempt.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

[OAR 137-004](#)-0800(1)
[OAR 166-400](#)

SB 481 (2017)
HB 3464 (2017)

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

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual* (2014).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 10/16/19



Code: **KBCA**
Adopted: 1/22/08
Orig. Code(s): KBCA

News Releases

~~In general, a~~ All news releases pertaining to Board policy and business should be cleared through the Superintendent or designee. Informative items, ~~however,~~ pertaining to building or student activities, may be released through the ~~building~~ principal.

The person in charge shall notify the Superintendent ~~or designee~~ immediately in case of any emergency, controversy, or any other matter which could prove detrimental to the building, District, students, administration, or staff. In the event of an emergency, controversy, or any other matter which could prove detrimental to the building, District, students, administration, or staff, all statements to the press by teachers and administrators shall be cleared through the Superintendent ~~or designee~~.

The intent is to keep the ~~citizens~~ ~~community members~~ of the District accurately informed through all channels of communication on policies, programs, problems, and planning of the District.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

[ORS 332.107](#)

Corrected 10/16/19



Code: **KBCB**
Adopted: 1/22/08
Orig. Code(s): KBCB

Press Conferences and Interviews

When individual Board members receive requests from news media representatives for information about Board meetings or actions, members will refer these representatives to the Board chair who is the spokesperson for the Board. The Board chair may designate others to speak on behalf of the Board at ~~his/her~~ their discretion.

News conferences will be authorized by the Board chair.

Board members will not use Board stationery or any other means to imply Board authority unless specifically authorized by the Board. Board members may use District thank-you notes.

Nothing in this policy is intended to limit the rights of individual Board members to speak their personal opinions.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

[ORS 332.107](#)

Corrected 10/16/19



Code: **KBCE**
Adopted: 1/22/08
Orig. Code: KBCE

Sports and Special Events News Coverage

News media coverage of sports and other special events is encouraged.

Broadcasts of events will be arranged through the Superintendent's or designee's office.

Procedures will be developed to assure media coverage will not be disruptive to the school atmosphere.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 10/16/19



Code: KC
Adopted: 1/22/08
Orig. Code: KC

Community Involvement in Decision Making

(Community involvement has been integrated in many policies.)

The Board endorses the concept that community participation in school affairs is essential if the school system and the community are to maintain mutual confidence and respect and work together to improve the quality of education for students. It therefore intends to exert every effort to identify the community's desires and to be responsive, through its actions, to those desires.

All District citizens will be encouraged to express their ideas, concerns, and judgments about the schools through such means as:

1. Written suggestion(s) or proposal(s);
2. Presentations at hearings;
3. Responses to surveys made through interviews, written instruments, or other means;
4. Comments at Board meetings; and
5. Service on citizens' advisory committees.

The public advice will be given careful consideration. In evaluating such advice, the first concern will be for the educational program as it affects students. The Board's final decisions may depart from public advice when, in the judgment of staff and the Board, such advice is not consistent with goals adopted by the Board, with good educational practice, or within available financial resources.

END OF POLICY

Legal Reference(s):

[ORS 329.125](#)

[ORS 332.107](#)

Corrected 10/16/19



Code: **KGA**
Adopted: 1/22/08
Orig. Code: KGA

Public Sales on District Property

Public sales of goods or services on District property must be approved by the Superintendent ~~or~~ designee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.172](#)

Corrected 10/16/19



Code: KGC/GBK
Adopted: 5/22/18
Orig. Code: KGC/GBK/JFCG

Prohibited Use, Distribution, or Sale of Tobacco Products and Inhalant Delivery Systems

The Board establishes a school and working environment that is free of smoke, aerosols, and vapors containing inhalants

The use, distribution, or sale of tobacco products or inhalant delivery systems by staff on District property, including parking lots, at District-sponsored events, in District-owned, rented or leased vehicles or otherwise while on duty on or off District premises is prohibited. Use, distribution, or sale of tobacco products or inhalant delivery systems by all others on District property, in District vehicles or at District-sponsored events, on or off District premises, on all District grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport District students to school-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

For the purpose of this policy, “tobacco products” is defined to include, but is not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Clothing, bags, hats, and other personal items used by staff to display, promote, or advertise tobacco products or inhalant delivery system are prohibited on all District grounds, including parking lots, at school-sponsored activities, or in District vehicles. Advertising is prohibited in all school-sponsored publications, in all school buildings, on District grounds, including parking lots, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco product and inhalant delivery system industries is similarly prohibited. The District will not contract with other public or private alternative schools that allow the use of tobacco products or inhalant delivery systems on campus.

Staff violations of this policy will lead to disciplinary action up to and including dismissal.

Violation by all others will result in appropriate sanctions as determined and imposed by the Superintendent or the Board, and may result in the individuals' removal from District property. The District reserves the right to restrict access to District property by individuals who are repeat offenders.

Information about community resources and/or cessation programs to help staff may be provided.

The Superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by persons under 21 years of age on or off ~~the~~ District grounds or at ~~the~~ District-sponsored activities.

This policy shall be enforced at all times. The Superintendent will develop guidelines as needed to implement this policy, including provisions for notification of the ~~the~~ District's policy, through such means as staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the ~~the~~ District's policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.227](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 1/16/19; Corrected 10/16/19



Code: KH
Adopted: 1/22/08
Orig. Code: KH

Public Gifts to the District

Gifts which may serve to enhance and extend the work of the District may be ~~received~~ accepted by the District, subject to Board approval. It will be the District's general policy to direct those who desire to make contributions to consider equipment or services that are not likely to be acquired from public fund expenditures.

1. Tangible property contributed to the schools becomes the property of the District and is subject to the same controls and regulations that govern the use of other District-owned property.
2. Contributions of property or services that may involve major costs for installation or maintenance, or initial or continuing financial commitments from school funds, will be presented by the Superintendent for Board consideration and approval.
3. Any groups planning to raise money for a gift to a school or the educational system will first consult with the principal ~~and or~~ Superintendent or designee regarding what kind of gift should be made. The Superintendent will develop guidelines for accepting gifts. ~~Such guidelines will include a concern for fairness and equity among schools.~~
4. If it is a gift to an athletic program, the Title IX coordinator will review and make a recommendation to the Superintendent as to compliance with Title IX.
5. Contributions of small items, such as books and other instructional materials which meet District standards outlined in Board policy IIAA, may not require prior approval of the Board.
6. The Board has the prerogative to accept or reject gifts.
7. All gifts will be subject to the provisions of Board policy.

When accepting gifts, the Board will be aware of the commitment to reasonable equity among the various District facilities and compliance with state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 294.338](#)
[ORS 332.075](#)

[ORS 332.107](#)
[ORS 332.385](#)

Corrected 10/16/19



Code: **KHB**
Adopted: 1/22/08
Orig. Code: KHB

Scholarship Donations

If the Board accepts money and/or property donated for the purpose of establishing scholarship and loan funds for post-high school education of students of the District, then, subject to the conditions of the gifts, the Board may appoint a scholarship committee. The scholarship committee, subject to the provisions established by the Board, shall determine the eligibility of applicants for scholarships and loans, award scholarships and loans, fix the amounts to be awarded, as well as determine the terms and conditions of the awards.

Conditions for contributions to a scholarship or scholarship fund shall be developed by a scholarship committee appointed by the Superintendent or designee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.385](#)

Corrected 10/16/19



Code: **KI**
Adopted:

R

Public Solicitation in District Facilities

Fund raising and solicitation by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent and/or principal.

Demonstrations of services or materials and canvassing of students or employees for the purpose of selling products or services shall not be permitted in either the district's schools or grounds, unless authorized by the superintendent and/or principal.

No non-school-sponsored organization or individual may solicit funds or sell tickets within the district without first securing permission through the superintendent and/or principal.

Whenever possible, solicitation should occur during non-classroom time.

The administration of surveys, questionnaires and requests for information by non-school-connected organizations are prohibited. Exceptions may be approved by the Superintendent or designee. In the event an exception is granted for the administration or distribution of a survey created by a third party, the district will provide an opportunity for the student's parent to inspect such survey upon request, before the survey is administered or distributed by a school to a student. Any district survey containing any "covered survey items"¹ may also be inspected by parents.

Parents may also request that their student be excused from participation in such surveys. Requests may be submitted in accordance with the provisions of Board policy KAB - Parental Rights and accompanying administrative regulation.

As required by law, the superintendent shall ensure that notification is provided to parents of students at least annually at the beginning of the school year or when enrolling students for the first time in school, of the specific or approximate dates during the school year when such surveys are scheduled or expected to be scheduled. The rights provided to parents under this policy transfer to the student when the student turns 18 years of age or is an emancipated minor under applicable state law.

¹ "Covered survey items" include one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

The district recognizes its responsibility to protect student privacy. Personal information that may be collected as a result of such surveys will be released only with prior, written parental permission, unless as otherwise provided by law and/or the provisions of Board policy JOB - Personally Identifiable Information.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)

46 OR. ATTY. GEN. OP 239 (1989)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2012).

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

Corrected 10/16/19



Code: **KI/KJ**
Adopted: 1/22/08
Orig. Code: KI/KJ

Public Solicitation/Advertising in District Facilities

(Version 1)

(See new KI and KJ)

Individuals or groups shall not distribute or display, or sell material of a commercial nature without the approval of the principal or administrator.

The following are guidelines for advertising or the distribution of outside materials.

Nothing may be advertised or materials distributed on school grounds or District facilities without expressed approval of the administration. Approval will be based upon:

1. The material is not obscene;
2. The material is not libelous;
3. The material does not detract from the educational atmosphere of the school;
4. The material does not invade the rights of privacy of students or staff;
5. The material does not subject a person to discrimination on the basis of race, color, religion, sex, sexual orientation, parental status, national origin, marital status, disability, or age.

Individuals or groups are required to obtain the authorization of the principal or his/her designee prior to the distribution, display, or sale of materials, or engaging in activities which solicit students' or employees' financial contributions.

Failure to comply with the above-stated policies may render students subject to suspension and/or expulsion.

Failure to comply with the above-stated policies by staff shall be considered as insubordination.

Failure to comply with the above-stated policies by other individuals or groups may result in the immediate removal of the offending material from the building.

The Superintendent will develop criteria for advertising on District property and for the processing of revenue generated by the sale of advertising.

END OF POLICY

Legal Reference(s):

[ORS 279C.335](#)

[ORS 332.107](#)

[ORS 332.593](#)

[ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)

46 OR. ATTY. GEN. OP. 239 (1989)

Corrected 10/16/19

E

L

E

T

E



Code: **KJ**
Adopted:

R

Commercial Advertising

The Board recognizes that District-sponsored commercial advertising may provide an important source of revenue for its programs and activities. Such sales may be permitted as approved by the Superintendent or designee and by this policy.

“Commercial advertising” as used in this policy means, use by any person, company, business or corporation, for personal or private gain, of any district media, including, but not limited to, school newspaper, yearbook or other printed material, flyer or circular, radio, television, video or any other electronic technology or indoor or outdoor signage designed to:

1. Transmit a message offering any goods or services;
2. Cause or induce any other person to purchase any goods or services;
3. Increase demand for any goods or services.

Commercial advertising approved by the District must be consistent with District mission, goals, Board policies and administrative regulations; promote positive values for District students through proactive educational messages that encourage student achievement and high standards of personal conduct.

The Superintendent or designee may consider for approval revenue-enhancing activities that include, but are not limited to, contracts or agreements for:

1. Exclusive advertising of any product or service throughout the District or at specified locations or times to a person, business or corporation in exchange for goods or services (e.g., scoreboards, electronic message boards, athletic gear, exclusive right to sell beverages, bottled water, snacks, meals, etc.);
2. Products or services that require the dissemination of advertising to staff, students, parents or others or allow any person, business or corporation to obtain information from staff, students, parents or others for the purposes of market research;
3. The use of District facilities or grounds in exchange for products, services or financial considerations (e.g., cell phone towers, etc.);
4. Technology hardware, software, satellite hook-up and/or access in exchange for free or reduced prices and/or fees and/or advertising rights, or agreement to use equipment a certain number of hours of the day, month, etc.;
5. Naming rights to District property in exchange for goods, services or monetary considerations.

Contracts shall include a provision allowing the District to terminate the contract if it is determined by the District to have an adverse impact on District programs, services or activities. Revenue derived shall be used for programs, services and/or activities as determined by the District.

All contracts considered for approval are subject to the competitive procurement requirements of Board policies DJ - District Purchasing, DJC - Bidding Requirements and the local contract review board's public contracting rules. Competitive procurement as used in this policy includes monetary as well as in-kind contributions (i.e., scoreboards, computers, other equipment or materials).

The Superintendent or designee will develop administrative regulations as needed for implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)
[ORS 279C.335](#)

[ORS 332.107](#)
[ORS 339.880](#)

Corrected 10/16/19



Code: KJA
Adopted: 1/22/08
Orig. Code: KJA

Materials Distribution**

~~It is the policy of the Board that no printed matter, announcements, advertisements, or personal solicitations shall be allowed in District facilities under its control unless the sponsor, employee, or student has the permission of the Superintendent or his/her designee.~~

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the school administration. Materials and the proposed method of distribution shall be subject to review and approved in coordination with distribution guidelines.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is free of defamatory content; the material is appropriate to the age, grade level and/or maturity of the reading audience; the material is satisfactorily written, adequately researched, unbiased or not prejudiced; the material contains information that is factual; the material is free of racial, ethnic, religious or sexual bias; or the material contains advertising that complies with public school laws, rules and/or policy, is deemed appropriate for students or that the public might reasonably perceive it is not endorsed or promoted by the District.

The Superintendent or designee shall authorize the printing of materials as necessary to keep the public of the District informed on school matters.

Printing unauthorized material in school buildings or upon school property is prohibited.

1. Unauthorized material shall be any materials that are not part of the regularly assigned school program or materials that have not been assigned by a particular administrator, advisor, or other staff member.
2. No unauthorized materials shall be printed on school grounds or with school equipment and/or supplies.
3. Under no circumstances are students to print materials on school grounds or to use school materials without direct permission from the principal or designee.

~~The following are guidelines for advertising or the distribution of outside materials.~~

~~Nothing may be advertised or materials distributed on school grounds or district facilities without expressed approval of the administration. Approval will be based upon:~~

- ~~1. The material is not obscene;~~

- ~~2. The material is not libelous;~~
- ~~3. The material does not detract from the educational atmosphere of the school;~~
- ~~4. The material does not invade the rights of privacy of students or staff;~~
- ~~5. The material does not subject a person to discrimination on the basis of race, color, religion, sex, sexual orientation, parental status, national origin, marital status, disability, or age.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

46 OR. ATTY. GEN. OP. 239 (1989).

Corrected 10/16/19



Code: KL
Adopted: 3/13/18
Orig. Code: KL

Public Complaints**

~~No staff member, student,~~ A parent or guardian of a student attending a school in the district, ~~or~~ person who resides in the district, student, or staff member ~~will be denied the right to~~ may petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the superintendent or one that involves Board actions or Board operations.

The complaint procedure is available at the district's administrative office and on the home page of the district's website.

The Board advises that there is a process available for resolving complaints, including but not limited to a complaint in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student ~~or a student's parent~~ who in good faith reported information that the student believes is evidence of a violation of state ~~and~~ or federal law, rule or regulation.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR: (1) - Public Complaint Procedure. The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. Whenever a complaint about personnel is made directly to the Board as a whole or to a Board member as an individual, it will be referred to administration for study and possible solution.

The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session. While audience members speaking during Board meeting open sessions may offer objective criticism of district operations and programs, the Board will not in public session hear comments regarding any individual district staff member or group of employees. The Board chair will direct these audience members to the procedures in Board policy KL-AR(1) - Public Complaints and administrative regulation KL-AR(1) - Public Complaint Procedure for Board consideration of a legitimate complaint involving a staff member, and will connect the visitor with an administrator, as appropriate.

A hearing conducted before the Board regarding personnel shall take place in an executive session.

Due process rights of all concerned parties will be protected throughout the complaint process.

Complaints against the supervisor ~~may~~ should be filed with the superintendent.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board.

Complaints against the Board as a whole or against an individual Board member should be ~~made~~ referred to the Board chair on behalf of the Board.

Complaints against the Board chair ~~may~~ should be ~~made~~ referred directly to the Board vice chair on behalf of the Board.

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

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

The superintendent will develop and administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 to 339.383~~303~~ or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, ~~who is~~ if a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may ~~have~~ appeal¹ ~~rights with~~ to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-~~0040-0001~~ - 581-002-0023. (See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction).

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

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through administrative regulation AC-AR- [REDACTED] Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)

[ORS 659.852](#)
[OAR 581-002-0001 - 002-0005](#)

[OAR 581-022-2370](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Corrected 10/22/19; Corrected 11/20/19



Code: LBD/IBDJA
Adopted: 2/28/12
Orig. Code: LBD/IBDJA

Homeschooled Students**

(Kept in section I as revised)

The Board recognizes that parents may choose to teach their children at home according to state law, which includes the education service district's role in registering and monitoring test results for students who are being taught at home.

The District may allow access to District programs by registered home-school students. The District reserves the right to limit the number of instruction hours allocated to each registered home-school student, and the number of registered home-school students admitted for instruction. The District reaffirms its prerogative not to accept home instruction course credit toward graduation requirements. Transcripts will be evaluated to determine the credit for prior courses and number of years of school attendance or equivalent for home-schooled students on a case-by-case basis.

Parents of high school students who elect home schooling options are encouraged to explore GED or community college alternatives. The District provides diplomas to those students who enroll and complete the course work required to graduate.

Home-schooled students may participate in interscholastic activities if the following criteria are met:

1. The student is in compliance with all rules governing home schooling and can provide acceptable documentation of compliance to the District;
2. The student can meet the District eligibility requirements, except the District or class attendance requirements;
3. Students need not meet class requirements of the voluntary association administering the interscholastic activities;
4. The student can achieve the minimum score on an examination from the list adopted by the State Board of Education. (Students may participate while awaiting test results.);
5. The parent shall submit the examination results to the District; or the District may adopt alternative requirements, in consultation with the parent, that a student must meet to participate in interscholastic activities, including, but not limited to, a requirement that a student submit a portfolio of work samples to the District for review to determine whether a student is eligible to participate in interscholastic activities;
6. The student must fulfill the same responsibilities and standards of behavior and performance, including related class or practice requirements of other students participating in the interscholastic

activity. The students must meet the same standards of acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation;

7. The student must reside in the attendance boundaries of the school for which the student participates.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 329.465](#)
[ORS 339.030](#)
[ORS 339.035](#)
[ORS 339.430](#)
[ORS 339.460](#)

[OAR 581-021-0026 to -0029](#)
[OAR 581-021-0033](#)
[OAR 581-021-0034](#)
[OAR 581-021-0071](#)
[OAR 581-021-0210](#)
[OAR 581-022-1350](#)

Corrected 11/20/19



Code: **LBE**
Adopted: 12/14
Orig. Code: LBE

Public Charter Schools

The Board is dedicated to providing educational options for all students, and recognizes there will be students in the District whose needs and interests are best served by participation in other educational programs. Public charter schools shall demonstrate a commitment to the mission and diversity of public education, while adhering to one or more of 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.

Public charter schools may be established as a new public school, from an existing public school 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 **nonsectarian nonpublic sectarian** school or religious institution, or encompass all the schools in the District unless the District is composed of only one school.

The Board will not approve any public charter school proposal when it is deemed that its value is outweighed by any direct identifiable, significant, and adverse impact on the quality of the public education of students residing in the District. To meet the eligibility criteria for Board approval, a public charter school proposal must meet the requirements of Oregon Revised Statutes, Oregon Administrative Rules, Board policy, and **administrative** regulation. Upon request of the Board, the public charter school applicant must furnish, in a timely manner, any other information the Board deems relevant and necessary to conduct a complete and good-faith evaluation of the **public** charter school proposal.

The District will determine if it has any vacant, unused, or underutilized buildings. Upon request, the District shall make this list available to developing or operating public charter schools. Buildings may be made available for public charter school use, subject to Board approval. Approved use may be limited to instructional purposes only. Appropriate-use fees will be determined by the Board. Public charter school use outside the District's instructional day will be subject to Board policy KG - Community Use of District Facilities and accompanying administrative regulation.

Students attending Hillsboro-sponsored public charter schools may, upon request, be allowed to participate in District programs such as physical education, instrumental and vocal music offerings, or other selected options if space and materials are available. Students must adhere to state law, Board policies, regulations, and rules concerning conduct and discipline.

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 public charter school employer will be determined with each proposal. If the ~~Board~~ 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 ~~Board~~ District is not the sponsor of the public charter school, ~~it~~ the District shall not be the employer and will not collectively bargain with public charter school employees.

The District will annually, by October 1, calculate the number of students residing in the District who are enrolled in a virtual public charter school. When the percentage is 3 percent or above, the District may choose to not approve additional students for enrollment to a virtual public charter school, subject to the requirements in OAR 581-026-0305(2).

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;
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 District.

A parent may appeal a decision of a school district to not approve a student for enrollment to a virtual public charter school to the State Board of Education.

The Superintendent ~~for~~ designee will develop administrative regulations for public charter schools to include the proposal process, review and appeal procedures, and charter agreement provisions.

END OF POLICY

Legal Reference(s):

[ORS 327.077](#)

[ORS 327.109](#)

[ORS 332.107](#)

[ORS Chapter 338](#)

[ORS 339.141](#)

[ORS 339.147](#)

[OAR 581-026-0005 to -0515](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2012).

Corrected 11/20/19



Code: LE
Adopted: 1/22/08
Orig. Code: LE

Relations with Colleges and Universities

The Board desires that staff and students of the District benefit in every feasible way from resources provided by the colleges and universities of our area. The Superintendent is to keep the Board informed of opportunities for shared and cooperative services between the District and institutions of higher learning. Additionally, staff members are encouraged to seek out and use the services of college and university faculty members who are willing to serve our schools as instructional resource persons.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)

[ORS 336.014](#)

Corrected 11/20/19

HILLSBORO SCHOOL DISTRICT 1J
March 17, 2020
INFORMATION – ADMINISTRATIVE REGULATION UPDATES

SITUATION

Hillsboro School District has contracted with Oregon School Boards Association (OSBA) to review the District's policy manual, with a goal of reviewing and updating the entire manual within a period of 12 to 18 months.

Policy language must meet the following criteria:

1. Legally mandated or legally wise
2. Harmonize with District's existing collective bargaining agreements
3. Reflect current District practice

Updated administrative regulations (ARs) that do not require Board action will be posted in the Board meeting packet for the information of the Board, staff members, and the public. The following administrative regulations are included in the March 17 Board meeting packet. Please note that OSBA has provided final versions of the text of these ARs, but the revision dates will not be updated until after the Board meeting.

- Policies in Section G: Personnel
 - GB-AR: General Personnel Policies (Delete)
 - GBA-AR: Veterans' Preference
 - GBE-AR: Staff Health and Safety - Safety Rules
 - GBEB-AR: Communicable Diseases - Staff
 - GBM-AR: Staff Complaint Procedure
 - GCBDA/GDBDA-AR-1: Federal Family and Medical Leave/State Family Medical Leave (Delete/Replace)
 - GCBDA/GDBDA-AR-2: Request for Family and Medical Leave
 - GCBDA/GDBDA-AR-3A: Certification of Health Care Provider--Employee's Serious Health Condition
 - GCBDA/GDBDA-AR-3B: Certification of Health Care Provider--Family Member's Serious Health Condition
 - GCBDA/GDBDA-AR-3C: Military Family Leave - Certification of Qualifying Exigency for Military Family Leave
 - GCBDA/GDBDA-AR-3D: Military Family Leave - Certification of Serious Injury or Illness
 - GCBDA/GDBDA-AR-4: FMLA/OFLA Eligibility Notice to Employee
 - GCBDA/GDBDA-AR-5: Sample Designation Letter to Employee - FMLA/OFLA Leave
 - GCBDA/GDBDA-AR-6: Designation Notice - FMLA/OFLA
 - GCC/GDC-AR: Administrative Practicum - Procedures for Obtaining District Endorsement
 - GCEA-AR: Substitute Teachers (Delete)

- GCEC-AR: Job Sharing (Delete)
- GCQB-AR: Research
- ARs in Section K/L: District-Community Relations
 - KAB-AR: Parental Rights
 - KBA-AR: Public Records
 - KBCE-AR: Sports and Special Events News Coverage
 - KH-AR: Public Gifts to the District
 - KI/KJ-AR: Public Solicitation/Advertising in District Facilities (Delete)
 - KJ-AR: Commercial Advertising (Proposed)
 - KJA-AR: Guidelines for Materials Distribution in Elementary Schools
 - KL-AR(1): Public Complaint Procedure
 - KL-AR(2): Appeal to the Deputy Superintendent of Public Instruction (Delete/Proposed)
 - LBD/IBDJA-AR: Home Schooling Placement/Credit Guidelines** (Delete)
 - LBE-AR: Public Charter Schools (Delete/Proposed)

RECOMMENDATION

The Superintendent recommends that the Board of Directors review the updated administrative regulations.



Code: **GB-AR**
Revised/Reviewed: 11/18/08
Orig. Code(s): GB-AR

General Personnel Policies

(Move language under 'Criminal Record Check' heading to GCDA/GDDA-AR; delete rest.)

Criminal Record Check

All temporary employees must receive criminal records check clearance from the personnel office prior to any offer of employment, except in emergency situations. In such cases, the records check shall be completed as soon as possible after the offer of employment.

1. An applicant will be disqualified for employment on the basis of criminal record only if, in the judgment of the assistant superintendent, it is in the best interest of the district to do so considering the relationship between the assignment for the position sought and the type of crime for which convicted or presently charged.
2. An applicant will be disqualified for employment if, in the judgment of the assistant superintendent, a material misrepresentation has been made on the criminal records form or the application form.

Criminal Record Form

1. The applicant for a temporary position completes and seals the criminal record form.
2. The sealed criminal record form of the applicant recommended for hire is forwarded by the department, if applicable, to the (manager, personnel services,) who verifies the information with the State Department of Education or state police, as appropriate.
3. Following verification, the (manager, personnel services,) submits applicant names with a criminal history to the assistant superintendent for his/her consideration in approving/not approving a recommendation to hire.

Corrected 2/20/19; 3/20/19



Code: **GBA-AR**
Revised/Reviewed: 11/17

Veterans' Preference

Oregon's Veterans' Preference Law requires the ~~ed~~District to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law¹.

The ~~ed~~District is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The ~~ed~~District is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if ~~he or she~~the veteran is equal to or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the District for an explanation of the reasons why they were not selected for the position.² The District shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.³

Selection Procedures

- Step 1: The ~~ed~~District's electronic hiring process allows applicants to self-identify as veterans or disabled veterans, and the ~~ed~~District's human resources department has developed an evaluation screening/scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The hiring administrator will review the application materials using the above screening/scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran, the hiring administrator shall evaluate whether the skills and experience obtained in the military are transferable to the posted position. In this step, the ~~ed~~District applies a veterans' preference of 5 points to an eligible veteran and 10 points to an eligible disabled veteran. Any

¹ Oregon Revised Statute (ORS) 408.225: definition of veteran.

² Oregon Revised Statute (ORS) 408.230(5)

³ **Verification of Veteran's Preference:** A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.

applicants who do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the hiring administrator determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets have been developed as part of the dDistrict's interview and hiring process. Each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the hiring administrator shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. At this point, additional veterans' preference points are applied by using a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.

Step 6: The human resources administrator reviews the background and reference checks and other hiring requirements and approves the hire.

The dDistrict is committed to hiring and promoting veterans and disabled veterans if they are the most qualified candidates for the position.

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position. The dDistrict shall provide the reasons for not selecting the candidate when requested.

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the human resources office if the veteran has any concerns or questions regarding the application of or the process used for veterans' preference.

Because it is the Board's policy to resolve complaints as closely to their origin as possible, a veteran or disabled veteran who has a concern or complaint regarding the selection process is encouraged to utilize the procedure outlined in Board policy KL/~~KLD~~ and KL/~~KLD~~-AR: Public Complaints to resolve these concerns.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may also file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI), in accordance with Oregon Revised Statute (ORS) 659A.820.

Corrected 2/20/19



Code: **GBE-AR**
Revised/Reviewed: 11/25/08
Orig. Code(s): GBE-AR

Staff Health and Safety - Safety Rules

Employees shall conduct their work in compliance with the safety rules of the District such as:

1. All injuries shall be reported immediately to the person in charge or other responsible representative of the District;
2. It is the duty of all employees to make full use of safeguards provided for their protection. It shall be the employee's responsibility to abide by and perform the following requirements:
 - a. An employee shall not operate a machine unless guard or method of guarding is in good condition, working order, in place and operative;
 - b. An employee shall stop the machine or moving parts and properly tag-out or lock-out the starting control before oiling, adjusting, or repairing, unless the machine is provided with means of oiling or adjusting that will prevent possibility of hazardous contact with moving parts;
 - c. An employee shall not remove guards or render methods of guarding inoperative except to adjust, oil, repair, or set up a new job;
 - d. Employees shall report any guard or method of guarding that is not properly adjusted or not accomplishing its intended function to their supervisor;
 - e. Employees shall not use their hands or any portion of their bodies to reach between moving parts or to remove jams, hang-ups, etc. (Use hook, stick, tong, jig or other accessory.);
 - f. Employees shall not work under objects being supported (such as loads supported by jacks, the raised body of a dump truck, etc.) until such objects are properly blocked or shored;
 - g. Employees shall not use defective tools or equipment. No tool or piece of equipment should be used for any other purpose than it is intended, and none should be abused by straining beyond its safe working load;
3. Employees shall not remove, deface or destroy any warning, danger sign or barricade;
4. Employees must not work underneath or over others exposing them to a hazard without first notifying the other employee(s) or seeing that proper safeguards or precautions have been taken;
5. Employees shall not work in unprotected, exposed or hazardous areas under floor openings;
6. Long and unwieldy articles shall not be carried or moved without adequate means of guarding or guiding them to prevent injury;
7. Anyone observing hazardous conditions or practices shall report them to the person in charge as soon as possible;

Staff Health and Safety - Safety Rules – GBE-AR

1-2

8. Someone should warn employees observed working in a manner which might cause immediate injury to either themselves or other workers;
9. Before leaving a job, workers shall correct, or warn others of any condition which might result in injury to others unfamiliar with existing conditions;
10. Good housekeeping methods shall be observed in all operations. Materials shall be so handled and stored to minimize falling, tripping or colliding;
11. Working and storage areas and passageways shall be kept free of unnecessary obstructions to avoid contact with moving machinery, steam pipes, or other dangerous objects;
12. Any materials which might cause an employee to slip or fall shall be removed from floors and other treading surfaces immediately;
13. Employees shall remove all sharp, pointed or otherwise hazardous projections in work areas.

Corrected 1/16/19



Code: **GBEB-AR**
Revised/Reviewed: 4/24/18
Orig. Code: JHCC/GBEB-AR

Communicable Diseases – Staff

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

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

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease unless authorized to do so under Oregon law.
2. When a principal ~~for~~ designee² has reason to suspect that an employee has or has been exposed to any restrictable disease that requires exclusion, the principal ~~for~~ designee² shall send the employee home. If the disease is reportable, the principal ~~for~~ designee² will report the occurrence to the local health department.
3. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS)

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

² Or ~~the~~ site administrator for non-school locations ~~for~~ departments.

677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.

4. A principal ~~for~~ designee² will exclude a susceptible employee that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public's health, or the local health officer states the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The principal ~~for~~ designee² may request the local health officer to make a determination as allowed by law.
5. A principal ~~for~~ designee² may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department or by the district through policy adopted by the Board.
7. The ~~ed~~District's emergency plan shall address the ~~ed~~District's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. A principal ~~for~~ designee² may seek confirmation and assistance from the local health officer to determine the appropriate district response when the principal ~~for~~ designee² is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance.
4. A principal ~~for~~ designee² shall determine other persons with a legitimate educational interest who may be informed of the communicable nature of an individual student's disease, or an employee's communicable disease, within guidelines allowed by law.

Equipment and Training

1. The principal ~~for~~ designee² shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The principal ~~for~~ designee² shall consult with the ~~ed~~District's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All ~~ed~~District personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

Corrected 1/16/19



Code: **GBM-AR**
Revised/Reviewed: 3/18
Orig. Code: GBM-AR

Staff Complaint Procedure

An employee who has a complaint is encouraged to discuss the matter with the individual who caused the act. Disputes and disagreements will ideally be resolved as closely as possible to their origin. An employee who chooses not to discuss the matter with that individual, but who wishes to pursue the complaint, shall notify the supervisor of the individual in writing immediately and no later than 30 District business days¹ from the time when the incident or action occurred.² All complaints will be investigated.

Complaint Procedure

The principal/supervisor is the designated investigator. The complaint must be received in writing no later than 30 District business days from the time when the incident or action occurred. Within 10 District business days of receipt of the complaint, the principal/supervisor³ shall complete the investigation, and document in writing the findings and conclusions to each allegation. The 10 days may be extended if the investigation reveals the need for additional information. In such an event, the principal/supervisor³ shall document the reason for extending the process. The principal/supervisor³ will talk to the complainant and gather all specifics about the complaint, and review the District's complaint procedures and complaint provisions in the collective bargaining agreements that apply. The District's process to resolve the complaint follows:

1. If the complaint might be resolved between the two people, a meeting will be scheduled between the two parties to discuss the behavior that is considered offensive **or is of concern**. Considered offensive
2. If the complaint alleges a violation of District policies or administrative rules and regulations, the complainant will be informed that an investigation will proceed, and that the complainant will be made known to the alleged perpetrator.
3. Interview the complainant and the person whose actions resulted in the complaint.

¹ "District business days" are calculated using the District's work calendar for a 12-month employee

² For complaints alleging violation of the Oregon Administrative Rules, eChapter 581, eDivision 22 (eDivision 22 Standards), ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), ORS 659.850 (Discrimination), or ORS 659.852 (Retaliation), refer to the time limitations outlined in policy KL- Public Complaints and KL-AR- Public Complaints Procedure.

³ Or the site administrator for non-school locations or departments.

4. Review the personnel files of both to see if there are prior discipline incidents that are relevant.
5. The alleged perpetrator may file a written statement refuting or explaining the behavior outlined in the complaint.
6. The principal/supervisor³ may also interview witnesses as deemed appropriate.
7. The principal/supervisor³ will review with the complainant the alleged perpetrator's responses.

Points to Remember in the Investigation

1. Complaints must be taken seriously and investigated.
2. Evidence uncovered in the investigation is confidential.
3. The nature of the complaint itself and corroborating evidence may be used in questioning witnesses; however, the investigator and witnesses are bound to confidentiality.
4. Retaliation against an employee because the employee has filed a complaint, testified, assisted, or participated in an investigation is prohibited.
5. A staff member who is found to have retaliated against another employee will be subject to the investigation procedure, which may result in discipline up to and including dismissal.
6. If there was no act to justify the complaint, the process will stop and an opportunity will be offered for additional discussion with the complainant and the falsely-accused.

Conflicts

If the principal/supervisor³ or the complainant or the person whose actions resulted in the complaint believes that the supervisor has a potential conflict of interest, they may request that the human resources administrator be the investigator. If that administrator is both the supervisor and conflicted, the complaint shall be referred to an assistant superintendent in the Office for School Performance.

Resolution of the Complaint

The principal/supervisor³ will investigate the complaint, and provide a written summary and conclusion to the complainant and the person whose actions resulted in the complaint within ~~ten~~ 10 District business days. The ~~ten~~ 10 days may be extended if the investigation reveals the need for additional information. In such an event, the principal/supervisor³ shall document the reason for extending the process. Disciplinary actions will be in accordance with contract provisions and Oregon and federal laws.

Appeals

If the complainant is not satisfied with the decision of the investigator, they may submit a written appeal to the human resources administrator. The appeal must be submitted in writing to the human resources administrator within five District business days of receipt of the supervisor's written summary. The human resources administrator shall meet with all parties involved to discuss the complaint, and will respond in writing to the complainant within ~~ten~~ 10 District business days. The ~~ten~~ 10 days may be extended if

additional information needs to be gathered. In such an event, the administrator shall document the reason for extending the process.

If the complainant is not satisfied with the decision of the human resources administrator, they may submit a written appeal to the sSuperintendent. This appeal must be filed within five District business days of receipt of the human resources administrator's decision. The sSuperintendent shall review the appeal and either resolve it or forward it to the Board within 15 District business days. The 15 days may be extended if additional information needs to be gathered. In such an event, the reason for extending the process shall be documented.

If the complainant is dissatisfied with the sSuperintendent's or designee's findings and conclusion, they may appeal the decision to the Board within five dDistrict business days of receiving the sSuperintendent's decision. The Board may hold a hearing to review the findings and conclusion of the sSuperintendent or designee, hear the complainant, and hear and evaluate any other evidence as it deems appropriate. The Board reserves the right to establish the rules and guidelines under which the hearing will be conducted, subject to the complaint procedure and Oregon Revised Statutes. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

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

If the subject matter qualifies under Oregon law, the Board may hold the hearing in executive session, unless the employee requests an open hearing. The complainant shall be informed in writing or in electronic form of the Board's decision within 25 dDistrict business days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

Due process rights of all concerned parties will be protected throughout the complaint process.

The final decision for a complaint processed under this administrative regulation that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to ~~339.380~~3 or OAR 581-021-0550 to ~~581-021-0570~~ (Restraint and Seclusion) or ORS 659.852 (Retaliation), will address each allegation in the complaint and contain reasons for the district's decision. If the complainant is a student, parent or guardian of a student attending school in the dDistrict or a person that resides in the dDistrict, and this complaint is not resolved through the complaint process, the complainant may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-0040.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through the Board's administrative regulation AC-AR- ~~Discrimination~~ Complaint Procedure, the complaint may meet the criteria to file an appeal with the Deputy Superintendent of Public Instruction as outlined in OAR 581-021-0049.



Complaint Form

Complainant Information	
Name of complainant:	
Position/Role of complainant:	
Phone:	Email:
Complaint Information	
Name of alleged offender:	
Subject of complaint:	
Date and place of incident(s):	
Description of incident(s):	

Name of witness(es) (if any):	
Evidence to corroborate complaint – e.g., letters, photos, etc. (attach evidence if possible):	
What steps have you taken to resolve the issue(s) (if applicable)?	
What steps would you have the District take to resolve the complaint?	
All of the information on this form is accurate and true to the best of my knowledge.	
Signature:	Date:

Attach additional pages as needed.

Corrected 2/20/19; 3/20/19



Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 5/27/14
Orig. Code: GCBDA/GDBDA-AR(1)

Federal Family and Medical Leave/State Family Medical Leave

(Version 1)

(This series of ARs was revised/reorganized; see proposed version.)

Coverage

Federal law covers public agencies, including districts. In order for school employees to be eligible, however, they must be employed at a work site with 50 or more employees within 75 miles of the employee's work site for each working day during each of the 20 or more calendar workweeks in the year in which the leave is taken or in the preceding calendar year. State law covers districts that employ 25 or more part-time or full-time employees for each working day during 20 or more calendar 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.

Eligibility

Federal law applies to employees who have worked for the District for at least 12 months and for at least 1250 hours during the year preceding the start of the leave. State law generally applies to employees who work an average of 25 hours or more per week for the District during the 180 days or more immediately prior to the first day of the start of the requested leave. Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. 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.

In determining that an employee has been employed for the preceding 180 calendar days, the employer must count the number of days an employee is maintained on the payroll, including all time paid or unpaid. If an employee continues to be employed by a successor in interest to the original employer, the number of days worked are counted as continuous employment by a single employer.

In determining 25 hours average workweek, the employer must count the actual hours worked using guidelines set out pursuant to the Fair Labor Standards Act.

Definitions

“Child¹” – for the purpose of taking sick child leave under state law, means a biological, adopted, or foster child, or stepchild of the employee for whom the employee has parental rights and duties as defined by law, or a child with whom the employee is or was in a relationship of “in loco parentis.” A legal or biological relationship is not required. The child must be under 18 years of age or may be 18 years of age or older if incapable of self-care due to mental or physical impairment as defined by ORS 659A.100(2)(d). For purposes of sick child leave only, child also includes child of employee’s same-gender domestic partner.

“Contingency Operation” is a military operation that:

1. Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
2. Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305 or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

“Covered active duty” means:

3. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
4. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code.

“Covered service member” means:

5. A 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
6. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

“Family member,” for purposes of FMLA and OFLA leave, means a(n):

¹ For FMLA, the age of the son or daughter at the onset of a disability is not relevant in determining a parent’s entitlement to FMLA leave.

7. Spouse;
8. Child of the employee (biological, adopted, foster or step child, a legal ward, or child of the employee standing in loco parentis);
9. Custodial parent;
10. Noncustodial parent;
11. Biological parent;
12. Adoptive parent;
13. Step or foster parent; or
14. Individual who was in loco parentis to the employee when the employee was a child.

Additionally, when defining “family member” under OFLA, this definition includes a:

15. Same-gender domestic partner;
16. Child of same-gender domestic partner;
17. Grandparent;
18. Grandchild;
19. Parent-in-law; or
20. Parent of same-gender domestic partner.

For OFLA purposes of a serious health condition, an employee’s child in any of these categories may be either a minor or an adult child at the time serious health condition leave is taken.

“Next of kin” means the nearest blood relative of the eligible employee.

“Serious Health Condition,” under federal law means an illness, injury, impairment, or physical or mental condition that involves:

21. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
22. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days that also involves continuing treatment by (or under the supervision of) a health care provider;
23. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days;

24. Illness, disease, or condition is terminal, requires constant care, and poses an imminent danger of death; or
25. Disability due to pregnancy, childbirth or prenatal care.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee is unable to perform the functions of the position when the health care provider finds that the employee is unable to work at all, or is unable to perform any of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) federal regulations. The District has the option, in requiring medical verification from a health care provider, to provide a statement of the essential functions of the employee's position for the provider to review.

A "serious health condition" under state law means an illness, injury, impairment, or physical or mental condition of an employee or family member that:

26. Requires inpatient care in a hospital, hospice, or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
 - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
 - b. Transportation or other assistance required for a family member to obtain care from a physician;
 - c. Serious health conditions as described in items 2-8 below.
27. The treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
28. Requires constant or continuing care such as home care administered by a health care professional;
29. Involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
 - a. Two or more treatments by a health care provider;
 - b. One treatment plus a regimen of continuing care.
30. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy;

31. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke, or terminal stages of a disease;
32. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that, if not treated, would likely result in incapacity of more than three days; or
33. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

"Serious injury or illness," for the purpose of caring for a covered service member, means:

34. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and
35. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty, on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty, on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
 - b. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - c. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Purpose of Leave

Federal and state laws allow eligible employees to take FMLA or OFLA leave for the following purposes, commonly referred to as parental leave, serious health condition leave, pregnancy disability leave, injured service member leave, military family leave, leave for the death of a family member and sick child leave (child leave and death of a family member leave are OFLA only):

36. Birth of the employee's child (eligibility expires 12 months after the birth);

37. Placement of a child for adoption or foster care when the child is under 18 years of age or older than 18 if incapable of self-care (eligibility expires 12 months after placement);
38. Care of a family member with a serious health condition;
39. Employee's own serious health condition;
40. Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent is on covered active duty or called to covered active duty status during the deployment of the member with the Armed Forces to a foreign country. (CFR section 825.126(a)(1 and 2); Federal Register Vol. 78, No. 25, Page 8917);
41. Injured Service Member Leave allows an employee leave to care for a covered service member who is the employee's spouse, son, daughter, parent, or next of kin who has been injured in the line of duty as a member of the Armed Forces;
42. State law allows employees to take leave for the care of a sick or injured child who requires home care but is not suffering from a serious health condition. The District is not required to grant leave for routine medical or dental appointments;
43. State law allows employees to take leave for the death of a family member² to attend the funeral or alternative to a funeral of the family member, make arrangements necessitated by the death of the family member or grieve the death of the family member;
44. {Level1} Military Family Leave allows leave for a spouse or domestic partner of a military personnel per each deployment of the spouse or domestic partner when the spouse or domestic partner has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment (OFLA).

Length of Leave

An employee eligible for FMLA leave under federal law is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. A husband and wife who are eligible and who both work for the District may only take a combined total of 12 workweeks of leave if the leave is taken to care for a parent with a serious health condition or if the leave is for the birth of a child or the placement of a child for adoption or foster care.

There will be occasions where a husband and wife employed by the same district will not have to share the 12-week allotment of leave. This situation arises where an employee is eligible for both FMLA and OFLA or just OFLA leave and the employee is taking leave to care for a newborn with a serious health condition.

An employee eligible for Military Caregiver Leave is entitled to a total of 26 workweeks of leave to care for a covered service member during a single 12-month period. The 12-month period begins when the Military Caregiver Leave begins.

² Must be completed within 60 days of the date on which the eligible employee receives notice of the death of the family member.

An employee eligible for OFLA leave under state law is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. The 14 days of leave provided by the OMFLA and the two weeks of leave provided for the death of a family member are part of the 12 weeks. Two or more family members who are eligible and who both work for the district may not take OFLA leave at the same time unless:

45. One employee needs to care for another employee who is a family member and who is suffering from a serious health condition; or
46. One employee needs to care for a child suffering from a serious health condition while another employee, who is a family member, is also suffering from a serious health condition; or
47. Both family members are suffering from a serious health condition, or
48. The employees are taking leave for the death of a family member; or
49. The concurrent leave in such an instance is permitted by the district.

In addition to the 12 workweeks of family leave authorized above, under state law a female eligible employee may take an additional 12 workweeks of leave within any one-year period for an illness, injury, or condition related to pregnancy or childbirth that disables the employee from performing her work duties. An employee who takes 12 workweeks of OFLA leave for parental leave may also take up to an additional 12 workweeks of sick child leave within the same leave year. If the employee uses less than 12 weeks of parental leave, however, no additional sick child leave is available, except for the balance of the initial 12 weeks. The employee may also use this balance for any OFLA leave purpose.

A female employee may take up to 36 weeks of OFLA leave in one leave year, but only under the following circumstances:

50. The female employee takes 12 weeks of pregnancy disability leave; followed by
51. Twelve weeks of parental leave; followed by
52. Twelve weeks of sick child leave.

A male employee may take up to 24 weeks of OFLA leave in one year, but only under the following circumstances:

53. The male employee takes 12 weeks of parental leave; followed by
54. Twelve weeks of sick child leave.

Parental leave must be taken in one uninterrupted period – unless the employer approves otherwise – and must be completed within 12 months of the birth, adoption or placement of the child. An exception must

be made to allow parental leave to effectuate adoption or foster placement of the child. Such leave need not be taken in one uninterrupted period with any additional parental leave.

The birth, adoption, or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.

Sick child leave need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

For the purpose of intermittent leave, leave entitlement is calculated for an employee by multiplying the number of hours the employee normally works per week by 12. (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.) 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. (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.) 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.

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

55. A female employee who has taken 12 weeks of pregnancy-disability leave need not requalify for 12 weeks in the same leave year for any other purpose;
56. An employee who has taken 12 weeks of parental leave does not need to requalify to take an additional 12-weeks in the same leave year for sick child leave; and
57. 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.

For situations where time off is covered by OFLA, but not covered by FMLA leave (e.g., the employer has 25 to 49 employees, or the leave taken is for a sick child or for serious health condition of a same-gender domestic partner, parent-in-law, parent of the same-gender domestic partner, grandparent, or grandchild), the employer:

58. May allow an exempt employee with accrued paid leave to take OFLA leave in blocks of less than a full day. For these purposes, an exempt employee is a salaried executive, administrative or professional employee under the federal Fair Labor Standards Act or the state minimum wage and overtime laws;
59. May not reduce the salary of an employee who does not have or has run out of accrued paid leave and takes intermittent leave in blocks of less than a full day. To do so would result in the loss of exemption under state law.

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.

An employee who has previously qualified for and taken some portion of FMLA leave may request additional FMLA leave within the same leave year. 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.

Intermittent Leave and Alternate Duty

An employer may transfer an employee on a foreseeable intermittent FMLA/OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate the leave, provided the following exist:

60. The employee accepts the transfer position voluntarily and without coercion;
61. The transfer is temporary, lasts no longer than necessary to accommodate the leave, and has equivalent pay and benefits;
62. The transfer is compliant with applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825;
63. 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
64. 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.

An employee transferred, as provided in 1-5 above, to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position.

FMLA/OFLA leave time for an employee on intermittent leave or a reduced work schedule is the difference between the number of hours the employee normally works and the number of hours the employee actually works during the intermittent leave or reduced work schedule. Holidays or days in which the District is not in operation are not counted toward intermittent or reduced work schedule FMLA/OFLA leave unless the employee was scheduled and expected to work on the holiday.

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

65. The employee accepts the position voluntarily and without coercion;
66. The transfer is temporary, lasts no longer than necessary, and has equivalent pay and benefits;
67. The transfer is compliant with applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825; and

68. The transfer is not used to discourage the employee from taking FMLA/OFLA leave for a serious health condition, or to create a hardship for the employee.

An employee is not on FMLA/OFLA leave if the employee has been transferred, as provided in section 1-3 above, to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's own serious health condition, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA/OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

An alternate position accommodating an employee's serious health condition may result in the employee working fewer hours than the employee worked in the original position. The employee's FMLA/OFLA leave is the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternate position.

Intermittent leave for school teachers is subject to special rules.

The District recognizes that state law will not always reduce the employee's FMLA 12-workweek entitlement (i.e., leave to care for a parent-in-law or sick child leave).

Special Rules for Teachers

Special rules apply if leave is requested to be taken near the end of a semester.

69. Under OFLA leave, if a teacher requests, in advance, leave for a serious health condition, and the teacher will be absent more than 20 percent of the total number of working days during the period over which the leave would be taken, then the employer may require the teacher to elect one of the following options:
- To take family leave for one uninterrupted period of time as necessary to complete medical treatment (school holidays and school vacation days are not counted as family leave);
 - To transfer temporarily into an available alternative position that better accommodates periodic absences or recurring periods of leave.
70. Under FMLA leave, if a teacher begins leave more than five weeks before the end of the academic term because of the teacher's own serious health condition, the employer may require the teacher to remain on leave until the end of the term if:
- The family leave is at least three weeks long; and
 - The teacher's return to work would occur within three weeks of the end of the term.
71. If a teacher begins FMLA or OFLA leave within five weeks of the end of the academic term because of parental leave, the serious health condition of a family member, or to care for a covered service member, the employer may require the teacher to remain on family leave through the end of the term if:
- The leave is more than two weeks long; and
 - The teacher's return would occur within the last two weeks of the term.

72. If a teacher begins FMLA or OFLA leave within three weeks of the end of the academic term because of parental leave, to care for a family member with a serious health condition, or to care for a covered service member, and the leave is greater than five working days, the employer may require the teacher to remain on family leave until the end of the term.
73. If a teacher takes FMLA/OFLA leave to the end of the school year and continues the leave at the beginning of the next school term, the leave is consecutive rather than intermittent leave.
- a. The period between the end of the school term and the beginning of the next school term, when a teacher would not have been required to report for duty, is not counted against the teacher's FMLA or OFLA leave entitlements.
 - b. A teacher on FMLA/OFLA leave at the end of the school term must be provided with the same benefits during the period between school terms that the teacher would normally receive if no FMLA/OFLA leave were taken.
74. If a teacher is required by the employer to remain on leave to the end of the academic term, only the period of leave the teacher requested shall be charged against the teacher's FMLA/OFLA leave entitlement.
75. Nothing in FMLA/OFLA rules prohibits the employer from allowing the teacher to work as a substitute or in some other paid capacity during the weeks prior to the end of term under 2 or 3 above.
76. Full-time employees covered by OFLA rules, and who have been maintained on the payroll by a district during 180 consecutive calendar days, are thereafter deemed to have been employed by that district for an average of at least 25 hours per week during the 180 days immediately preceding the date any OFLA leave begins.

Calculating the 12-Month Period for Leave

The District will use a fiscal year (July 1 through June 30) for calculating the 12-month period in which the 12 workweek FMLA and OFLA leave entitlement occurs for all employees.

Leave to care for covered service members has its own 12-month year beginning on the first day of leave regardless of the District's method of calculating the 12-month period for leave.

Paid/Unpaid Leave

Family leave under federal and state law is generally unpaid. The use of accrued paid leave, including personal and sick leave, or accrued vacation leave for the leave period, is determined by the bargaining agreement regulating each employee group.

The District will notify the employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the District, that accrued paid leave shall be used during the leave period. Such notification will be given to the employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave.

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.

Continuation of Health Insurance Benefits

Under federal law, group health insurance benefits and premium payments must be continued on the same basis as coverage would have been provided and premiums paid if the employee had been continuously employed during the leave period. The District will continue to pay the District's contribution toward the employee's premiums. The employee will continue to pay the employee's share of premiums, if any. A 30-day grace period will be allowed for receipt of employee contributions. The District's obligation to maintain the employee's benefits will cease if the employee's contribution is more than 30 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.

Under state law, benefits are not required to continue or accrue unless required by Board policy(ies) and/or provisions of collective bargaining agreements related to paid and unpaid leaves.

An employer electing to continue health or other insurance coverage for an employee on OFLA leave may require that the employee pay only the same share of health or other insurance premium during the leave that the employee paid prior to the leave. If an employee cannot or will not pay such costs, the employer may elect to discontinue benefit coverage, unless to do so would render the employer unable to restore the employee to full benefit coverage as required by law. If an employer pays any portion of any employee's benefit coverage for employees on non-OFLA leave, the employer must pay that portion during OFLA leave.

If an employee gives unequivocal notice of intent not to return to work from OFLA leave, the employee is entitled to complete the approved OFLA leave, providing that the original need for OFLA leave still exists. The employer's obligations under OFLA – to restore benefits (subject to COBRA requirements) and to restore the employee to his/her position at the end of the leave - cease and the employer is not required to hold a position vacant or available for the employee giving unequivocal notice of intent not to return.

In the event the District is required to pay or elects to pay any part of the costs of providing health, disability, life, or other insurance coverage for an employee during the period of FMLA or OFLA leave that should have been paid by the employee, the District may deduct, on the employee's return to work, such amounts from the employee's pay as have been advanced.

In no event may the total deducted exceed 10 percent of the employee's gross pay each pay period.

Return to Work

After leave granted under federal and state law, an employee is generally entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment unless otherwise excepted by law.

Fitness-for-Duty Certification

If the leave was required for the employee's own serious health condition, including intermittent leave, the District may require the employee to obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. 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 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 leave. The District is responsible for any co-pay or other out-of-pocket costs incurred by the employee in providing certification. Failure to provide the fitness-for-duty certification may result in a delay or denial of reinstatement.

Application

Under federal and state law, an 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, duration, and reasons for the requested leave. The 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.

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

If advance notice is not possible, for example due to a change in circumstances or medical emergency, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable" under federal law means the employee generally must comply with the employer's normal call-in procedures.

An employee eligible for OFLA leave is required, under state law, 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.

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

Failure of an employee to provide the required notice for FMLA leave may result in the District delaying the employee's leave for up to 30 days after the notice is ultimately given.

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.

Medical Certification

When an employee provides 30 or more days' notice when applying for FMLA and/or OFLA leave, other than for parental leave, the employer may require the employee to provide medical documentation when

appropriate to support the request for leave. The District will provide written notification to employees 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 the employee still needs leave. 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.

Under state law, if an employee requests OFLA leave because of a serious health condition, the District may require a second opinion and designate the health care provider. The provider may not be employed by the District. Should the two opinions conflict, the District may require a third opinion and that the two providers designate the third health care provider. The third opinion will be final. Second and third opinions and the actual travel expenses for the employee to obtain such opinions will be paid for by the District.

An employer may not delay the taking of an OFLA leave in the event that medical certification is not received prior to the commencement of a leave taken subject to the timelines set forth in this regulation. The employer may designate the leave as provisionally approved subject to medical certification. The employer shall provide the employee with written notice of any requirement to provide medical certification of the need for leave and the consequences for failure to do so. The employee must be allowed a minimum of 15 days to provide medical certification.

If the employee elects or the District requires substitution of accrued sick leave, vacation or other paid leave for unpaid leave pursuant to a collective bargaining agreement or other Board policy, the District will follow the medical documentation requirements of the applicable leave policy or contract provision whenever such requirements are more beneficial to the employee.

If an employee has taken sick child leave on all or any part of three separate days during a leave year, the employer may require medical certification on the fourth day or subsequent occurrence of sick child leave within that leave year. The employer must pay the cost of the medical certification not covered by insurance or other benefit plan. The opinion of the health care provider shall be binding. The employer may not require the employee to obtain a second opinion. The employer is not required to request medical certification for sick child leave exceeding three days and may make such requests at the employer's discretion.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the Administration Center. Additional information may be obtained by contacting the assistant superintendent 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 Federal Family and Medical Leave Act and Oregon Family Leave Act 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 state and federal leave entitlements run concurrently. State law requires that federal and state leave run concurrently when possible. For example, due to differences in regulations, an employee who takes leave after 180 days of employment but before one year, is still eligible to take a full 12 workweeks of federal leave after meeting the one-year work requirement. After the first work year, leave will run concurrently.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) 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 (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definition of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.**

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include

that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

Corrected 1/16/19



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

Federal Family and Medical Leave/State Family Medical Leave (Version 2)

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.¹ 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.

¹ 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.

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 leave² (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);

² 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. 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);
 - 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.
- 4. Bereavement Leave: leave related to the death of a covered family member.³
- 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.

³ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

Definitions

1. Family member:

- a. For the purposes of FMLA, “family member” means:
 - (1) Spouse⁴;
 - (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;
 - (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.

⁴ “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.

- 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 he or she 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 before the eligible employee first takes FMLA, Military Caregiver Leave.

Leave Period

The District will use a fiscal year (July 1 through June 30) for calculating the 12-month period in which the 12 workweek FMLA and OFLA leave entitlement occurs 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 day 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 period⁵. 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, a woman 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 she has taken prior to the birth of such child during the District's 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.⁶ 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.⁷

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 12⁸. If an employee's schedule varies from week-

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

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 workweek⁹. 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.

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

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

⁹ 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.

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, "school employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual settlement. 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, 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. The use of accrued paid leave, including personal and sick leave, or accrued vacation leave for the leave period, is determined by the employment agreement, such as a collective bargaining agreement or memorandum agreement, regulating each employee group.

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. 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 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 may (*Reflects current District language.*) require an eligible employee to provide medical documentation, when appropriate, 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.

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 chief human resources officer.

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 and OFLA 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 he/she is 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.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) 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 (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a

chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

Corrected 2/20/19; Corrected 1/24/20



Code: **GCBDA/GDBDA-AR(2)**
Adopted: 5/27/14
Orig. Code: GCBDA/GDBDA-AR(2)

Request for Family and Medical Leave

Employee Request for Family and Medical Leave (FMLA) and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

Name _____ Effective date of the leave _____

Department _____ Title _____

Status: ☐ Full-time ☐ Part-time ☐ Temporary

Hire date _____ Length of service _____

Have you taken a family leave in the past 12 months? ☐ Yes ☐ No

If yes, how many work days? _____ Reason for leave _____

I request family or medical leave for one or more of the following reasons:¹

1. ☐ Because of the birth of my child and to care for him or her. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Expected date of birth _____ Actual date of birth _____
Leave to start _____ Expected return date _____

2. ☐ Because of the placement of a child with me for adoption or foster care. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Age of child _____ Date of placement _____
Leave to start _____ Expected return date _____

¹ A physician's certification may be required to support a request for family and medical leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

3. ☐ ~~In order to~~ To care for a family member² with a serious health condition. (District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)

Leave to start _____ Expected return date _____
Please check one: ☐ Spouse³ ☐ Child ☐ Parent ☒ Individual who was in *loco parentis* when the employee was a child ☐ Parent-in-law or the parent of the employee's registered domestic partner (OFLA leave only) ☐ Custodial parent ☐ Noncustodial parent ☐ Adoptive parent ☒ Stepparent ☐ Foster parent ☐ Grandparent (OFLA leave only) ☐ Grandchild (OFLA leave only).

Please state name and address of relation:

Name _____ Address _____

Does the condition render the family member unable to perform daily activities? _____

4. ☐ For a serious health condition which prevents me from performing my job functions. (District: Use GCBDA/ GDBDA-AR(3)(A) Certification Form)

Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: _____

5. ☐ ~~In order to~~ To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).
6. ☐ A qualifying exigency arising from an employee's spouse, son, daughter, or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. (District: Use GCBDA/GDBDA-AR(3)(C) Certification Form)
7. ☐ To care for a spouse, son, daughter, parent, or next of kin⁴ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed forces. Has leave been taken for the same servicemember and the same injury? ☐ Yes ☐ No (District: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, when was the leave taken and for how many work days? _____
8. ☐ For the death of a family member (OFLA only).

² "Family member," for purposes of FMLA and OFLA leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of "in loco parentis." Additionally, when defining "family member" under OFLA (but not FMLA leave), the definition includes a grandparent, grandchild, parents-in-law or the parents of the employee's registered domestic partner.

³ "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.

⁴ "Next of kin" means the nearest blood relative of the eligible employee.

If my request for leave is approved, I understand that it will be granted as stipulated in the current collective bargaining agreement.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end.

I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the District may terminate my employment. (A fitness-for-duty ~~statement~~ **certification** may be required.)

I authorize the District to deduct from my paychecks any employee contributions for health insurance premiums, life insurance, or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the District's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act leave request form.

Signature of Employee: _____ Date: _____

Corrected 1/16/19



Code: **GCBDA/GDBDA-AR(3)(A)**
Revised/Reviewed: 7/15/09
Orig. Code: GCBDA/GDBDA-AR(3)(A)

Certification of Health Care Provider

Employees Serious Health Condition

To be completed by the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications, or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with Title 29 Code of Federal Regulations (C.F.R.) § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. §1635.9, if the Genetic Information Discrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be completed by the employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Return this completed form on _____ (must be at least 15 days after employee is notified of this requirement).

Employees name: _____
First Middle Last

To be completed by health care provider:

Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you

can; terms such as “lifetime,” “unknown” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29. C.F.R. §1635.3(e) or the manifestation of disease or disorder in the employee’s family members, as defined in 29 C.F.R. 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Providers’s name and business address: _____

Type of practice/Medical specialty: _____

Telephone: (____) _____ Fax:(____) _____

Medical Facts

1. The Approximate date condition commenced: _____

The Probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

☐ No ☐ Yes If yes, dates of admission: _____

List the Dates(s) you treated the patient for the condition: _____

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

☐ No ☐ Yes

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ No ☐ Yes

If yes, expected delivery date: _____

3. Use the information provided by the district in the “To be completed by the district” section to answer this question. If the district fails to provide a list of the employee’s essential functions or a job description, answer these questions based upon the employee’s own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: ☐ No ☐ Yes

If yes, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of leave needed

1. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ☐ No ☐ Yes

If yes, estimate the beginning and ending dates for the period of incapacity: _____

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ☐ No ☐ Yes

If yes, are the treatments or the reduced number of hours of work medically necessary? ☐ No ☐ Yes

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ☐ No ☐ Yes

Is it medically necessary for the employee to be absent from work during the flare-ups? ☐ No ☐ Yes

If yes, explain: _____

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Additional Information – (Identify the question number with your additional answer):

Signature of Health Care Provider

Date

Corrected 1/16/19



Code: **GCBDA/GDBDA-AR(3)(B)**
Revised/Reviewed: 7/15/09
Orig. Code: GCBDA/GDBDA-AR(3)(B)

Certification of Health Care Provider

Family Member's Serious Health Condition

To be completed by the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of the employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with Title 29 Code of Federal Regulations (C.F.R.) § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

District Contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be completed by the employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Return this completed form on _____ (must be at least 15 days after employee is notified of this requirement).

Employees name: _____
First Middle Last

Relationship and name of family member for whom employee will provide care: _____
Relationship

First Middle Last

If the family member is your son or daughter child, please provide the date of birth: _____

Describe the care you will provide to your family member and estimate the leave needed to provide such care:

Employee signature

Date

To be completed by health care provider:

The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Providers’s name and business address:

Type of practice/medical specialty:

Telephone: () Fax:()

Email:

Medical Facts

1. The A Approximate date the condition commenced:

The P Probable duration of the condition:

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

☐ No ☐ Yes If yes, dates of admission:

List the D dates(s) you treated the patient for their condition:

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

☐ No ☐ Yes

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ No ☐ Yes

If yes, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of leave needed

When answering these questions, keep in mind that your patient's need for care by ~~by~~ from the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs or the provision of physical or psychological care:

1. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ☐ No ☐ Yes

If yes, estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? ☐ No ☐ Yes

Explain the care needed by the patient and why such care is medically necessary:

2. Will the patient require follow-up treatments, including any time for recovery? ☐ No ☐ Yes

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____

Explain the care needed by the patient, and why such care is medically necessary: _____

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?
☐ No ☐ Yes

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary: _____

4. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ☐ No ☐ Yes

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? ☐ No ☐ Yes

Explain the care needed by the patient, and why such care is medically necessary _____

Additional Information —(Identify the question number with your additional answer):

Signature of Health Care Provider

Date

Corrected 1/16/19



Code: GCBDA/GDBDA-AR(3)(C)
Revised/Reviewed: 7/15/09
Orig. Code: GCBDA/GDBDA-AR(3)(C)

Military Family Leave

Certification of Qualifying Exigency for Military Family Leave

Section 1: (To be completed by the district)

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provides that a district may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.

District Name and Address: _____

[Superintendent or designee] information: _____

Section 2: (To be completed by the employee)

Complete the information below fully and completely. The FMLA or OMFLA permits the district to require that you submit a timely, complete and sufficient certification to support a request for FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA or OMFLA coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA-qualifying leave. The district must give you at least 15 calendar days to return this form to the district.

Employee's Name: _____
First Middle Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation:

First Middle Last

Relationship of covered military member to you: _____

Period of covered military member's active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or called to covered active duty status:

☐ A copy of the covered military member's active duty orders is attached.

- ☐ Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) ~~in support of a contingency operation is attached.~~
- ☐ I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status ~~in support of a contingency operation.~~

Part A: Qualifying reason for leave

1. Describe the reason you are requesting FMLA ~~qualifying~~ leave due to a qualifying exigency (including the specific reason you are requesting leave):

2. Describe the reason you are requesting FMLA qualifying leave due to a qualifying exigency (including the specific reason you are requesting leave):

3. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military; a document confirming the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, ~~or~~ school official, or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is ~~A~~ available written documentation supporting this request for leave ~~is attached?~~ ☐ Yes ☐ No ☐ None available

Part B: Amount of leave needed

1. The ~~A~~ approximate date the qualifying exigency or deployment commenced or will commence is:

_____.

The ~~P~~ probably duration of such exigency or deployment is: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency ~~or~~ deployment? ☐ Yes ☐ No

If yes, estimate the beginning and ending dates for the period of absence: _____

3. Will you need to be absent from work periodically to address this qualifying exigency? ☐ Yes ☐ No
- If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e., ~~O~~ne deployment-related meeting every month lasting four hours):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per event

Part C: Third party certification

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the district to verify that the information contained on this form is accurate.

Name of individual _____ Title _____

Organization _____

Address _____

Telephone (_____) Fax (_____)

Email _____

Describe the nature of the meeting: _____

Part D: Employee Signature

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice.)

Signature of Employee

Date

Corrected 1/16/19



Code: **GCBDA/GDBDA-AR(3)(D)**
Revised/Reviewed: 9/24/13
Orig. Code: GCBDA/GDBDA-AR(3)(D)

Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Notice and instructions to the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave due to a serious injury or illness of a covered service member to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations Title 29 Code of Federal Regulations (C.F.R.) § 825.310. The district will maintain records and documents relating to medical certification, recertifications, or medical histories of employees or employees' family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Section 1

Part A: Employee information

Complete the employee and covered servicemember information below before giving this form to your family member or his/her medical provider.

District Name and Address

Name of employee requesting leave to care for covered servicemember:

First	Middle	Last
-------	--------	------

Name of covered servicemember for whom employee is requesting leave to care for:

First	Middle	Last
-------	--------	------

Relationship of employee to covered servicemember requesting leave to care for:

☐ Spouse ☐ Parent ☐ Son/Child ☐ Daughter ☐ Next of kin

Part B: Covered servicemember information

1. Is the covered servicemember a current member of the regular Armed Forces, the National Guard or Reserves, or a veteran? ☐ Yes ☐ No

If yes, a current servicemember, please provide the covered servicemember's military branch, rank, and unit currently assigned to:

If a **qualifying** veteran, when was the date of discharge? _____

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? ☐ Yes ☐ No

If yes, provide the name of the medical facility or unit:

2. Is the covered servicemember on the Temporary Disability Retired List (TDRL)?
☐ Yes ☐ No

Part C: Care to be provided to the covered servicemember

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

Section 2:

To be completed by a health care provider as defined by FMLA regulations.

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: Health care provider information

Health care provider's name and business address:

Type of practice/**M**edical specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

Telephone () Fax () Email _____

Part B: Medical status

1. Covered servicemember's medical condition is classified as (check one of the appropriate boxes):
 - ☐ (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered.. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
 - ☐ (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
 - ☐ Other Ill/Injured – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating.
 - ☐ None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition." If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member's Serious Health Condition*.)
2. Was the condition for which the covered service member is being treated incurred in line of duty on active duty in the ~~Armed Forces~~? ☐ Yes ☐ No

If no, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty? ☐ Yes ☐ No
3. Appropriate date condition commenced: _____
4. Probable duration of condition and/or need for care: _____
5. Is the covered servicemember undergoing medical treatment, recuperation or therapy? ☐ Yes ☐ No
If yes, please describe medical treatment, recuperation or therapy:

Part C: Covered servicemember's need for care by family member

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? ☐ Yes ☐ No
If yes, estimate the beginning and ending dates for this period of time _____
2. Will the covered servicemember require periodic follow-up treatment appointments? ☐ Yes ☐ No
If yes, estimate the treatment schedule: _____
3. Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointment? ☐ Yes ☐ No
4. Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g. episodic flare-ups of medical conditions)? ☐ Yes ☐ No
If yes, estimate the frequency and duration of the periodic care.

Signature of health care provider

Date



Code: **GCBDA/GDBDA-AR(4)**
Revised/Reviewed: 5/27/14
Orig. Code: GCBDA/GDBDA-AR(4)

FMLA/OFLA Eligibility Notice to Employee

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Date: _____

To: _____
(Employee's name)

From: _____
(Name of appropriate employer representative)

Subject: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

1. _____ The birth of your child, or the placement of a child with you for adoption or foster care;
2. _____ A serious health condition that makes you unable to perform the essential functions of your job;
3. _____ A serious health condition of your ☐ spouse¹, ☐ ~~same-sex domestic partner (OFLA leave only)~~, ☐ child¹ (including the biological, grandchild ~~(OFLA leave only)~~, adopted or foster child, or stepchild of an employee, ☐ ~~or a child of same-sex domestic partner (OFLA leave only)~~, or a child with whom the employee is or was in a relationship of "in loco parentis"), ☐ parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), ☐ grandparent (OFLA leave only), ☐ parent-in-law ~~(OFLA leave only)~~, ☐ ~~or~~ parent of employee's ~~same-sex registered~~ domestic partner (OFLA leave only), ☐ custodial parent, ☐ noncustodial parent, ☐ adoptive parent, ☐ foster parent for which you are needed to provide care;
4. _____ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only).

¹ "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.

¹ For FMLA, the age of the son or daughter at the onset of the disability is not relevant in determining a parent's entitlement to FMLA leave.

5. _____ A qualifying exigency arising from a spouse, son, daughter, child, or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty.
6. _____ Your spouse or domestic partner has been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment;
7. _____ A serious illness or injury incurred in the line of duty of a covered servicemember who is your spouse, son, daughter, child, parent, or next of kin.
8. _____ For the death of a family member (OFLA only).

You notified us that you need this leave beginning on _____ [date] and that you expect leave to continue until on or about _____ [date]. The FMLA requires that you notify the District as soon as possible if dates of scheduled leave change or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.² The District will use a fiscal year, which is July 1 through June 30. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period to care for a qualifying service member.

Also, your health benefits under FMLA and OFLA must be maintained (See 5d) during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You must will be reinstated to the same position, or in some cases, under state or federal law, to an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave position. The District is not required to maintain benefits during OFLA unless provided otherwise by Board policy or collective bargaining agreement; however, all such benefits will be restored in full upon your return to the District.

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the District for health insurance premiums paid on your behalf during your FMLA and/or OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are ☐ eligible ☐ not eligible for leave under the ☐ FMLA; ☐ OFLA; or ☐ both FMLA and OFLA.
2. The requested leave may be counted against your annual ☐ FMLA leave entitlement; ☐ OFLA leave entitlement; ☐ both FMLA and OFLA leave entitlements.
3. You ☐ will ☐ will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by _____ [date] (must be at least 15 days after the employee is notified of this requirement).

² Oregon Military Family Leave Act allows for 14 days of leave per deployment.

4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We ☐ will ☐ will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used, the following conditions will apply: *(Explain)*

- 5a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA and/or OFLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month, or pay periods, etc., that specifically cover the agreement with the employee.)*

- 5b. ~~The District is not required to maintain benefits while an employee is on OFLA leave unless otherwise provided for by Board policy and/or collective bargaining agreements; however, all benefits must be restored in full upon the employee's return to work. The District ☐ will ☐ will not maintain benefits during OFLA leave.~~

- 5c. ~~If the District pays any part of your share of health or other insurance benefits while on OFLA or FMLA leave, the District may deduct up to 10 percent of your gross pay each pay period after your return to work until the amount is repaid (OFLA leave only).~~

- 5d. You have a minimum ☐ 30-day ☐ Other: _____ ~~[or, indicate longer period, if applicable]~~ grace period in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled. We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during your FMLA and/or OFLA leave, as provided by Board policy, and/or collective bargaining agreement, and recover these payments from you upon your return to work. We ☐ will ☐ will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.

- 5e. We ☐ will ☐ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you ☐ will ☐ will not be expected to reimburse us for the payments made on your behalf.

- 5f. Except as noted above, in the event you do not return to work for the District after your FMLA and/or OFLA leave, and the District has paid your share of benefit premiums, you ☐ will ☐ will not be responsible for reimbursing the District the amount paid on your behalf, with the exceptions noted in Section Title 29 Code of Federal Regulations (C.F.R.) § 104(e)(2)(B) 825.213 of the FMLA.

6. ☐ You will be required to present a fitness-for-duty ~~certificate~~ certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to perform these functions.

☐ You will not be required to present a fitness-for-duty ~~certificate~~ certification prior to being restored to employment following leave for your own serious health condition. ~~If such certification is required but not received, your return to work may be delayed until the certification is provided.~~

7a. You ☐ are ☐ are not a “key employee” as described in Section C.F.R. § 825.2187 of the FMLA regulations. If you are a “key employee,” ~~restoration~~ reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to ~~us~~ the District. (FMLA leave only.)

7b. We ☐ have ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (*Explain (a) and/or (b) below.*)

8. While on FMLA and/or OFLA leave, you ☐ will ☐ will not be required to furnish us with periodic reports every _____ [*indicate interval of periodic reports, as appropriate for the particular leave situation*] of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you ☐ will ☐ will not be required to notify us at least two workdays prior to the date you intend to report for work.

9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (Explain below, if necessary, including the interval between certifications as prescribed in Section C.F.R. § 825.308 of the FMLA regulations.)

10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

Corrected 1/16/19



Code: GCBDA/GDBDA-AR(5)
Revised/Reviewed: 7/15/09
Orig. Code: GCBDA/GDBDA-AR(5)

Sample Designation Letter to Employee - FMLA/OFLA Leave

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice form {GCBDA/GDBDA-AR(6), FMLA/OFLA or the FMLA/OFLA Eligibility Notice form GCBDA/GDBDA-AR(4), OFLA only eligible}, should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA or OFLA.

Dear Employee:

On ____ (date) ____ you advised the district that you were requesting a leave that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leaves of absence that qualifies for family and medical leave under federal law (FMLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. A Leaves of absence that qualifies for family and medical leave under state law (OFLA) can may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensatory compensation injury or illness (unless you refuse a light-duty assignment).

~~We understand the purpose of your requested leave qualifies as family medical leave under [state] [and/or federal] law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form entitled Designation Notice which contains other information for you regarding federal and state family medical leave rights.~~

[IF APPROVED: [We have determined the purpose of your requested leave qualifies as family or medical leave under [state] [and/or federal] law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form titled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.]]

[IF NOT APPROVED: [We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.]]

If you have any questions regarding your leave, now or at any time during your leave, please contact, [the personnel office] as soon as possible.

Sincerely,

[Superintendent]

Enclosure (FMLA and/or OFLA Designation Notice form)

Corrected 1/16/19



Code: GCBDA/GDBDA-AR(6)
Revised/Reviewed: 9/10/09
Orig. Code: GCBDA/GDBDA-AR(6)

Designation Notice – FMLA/OFLA

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected and the district must inform the employee of the amount of leave that will be counted against the employee's FMLA and/or OFLA leave entitlement.

In order to determine whether leave is covered under the FMLA and/or OFLA, the district may request that the leave be supported by a **physician's** certification. If the certification is incomplete or insufficient, the ~~employer must~~ **District will** state in writing what additional information is necessary to make the certification complete and sufficient.

Employee **Name:** _____ **Date:** _____

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on: _____
and decided: _____

- ☐ Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- ☐ Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- ☐ Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

- ☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement: _____
- ☐ Because the leave you ~~will need~~ **requested** will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right **to** request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- ☐ You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- ☐ We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.

- ☐ You will be required to present a fitness-for-duty ~~certificate~~ certification to be ~~restored~~ reinstated to ~~employment~~ your position. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position ☐ is ☐ is not attached. If attached, the fitness-for-duty certifications must address your ability to perform these functions.

- ☐ Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.

- ☐ The certification you have provided is ~~not~~ incomplete and insufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least ~~seven~~ 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is:

- ☐ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

- ☐ Your FMLA leave request is NOT APPROVED.
- ☐ The FMLA does not apply to your leave request.
- ☐ You have exhausted your FMLA leave entitlement in the applicable 12-month period.
- ☐ Your OFLA leave request is NOT APPROVED.
- ☐ The OFLA does not apply to your leave request.
- ☐ You have exhausted your OFLA leave entitlement in the applicable 12-month period.

Corrected 1/16/19

¹ If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.



Code: GCBDC/GDBDC-AR
Revised/Reviewed:

Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee _____ Effective Date of the Leave _____

Department _____ Title _____

Status: ☐ Full-time ☐ Part-time ☐ Temporary Hire Date _____ Length of Service _____

The requested leave is for:

- ☐ Myself
- ☐ My minor child or dependent

The leave is for:

- ☐ To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.
- ☐ To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee's minor child or dependent.
- ☐ To obtain or assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.
- ☐ To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- ☐ To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

The following has been provided by the employee to certify the leave:

HR6/21/18 | RS

Request for Domestic Violence, Harassment, Sexual Assault
or Stalking Leave – GCBDC/GDBDC-AR

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- ☐ A copy of a report from law enforcement indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.
- ☐ A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent, evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750.
- ☐ Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee's minor child or dependent is receiving services.

I understand that I may use accrued paid leave, including personal and sick leave or accrued vacation leave.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. I understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state law.

Signature of Employee: _____ Date: _____

Corrected 3/20/19



Code: GCC-AR
Revised/Reviewed: 9/29/10
Orig. Code: GCC-AR

Administrative Practicum – Procedures for Obtaining District Endorsement

The District receives multiple requests from individuals participating in administrative programs to provide experiences that fulfill TSPC and the universities' practicum requirements. These requests obligate the District to provide quality practicum experiences that require 360 hours at two different levels-early childhood/elementary and middle/high school. In order to provide our staff with quality experiences, the following procedures are to be followed:

1. Requests must be submitted to the principal or site supervisor and forwarded to the appropriate executive director or assistant superintendent.
2. The executive director confers with the principal and/or site supervisor and assigns a primary field administrator/supervisor.
3. The executive director, field administrator, and practicum student identify potential sites for the other level of required practicum experience.
4. The executive director of the office for school performance or special programs assists in identifying school(s) for the experience.
5. The executive director forward the approved practicum participant's name, assigned field supervisor, and assigned practicum sites to the assistant superintendent.
6. The primary field administrator fulfills the responsibilities required by the university.

Given the number of people enrolling in administrative licensure programs and the potential number of practicum experiences taking place in any one year, the District will not provide resources for substitutes or extended contract unless they are able to do so using a budgeted special project or task.

Administrative work typically extends beyond the regular work day, consequently it is expected that the majority of the practicum will be completed by working beyond the person's current job responsibilities. However, given that individual schools will benefit from some of the practicum experiences, schools may provide some resources within their regular budget allocations.

Corrected 3/20/19



Code: **GCEA-AR**
Revised/Reviewed: 11/25/08
Orig. Code: GCEA-AR

Substitute Teachers

A substitute teacher is one who holds a valid teaching license and who, on a day-to-day basis and without contract, does the full work of a regularly assigned teacher during the latter's absence from duty.

1. The rate of pay for a substitute shall be designated by the Board in compliance with the formula established by the Oregon Department of Education.
2. When called for an assignment, and the substitute accepts, a substitute shall receive a minimum of one-half day's pay.
3. A substitute who has worked in the same assignment for 10 consecutive teaching days shall receive added compensation as designated by the Board, beginning with the 11th day.

Corrected 3/20/19



Code: **GCEC-AR**
Revised/Reviewed: 11/25/08
Orig. Code: GCEC-AR

Job Sharing**

The Board may consider job sharing as a staffing option according to the following guidelines:

1. Job sharing shall be defined as “two staff members voluntarily sharing the responsibilities of a single position.”
2. The principal will recommend job shares to the assistant superintendent of human resources based on the job-share partners’ compatibility and communication skills.
3. The design of the job share will take into account the age of students, teachers’ areas of expertise, and school curricular programs.
4. The administrator will determine the actual schedule of the job share.
5. Full-time teachers who elect to job share do not retain full-time status. They become part-time teachers if assigned to at least .5 full-time equivalent, and thereafter may be assigned between .5 full-time equivalent and .99 full-time equivalent at the District’s discretion. Job-share teachers, like other part-time teachers, may apply for full-time openings and, if selected, become full time thereafter unless the District offers and the employee accepts the additional full-time equivalent on a temporary basis, such as for the purpose of replacing another employee on leave.
6. The administrator will review all proposed job shares with the assistant superintendent of the office for school performance prior to a recommendation to the assistant superintendent of human resources.
7. The effectiveness of the job share will be evaluated prior to extending the job share into the next school year.
8. If the job share is not extended, the teacher will be assigned a position that is not less than the full-time equivalent of their job-share position.
9. Each teacher shall assume responsibility for the required duties of their portion of the school day and for their scheduled hours on teacher work days as provided for in the contract.
10. Participation in staff meetings, parent-teacher conferences, school-sponsored evening activities, scheduled in-service days and out-of-classroom activities such as field trips will be determined by the principal in accordance with the professional agreement between Hillsboro Education Association and the District.

11. Job performance responsibilities will comply with all policy and contractual stipulations.
12. Principals shall notify parents in advance that their student is being placed in a classroom with teachers who are job sharing; parents who request that their student not be in a job-shared classroom will be honored.

Corrected 3/20/19

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Code: **GCQB-AR**
Revised/Reviewed: 9/28/10
Orig. Code: GCQB-AR

Research

Criteria for Approval of Research at Hillsboro School District

1. Research projects will be approved in compliance with Board policy GCQB-AR - Research.
2. Research projects must have a potential impact to student achievement or meet the objectives and mission of the District.

Non-District Employee Research Requests

Due to the number of research proposals received, and because it is the mission of the District to educate students rather than to conduct research, not all research proposals will be approved. In the event that a proposal is approved by the Superintendent or designee, it is still the prerogative of the District staff and administrators to choose not to participate.

All written research proposals, accompanied by the Agreement for the Conduct of Research, must be submitted to the assistant superintendent of the office for school performance or assistant superintendent of academic services prior to the researcher's contact with schools.

District Employee or Student Project Research Requests

1. Staff or students must receive written approval from the Superintendent or designee prior to engaging in research projects during the work day, using school resources, or students, either for study toward advanced work or for use in classroom instruction.
2. If such a study results in material which would be useful to other staff, it is recommended that it be made available for distribution throughout the District.
3. All research must safeguard the confidentiality of all respondents, including individual students, staff members, schools, and the District.
4. Every effort will be made to approve reasonable research projects proposed by District staff.
5. Staff shall not use the District's name without prior written approval from the Superintendent or designee when describing District activities or programs, or to add authenticity to an authorship.

Protocol for Submitting Research Requests

The research proposal must contain the following:

1. Project rationale and logistics:
 - a. The scope and significance of the study, briefly stated;
 - b. The proposed start and end dates for the study;
 - c. The research design;
 - d. All surveyor assessment instruments, protocols, and the informed consent form(s) for the study;
 - e. Procedures for data confidentiality and disposal of data after analysis.
2. Procedures to prioritize HSD research requests:
 - a. The project should involve minimum disruption of District, school, and classroom operation, and minimum time required of students and staff;
 - b. Proposals must be submitted at least six weeks in advance of the research project;
 - c. Proposals received after spring break will be considered for the following school year.

Agreement for the Conduct of Research

Hillsboro School District

All proposals for permission to conduct research by researchers external to District, or by District students or staff, or for District participation in test development, will be reviewed. All proposals must include the items listed in GCQB-AR and submitted to the following address:

Assistant Superintendent of ~~School Improvement~~ Student Services
Hillsboro School District
3083 NE 49th Place
Hillsboro OR 97124

If the proposal is approved, the researcher will work with the assistant superintendent of ~~the office for school performance~~ student services to obtain the necessary cooperation from departments, schools, and subjects. **The researcher will not contact outside agencies on behalf of the District without prior written District approval.**

Should researchers desire to make changes after the commencement of the approved research, they must receive prior approval from the Superintendent/ ~~or~~ designee for all revisions to the initial proposal. Any deviation from the proposal will constitute grounds for withdrawal of permission to conduct the research.

Complaints from parents, research subjects, or District staff about the conduct of the research will be investigated and could lead to retraction of permission to continue research.

All research must safeguard the confidentiality of all respondents, including individual students, staff members, schools, and the District. The District specifically prohibits publication of any report or documentation mentioning the District, specific schools, or research subjects without prior review and written approval of the report or documentation by the Superintendent/ ~~or~~ designee.

I have read and agree to comply with the above guidelines.

Researcher

Date

Academic Advisor (for students)

Date

Corrected 3/20/19



Code: **KAB-AR**
Revised/Reviewed: 10/24/17
Orig. Code(s): KAB-AR

Parental Rights

The following definitions and procedures will be used to implement ~~the parental rights requirements of the Every Student Succeeds Act of 2015 (ESSA)~~:

Definitions

1. “Survey,” as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA);
2. “Covered survey items” means one or more of the following items: political affiliations or beliefs of the student or the student’s family; mental and psychological problems of the student or the student’s family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; religious practices, affiliations, or beliefs of the student or the student’s parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program;
3. “Covered activities” requiring notification ~~under ESSA~~ means those activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
4. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control;
5. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the internet). The term does not include academic tests or academic assessments;

6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including a street name and the name of the city or town); telephone number; or a social security identification number;
7. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision, or scoliosis screening, and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

Requests to Inspect Materials

Parents may inspect surveys, instructional materials, or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a school to a student as follows:

1. Requests may be directed to the school office by phone or in person;
2. Requests must be received by the District no later than five working days following receipt of notification by the District of its intent to administer or distribute such items;
3. Materials may be reviewed at the school office or mailed by the District;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

Requests to Excuse Student from Covered Activities

A parent may request that his/her/their student be excused from participation in any of the following covered activities:

1. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any District or third party survey;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the principal in writing;
2. Received by the District no later than five working days following receipt of notification by the District of its intent to administer or distribute such items.

Student Privacy

The ~~e~~District recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student's personal information that may be collected as a result of such surveys will be released only with prior, written parental permission. The ~~e~~District will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the ~~e~~District discloses personally identifiable information from educational records.

Notification

Each principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy, and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the school year or at other times during the school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the school year when covered activities are scheduled or expected to be scheduled.

Corrected 10/16/19



Code: **KBA-AR**
Revised/Reviewed: 12/12/17
Orig. Code(s): KBA-AR

Public Records

In compliance with Oregon law, the following guidelines apply to the dissemination, inspection, and examination of the public records of the District:

1. A public records request shall be submitted in writing through the superintendent's office at 3083 NE 49 Place, Hillsboro, OR 97124.
2. Upon receipt of a written request, the district shall respond within five business days¹ acknowledging receipt of the request or completing² the district's response to the request. If the district provides an acknowledgment of the request, it must:
 - a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request. If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:

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

²The district response to a public records request will be considered complete ~~pursuant to~~ when it complies with criteria in Oregon law (ORS 192.410-192.505~~329~~).

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

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

5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification.
6. If a copy of a public record is requested, the district will provide a single ~~certified~~ copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be provided in the form in which the record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.
7. Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
8. Where the labor effort exceeds 30 minutes, labor, materials, and out-of-pocket charges will be reimbursed to the district. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of 25 cents per page. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

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

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

Corrected 10/16/19

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



Code: **KBCE-AR**
Revised/Reviewed: 2/22/08
Orig. Code: KBCE-AR

Sports and Special Events News Coverage

1. All requests by the media to cover events or issues in District schools must be approved through the Superintendent or designee.
2. The Communications Department will coordinate releases of school or District information with the principal.
3. The Communications Department will be the spokesperson for the District. All requests for information from the media should be directed to that office.
4. Arrangements for media coverage during the school day will be made by the Communications Department to include:
 - a. All media personnel shall report directly to the main office of the school or other location as determined by the Communications Department;
 - b. The principal will assign a school official to escort media personnel while on school property.
5. The media effort will not disrupt the educational setting or process.
6. Serious consideration must be given to the right to privacy and parents' rights to deny directory information or photographs of their child.
7. When covering meetings at the Administration Center or other locations, media coverage will be coordinated by the Communications Department.
8. News media, including student news groups, will cover the event from a fixed location to minimize disruption.
9. Interviews will be conducted in a manner that does not interfere with the ongoing proceedings.
10. Student news groups will notify the Communications Department the day before the event to be covered.

Corrected 10/16/19



Code: **KH-AR**
Revised/Reviewed: 1/15
Orig. Code: KH-AR

Public Gifts to the District

The purpose of these guidelines is to provide consistency and uniformity in the process by which the District accepts gifts from businesses or individuals for use in schools or centers.

Gifts or Donations Valued at \$5,000 or Less

1. Cash donations may be made directly to schools and managed as student body accounts, except when proceeds are used for payroll expenses or contracted services. Donations for payroll expenses and contracted services must be sent to the Business Office for processing.
2. Technology donations are to be coordinated through the Technology Services Department.
3. The principal or cost center manager should send a thank you letter to the donor, explaining how the gift or service will be used.

Gifts or Donations Valued at More than \$5,000

1. The donation may proceed before formal Board action.
2. Send all checks and cash donations valued at more than \$5,000 to the Chief Financial Officer. If at all possible, donation checks should be payable to Hillsboro School District 1J. The following information should be sent with the donation:
 - a. Name and address of the donor;
 - b. Contact name if the donor is a business;
 - c. Description of donated property or service (tangible property);
 - d. Value of property or service, as determined by donor (tangible property);
 - e. Information regarding intended use of the donation;
 - f. Any request from the donor for District tax identification information.
3. The Chief Financial Officer will forward information to the Board secretary for formal Board acceptance.
4. The Chief Financial Officer will deposit the donation into the donation fund for the appropriate school or cost center (Fund 275). Principals and center managers may make purchases from this fund. Balances in Fund 275 will carry forward to the next fiscal year.
5. Technology donations are to be coordinated through the Technology Services Department.
6. The principal or cost center manager should send a thank you letter to the donor, explaining how the property or service will be used.

Corrected 10/16/19

Public Gifts to the District – KH-AR

1-1



Code: **KI/KJ-AR**
Revised/Reviewed: 9/10
Orig. Code: **KI/KJ-AR'**

Public Solicitation/Advertising in District Facilities (Version 1)

Revenue enhancement through a variety of marketing activities, including, but not limited to, advertising, corporate sponsorship, signage, etc., is a Board approved venture when in compliance with guidelines stated in Board policy KI/KJ - Public Solicitation/Advertising in District Facilities and Board policy KJA - Materials Distribution. These opportunities are subject to the following guidelines:

Nothing may be advertised or materials distributed on school grounds or District facilities without expressed approval of the administration. Approval will be based upon the following:

1. The material is not obscene;
2. The material is not libelous;
3. The material does not detract from the educational atmosphere of the school;
4. The material does not invade the rights of privacy of students or staff;
5. The material does not subject a person to discrimination on the basis of race, color, religion, sex, sexual orientation, parental status, national origin, marital status, disability, or age.

Appropriate opportunities for these activities may include, but are not limited to the following:

1. Fixed signage;
2. Banners;
3. District-level publications;
4. District and regional level activities at state tournaments (will require OSAA permission);
5. Expanded usage of facilities beyond traditional use (e.g., concerts, rallies);
6. Athletic team uniforms/warm-ups where allowed under state and national rules;
7. Individual school publications; and
8. Individual event programs.

Revenue generated from school-approved advertising will be deposited as revenue in the student body accounts of those programs which generate that revenue. Examples include, but are not limited to the following:

1. Individual school publications (e.g., newspapers, yearbooks);
2. On-site athletic events;
3. Event programs (e.g., drama, basketball, football, music); and
4. Fixed posters.

Revenue generated from use of Hare Field Stadium will be deposited as revenue in the student body account of the school program that generated the revenue. Since the football stadium is a shared facility, Glencoe and Hillsboro High Schools will agree to any advertising displayed there and on the distribution of the revenue generated from the advertising. Baseball facilities at Hare Field are considered as a site athletic event location for Hillsboro High School.

The administration will develop a pricing structure which considers, at least, the following factors:

1. Nature of entity wishing to advertise (e.g., Boy Scouts, business);
2. Duration of the proposed advertising campaign;
3. Physical dimensions of the proposed advertisement;
4. Physical location of the proposed advertisement;
5. Interest generated by the advertisement, and, consequently, what the market will bear.

For school-approved advertising, the office for school performance team and school principals, working cooperatively with the activities and athletic directors, will annually establish consistent advertising rates for all school-based advertising.

For Hare Field Stadium and other District-operated facilities, the assistant superintendent of support services, working with the executive director of facilities, planning & properties and, in the case of Hare Field, the high school athletic directors, will annually establish advertising rates.



Code: **KJ-AR**

Revised/Reviewed:

R

Commercial Advertising

Commercial advertising in district schools may be permitted by the Superintendent or designee subject to the following. Schools, with prior approval, may:

1. Publish advertising in any school newspaper, other school periodical, school or district publication, web page or yearbook;
2. Distribute advertising or market research as part of a District-approved curriculum on advertising, marketing or media literacy, etc.;
3. Post signs of school, District or public appreciation for financial or other support from any person, business or corporation for the educational program in any school in the District;
4. Use free educational materials with incidental advertisements;
5. Permit demonstrations of educational materials and equipment;
6. Cooperate with nonprofit community organizations in making or posting announcements or distributing program materials that supplement the school program provided that such cooperation does not interfere with the school program and is consistent with the mission, goals and policies of the District;
7. Utilize films or other educational materials and instructional aids, including newspapers and magazines in either print or electronic form furnished by private sources, when the advertising content is reasonable in the judgment of the Superintendent or designee;
8. Permit participation, on a student-option basis, in essay, art, science and similar contests sponsored by outside interests when such activities parallel the curriculum and contribute to the educational program;
9. Release promotional material for nonschool athletic and cultural events through appropriate school departments;
10. Accept limited advertising on extracurricular activity schedules and programs.

Only advertisements with written approval from the District's administration may be advertised on school grounds or District facilities.

Advertisements will be free of obscene or libelous content; will not detract from the educational atmosphere of the District; will not invade the rights of privacy of students or staff; and will not subject a person to discrimination on the basis of race, color, religion, sex, sexual orientation, parental status, national origin, marital status, disability, or age.

Other exceptions may be approved when, in the judgment of the Superintendent or designee, students of the District will benefit.

There may be no obligation on the part of students or staff to sell products, make purchases or distribute information.

The use of any advertising for alcohol or tobacco products in District publications or for any other purpose inconsistent with Board policies and administrative regulations is prohibited.

No activity which requires staff or students to assist in promoting campaigns (financial, charitable, educational or otherwise) will be permitted without the express permission of the Superintendent or designee.

Corrected 11/20/19

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Code: KJA-AR
Revised/Reviewed: 9/10
Orig. Code: KJA-AR

Guidelines for Materials Distribution in Elementary Schools

The purpose of these guidelines is to provide consistency and uniformity in the manner that the District responds to community group requests for materials distribution, recruiting, and promotions in the elementary schools.

These guidelines apply to the youth service groups in the greater Hillsboro community (Boy Scouts, Girl Scouts, Camp Fire, 4-H, Hillsboro Parks & Recreation, Boys and Girls Club, YMCA, and other nonprofit groups as appropriate).

Community service clubs, non-profit organizations, and commercial organizations such as youth camps or programs will work through the District's ~~office for school performance~~ Communications Department on an individual basis for consideration of material distribution, promotions, etc.

Materials Distribution

Approved ~~fliers~~ or materials that are to be sent home with children will be ~~counted into stacks of 30~~ arranged in pre-counted stacks (information to be provided by the Communications Department) and will be delivered either to the District office for the courier to deliver, or to each school by the sending organization. The ~~fliers~~ or materials will be placed in teacher boxes or sent to classrooms, by whatever system each school has in place, to be sent home with students.

Approved posters and materials that are to be placed on a community bulletin board will be delivered ~~to the District's office for school performance for distribution~~ in the same manner as described above.

~~A listing of local, nonprofit youth service groups, opportunities, and enrichment activities, with contact names and phone numbers for each organization, will be compiled by the District office and included in the registration packet students will take home the first day of school. An updated list, which may be included as a newsletter attachment in the spring, will be distributed to the elementary principals in March.~~

Recruiting Activities

Local youth service groups may set up a station (table) in the school lobby or somewhere else at the discretion of the school principal at each Back-to-School Night in the fall. In situations where space constraints occur or the large number of groups requesting stations make it necessary, groups will be asked to share tables or space with other groups.

~~Youth service groups wishing to set up a table at an elementary school need to complete an "Application and Permit for Use of School Buildings and Facilities" form (KG-AR Attachment B) which is available at:~~

Hillsboro School District 1J
Facilities Management
4901 SE Witch Hazel Rd
Hillsboro, OR 97123
Contact: Executive Secretary 503-844-1320

Corrected 10/16/19



Code: KL-AR(1)
Revised/Reviewed: 3/18
Orig. Code: KL-AR(1)

Public Complaints Procedure

Step One

~~Any member of the public~~ A parent or guardian of a student attending a school in the district, a person who resides in the district, a staff member, or a student who wishes to express a concern should discuss the matter with the school employee involved. ~~The employee shall respond within five district business days.~~

The Supervisor: Step ~~Two~~ One

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the principal/supervisor¹ within 5 working days of the employee's response. The principal/supervisor shall evaluate the complaint and render a decision within ~~ten~~ 10 district business days after receiving the complaint. (A form is available to submit the complaint.)

The Superintendent or Designee: Step ~~Three~~ Two

If Step ~~2~~ One does not resolve the complaint within ~~ten~~ 10 district business days of the meeting with the principal/supervisor,² the complainant, ~~if they wish to pursue the action, shall~~ may file, within ~~five~~ 5 district business days² after receiving the principal's/supervisor's decision, a written, signed, ~~written~~ complaint with the s Superintendent or designee, clearly stating the nature of the complaint and a suggested remedy. (A form is available to submit the complaint.)

The Superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, ~~and~~ prepare a written report of the findings and conclusion, and provide the report in writing or in electronic form to the complainant within 15 district business days after receiving the written complaint.

The Board: Step ~~Four~~ Three

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, they may appeal the decision to the Board within ~~five~~ 5 district business days of receiving the superintendent's decision. The Board ~~may hold a hearing to~~ will review the findings and conclusion of the superintendent or designee, ~~hear the complainant, and hear and evaluate any other evidence as it deems~~ in a public meeting to determine what action is appropriate. The Board may use executive

¹ Or site administrator for non-school locations/departments

² "District business days" are calculated using the District's work calendar for a 12-month employee.

session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the Superintendent's decision as the District's final decision. The Board reserves the right to establish the rules and guidelines under which the hearing will be conducted, subject to the complaint procedure and Oregon Revised Statutes and Oregon Administrative Rule. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

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

~~If the subject matter qualifies under Oregon law, the Board may hold the hearing in executive session, unless the employee requests an open hearing.~~ The complainant shall be informed in writing or in electronic form of the Board's decision within 25 district business days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

Due process rights of all concerned parties will be protected throughout the complaint process.

~~The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the supervisor.~~³ The timelines may be extended upon written agreement between the District and the complainant.

The final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 to 339.383~~303~~ or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the ~~d~~District's decision. If the complainant is a student, parent or guardian of a student attending school in the district or ~~a~~person that resides in the ~~d~~District, and this complaint is not resolved through the complaint process, the complainant may ~~have~~ appeal ~~rights with~~ to the Deputy Superintendent of Public Instruction ~~as outlined in~~ Oregon Administrative Rule (OAR) 581-002-~~0040~~0001 - 581-002-0023.

~~If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through the Board's administrative regulation AC-AR: Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Deputy Superintendent of Public Instruction as outlined in OAR 581-021-0049.~~

Complaints Against a Principal or Supervisor

Complaints against a principal or supervisor may be filed with the ~~s~~Superintendent or designee. The Superintendent or designee will attempt to resolve the complaint. If the complaint remains unresolved within 15 working days of receipt by the Superintendent or designee, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 25 days, in open session what action, if any, is warranted. A final written decision regarding the complaint

³~~The timelines may be extended upon written agreement between both parties. This also applies to complaints filed against the superintendent or any Board member.~~

shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Superintendent, the Board as a whole, or an individual Board member should be referred to the Board chair on behalf of the Board, and the Board chair shall present the complaint to the Board at a Board meeting. Complaints against the Board chair may should be made referred directly to the Board vice chair on behalf of the Board, and the Board vice chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation into the complaint is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide within 25 days, in an open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision will address each allegation in the complaint and reasons for the District's decision.

In accordance with Oregon State law and policy BDC: - 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 students and matters pertaining to, or examination of, the confidential medical records of a student, including that student's educational program.



Complaint Form

Complainant Information	
Name of complainant:	
Position / Role of complainant:	
Phone:	Email:
Complaint Information	
Subject of complaint:	
Name of alleged offender:	
Date and place of incident(s):	
Description of incident(s):	

Name of witness(es) (if any):	
Evidence to corroborate complaint – e.g., letters, photos, etc. (attach evidence if possible):	
What steps have you taken to resolve the issue(s) (if applicable)?	
What steps would you have the District take to resolve the complaint?	
All of the information on this form is accurate and true to the best of my knowledge.	
Signature:	Date:

Attach additional pages as needed.

Corrected 10/22/19; Corrected 11/20/19



Code: KL-AR(2)
Revised/Reviewed: 3/18

Appeal to the Deputy Superintendent of Public Instruction

For complaints that allege violation of Oregon Division 22 Standards, restraint and seclusion or retaliation as defined in Oregon Revised State (ORS) 659.852, the complainant may have appeal rights for a complaint with the Deputy Superintendent of Public Instruction, if the complainant has exhausted the local complaint procedures and one of the following occurred:

1. The district was unable to render a written decision within 30 days of the submission of the complaint at each step identified in the district's complaint process; or
2. The district was unable to resolve the complaint within 90 days of the initial filing of the written complaint with the district, unless the district and the complainant have agreed in writing to a longer time period.

The appeal must be received by the Oregon Department of Education (ODE) no later than one year after the date of the final decision of the district or if the district fails to issue a final decision, no later than two years after the date the complainant first filed the underlying complaint with the district.

1. The complaint upon which the appeal is based, must have been filed with the district by the later of the either stated below:
 - a. Filed the complaint within two years after the alleged violation or unlawful incident occurred or after the complainant discovered the alleged violation or unlawful incident. If the alleged violation or unlawful incident is of a continuing nature, the right to file an appeal exists so long as the complaint was filed within two years of the most recent incident; or
 - b. One year after the affected student has graduated from, moved away from or otherwise left the district.
2. The appeal shall be in writing submitted by mail, in person or electronically, and contain:
 - a. The name and address of the person bringing the appeal;
 - b. The name and address of the district which is alleged to have violated the statute or administrative rule; and
 - c. A statement of the facts on which the appeal is based.
3. Upon receipt of the appeal, the Deputy Superintendent of Public Instruction will determine whether the appeal alleges a violation of a statute or administrative rule for which the Deputy Superintendent has jurisdiction and whether the requirements contained in section 2. of OAR 581-002-0040 have been satisfied.

- a. After these determinations, the Deputy Superintendent of Public Instruction will either, not accept the appeal and will notify the complainant and the district, or will accept the appeal and notify the complainant and the district that the appeal has been accepted.
4. If the Deputy Superintendent of Public Instruction has accepted an appeal and made notification to the complainant and the district involved as described in OAR 581-002-0040, the district shall submit a written report within 30 days of receipt of the notice which shall include:
 - a. A statement of facts;
 - b. A statement of district action, if any, taken in response to the complaint; if none was taken, the reason(s) why no action was taken;
 - c. A stipulation, if one was reached, of the settlement of the complaint; and
 - d. A list of any complaints filed with another agency by the party concerning the subject of the appeal.
5. The Deputy Superintendent of Public Instruction may for good cause extend the time for the filing of a report by the district.
6. Upon receipt of the district's report, the Deputy Superintendent of Public Instruction will conduct an investigation that will include a review of the written materials submitted by the complainant and district and may also include, but not be limited to:
 - a. Onsite investigations;
 - b. Interviews;
 - c. Surveys; and
 - d. Reviewing documents.
7. The Deputy Superintendent of Public Instruction will issue a written final order that addresses each allegation in the complaint that was accepted for appeal and contains the reasons for the Deputy Superintendent's decision on whether or not the district is deficient. The final order will be issued within 90 days of the date the Deputy Superintendent receives the district's report,¹ or the Deputy Superintendent may extend the time period for issuing a final order pursuant to OAR 581-002-0040(7)(b),(c).
8. If a violation is found, the Deputy Superintendent of Public Instruction's final order will include any necessary corrective action to be taken by the district as well as any documentation to be supplied by the district to ensure that the corrective action has occurred.
9. Corrective action ordered by the Deputy Superintendent of Public Instruction must be completed within the timelines established in the final order.

Corrected 11/20/19

¹If the 90-day period for issuing the final order would conclude during the time when the schools of the district are closed for the summer, the final order will be issued within 90 days of the date the Deputy Superintendent of Public Instruction received the district's report exclusive of the time the schools are closed for the summer. The Deputy Superintendent of Public Instruction may extend the time period with agreement from the complainant. The Deputy Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and the district within two weeks of receiving the district's report.



Code: **KL-AR(2)**

Revised/Reviewed:

Appeal to the Deputy Superintendent of Public Instruction

An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023¹ for complaints that allege violation of OAR Chapter 581, Division 22 (Division 22 Standards), ORS 659.850 or OAR 581-021-0045 or 581-021-0046 (Discrimination), Oregon Revised Statute (ORS) 339.285 – 339.303 or OAR 581-021-0550 – 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation).

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

1. The complainant has exhausted the district's complaint procedures except as otherwise allowed by statute;
2. The district failed to render a written decision within 30 days of the submission of the complaint at any step unless the district and complainant have agreed in writing to a longer time period for that step; or
3. The district failed to resolve the complaint within 90 days of the initial filing of the complaint, regardless of the number of steps in the district complaint process, unless the district and the complainant have agreed in writing to a longer time period.

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

The appeal must be received by ODE no later than:

1. One year after the date of the final decision by the district; or
2. If the district fails to resolve the complaint, no later than two years after the date on which the complainant first filed the complaint with the district.

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

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

1. The date occurring two years after the date on which the alleged violation or unlawful incident occurred or on which the complainant discovered the alleged violation or unlawful incident²; or
2. The date occurring one year after the date on which the affected student graduated from, moved away from or otherwise left the district.

The appeal shall:

1. Be in writing;
2. Be submitted in person, by mail, or electronically.

The appeal must contain:

1. The name of the person filing the appeal;
2. The phone number, address, or email address, if available, of the person filing the appeal;
3. The name of the student if the person filing the appeal is filing on behalf of the student;
4. A statement of the facts on which the appeal is based; and
5. Other information requested by ODE.

Upon receipt of an appeal, ODE will determine whether the appeal satisfies the requirements of OAR 581-002-0003 and OAR 581-002-0005.

After these determinations, ODE will give written notice to the complainant and the district whether the appeal has been accepted.

If ODE has accepted an appeal and gave notice to the complainant and the district involved, the district shall submit a written response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice.

The district's written response shall include:

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

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

The Director of ODE may for good cause extend the time by which a district must make a submission described above.

Upon receipt of the district's written response, ODE will conduct an investigation to determine whether the district violated a rule or law described in OAR 581-002-0003.

ODE shall issue a final order pursuant to OAR 581-002-0017.

Corrected 11/20/19



Code: LBD/IBDJA-AR
Revised/Reviewed: 3/09
Orig. Code: LBD/IGBDJA-AR

Home Schooling Placement/Credit Guidelines**

(Kept in section I)

If a student returns to school after being home-schooled, the District is not required to grant credit toward a high school diploma. The District may, however, establish certain requirements which, if met, will allow the home-schooled student to receive high school credits for academic achievement.

The District will use the following guidelines to determine student eligibility and evidence of achievement for home-schooled students who enroll in a District school. The principal will make the final decision to approve or deny credit based on these guidelines.

Elementary Placement

The building administrator will determine the placement of grades K-8 home schooled students requesting district instruction or admission as a public school student.

Credit Eligibility–High School or Secondary

The building administrator will determine the placement of grades 9-12 home schooled students requesting district instruction or admission as a public school student.

To be eligible to receive high school credit from the District for academic work and achievement outside of an accredited school program, the student must:

1. Present an authentic record of grades earned for course work completed, along with course syllabus, textbook and instructor name for each course for which credit is requested;
2. Enroll in school and attend grade level classes for one full school year following the home-schooling. At the time of enrollment, parents must present evidence of achievement to determine appropriate grade and course level placement;
3. While enrolled in school, successfully complete grade level work in at least four classes.

Evidence of Achievement

Students eligible for credit shall provide the school with evidence of academic achievement for each of the subjects for which high school credit is requested. The parent is responsible for any costs associated with the school's evaluation of the evidence.

Evidence of achievement may be demonstrated in one of the following ways:

1. After being enrolled in school for one year, the student has earned a C grade or better, in a higher level of the same subject. For example, to receive a credit for Algebra 1, the student completes Algebra 2 with at least a C grade;
2. Score at the proficient or advanced level in a state or district criterion referenced test or at an equivalent of seventieth percentile (70 percent) on standardized tests. Parents are responsible for providing standardized test scores to the school;
3. Score at least a four on a six point scale for performance tasks accepted by the state as evidence of achievement in a content area. All costs associated with evaluation of the performance tasks are the responsibility of the parent;
4. Provide an official grade report from an accredited school or approved program of higher education.

Note: Credit for home-schooling will be graded as pass.

Evaluation Costs

The student's parent or guardian is responsible for all costs associated with test administration and all required evaluation of student's work to determine credit for home schooling. If the test administration or evaluation is to be conducted by school personnel, parents will be advised of all materials and personnel costs. Evaluation costs will be in the range of \$100 to \$150 for test administration and \$200 to \$250 for evaluation of performance tasks and work samples.

Credit Request and Approval Procedures

Parent or guardian will:

1. Submit a written request for credit approval when enrolling the student in school after home-schooling;
2. Provide the school with adequate records of the student's prior work and achievement during home-schooling;
3. Agree to remit payment to the school for costs associated with test administration and performance evaluation by school personnel.

Student will:

1. Be enrolled as a fulltime student (minimum of four classes);
2. Maintain a C grade or better for the current school year in a higher-level course of the same subject for which credit is being requested;
3. Complete appropriate tests and assigned performance tasks and/or submit required work samples for evaluation of other courses for which credit is being requested.

Counselor will:

1. Advise the student and parent of the District's policy and procedures regarding granting credit for home-schooling;
2. Enroll the student in appropriate classes based upon information presented by the student and parent;
3. Facilitate necessary and appropriate test administration and performance evaluations of student work;
4. Submit parent request along with test and evaluation results to the principal for credit approval or denial.

Principal will:

1. Review parent request for credit and evidence of achievement provided by the counselor and grant or deny credit;
2. Inform the parent and student in writing of the outcome of the evaluation and credit request.

Assessment of Home School Student Receiving District Instruction

All home school students are required to meet all home school assessment requirements even though the student is receiving district instruction.

All home schooled students that receive District instruction for which a state assessment is required (i.e., mathematics, reading/language arts, or science) will be required to take that state assessment.



Code: LBE-AR
Revised/Reviewed: 11/14
Orig. Code: LBE-AR

Public Charter Schools

(The updated version is proposed - see attached)

1. Definitions

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

2. Proposal Process

- a. The public charter school applicant shall submit the proposal to the District no later than January 31 for a September starting date.
- b. To be considered complete, the proposal for a public charter school shall include the following:
 - (1) The identification of the applicant;
 - (2) The name of the proposed public charter school;

- (3) A description of the philosophy and mission of the public charter school and how it differs from the District's current program and philosophy;
- (4) A description of any distinctive learning or teaching techniques to be used;
- (5) A description of the curriculum of the public charter school;
- (6) A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with District schools;
- (7) The governance structure (public charter school board membership, selection, duties, and responsibilities);
- (8) The projected enrollment, including the ages or grades to be served;
- (9) The target population of students the public charter school is designed to serve;
- (10) The legal address, facilities, and physical location of the public charter school and applicable occupancy permits and health and safety approvals;
- (11) A description of admission policies and application procedures;
- (12) The statutes and rules that shall apply to the public charter school;
- (13) The proposed budget and financial plan, including evidence that the proposed budget and financial plan are financially sound;
- (14) A financial management system that includes:
 - (a) A description of a financial management system for the public charter school. The financial management system must include a budget and accounting system that:
 - (i) Is compatible with the budget and accounting system of the sponsor of the school; and
 - (ii) Complies with the requirements of the uniform budget and accounting system adopted by the State Board of Education under OAR 581-023-0035.
 - (b) A plan for having the financial management system in place at the time the school begins operating.
- (15) The standards for behavior and the procedures for the discipline, suspension, or expulsion of students;
- (16) The proposed school calendar, including the length of the school day and length of the school year;
- (17) A description of the proposed school staff and required qualifications of teachers, including a breakdown of professional staff who hold a valid teaching license issued by Teacher Standards and Practices Commission (TSPC) and those who do not hold a license but are registered with TSPC. (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.);
- (18) The date upon which the public charter school would begin operating;
- (19) The arrangements for any necessary special education and related services for students with disabilities who qualify under Individuals with Disabilities Education Act (IDEA) and special education or regular education and related services for students who qualify under Section 504 of the Rehabilitation Act of 1973 who may attend the public charter school;
- (20) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
- (21) The term of the charter;
- (22) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;

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

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

(b) State and Federal Mandates/Special Education

- (i) Description of how the public charter school will meet any and all requirements of No Child Left Behind, which also specifically addresses adequate yearly progress (AYP) and the safe schools aspects of the law.
- (ii) Description of how the public charter school will collect AYP information on all subgroup populations in the school;
- (iii) Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students (include methodologies, data collection systems, and service delivery models used);
- (iv) Description of how the public charter school will serve the needs of talented and gifted students, including screening, identification, and services;
- (v) Description of how the public charter school will deliver services and instruction to English Language Learners (ELLs), including descriptions of curriculum, methodology, and program accommodations;
- (vi) Description of how the public charter school will work with the District to comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring;
- (vii) Explanation of how the public charter school will work with the District to implement Child Find requirements;

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- (viii) Explanation of how the public charter school will work with the District to manage IDEA 2004 mandates regarding eligibility, individual education program (IEP), and placement meetings;
- (ix) Explanation of how the public charter school will work with the district in which the public charter school is located to implement accommodations and modifications contained in the IEP or Section 504 plan;
- (x) Explanation of how the public charter school will work with the District to include parents in implementing IEPs;
- (xi) Explanation of how the public charter school intends to work with the district in which the public charter school is located to provide special education services for eligible students.

(c) Teacher Certification

- (i) Identification regarding the training and/or certification of staff, including areas of industry training, endorsements, and TSPC licensure;
- (ii) Explanation of how the public charter school will meet the federal mandate of “highly qualified” teachers contained in No Child Left Behind;
- (iii) Identification of which teachers are Oregon Proficiency-based Admission Standards System (PASS) trained by content areas and year of training or re-training, if applicable;
- (iv) Explanation of how the public charter school will comply with TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff.

(d) Professional Development

- (i) Provide the public charter school’s plan for comprehensive professional development for all staff;
- (ii) Identification of how the public charter school’s licensed staff will obtain their required Continuing Professional Development units for licensure renewal.

(e) Budget

- (i) Explanation of projected budget item for Public Employees Retirement System (PERS) contributions that would be required of the public charter school;
- (ii) Description of planned computer and technology support;
- (iii) Description of planned transportation costs, if applicable;
- (iv) Explanation of projected budget items for teaching salaries and other personnel contracts;
- (v) Explanation on facilities costs, including utilities, repairs, and rent;
- (vi) Copies of municipal audits for any other public charter school operated by the public charter school applicant, if applicable.

(f) Policy

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

(g) Other Information

- (i) Plans for use of any unique District facilities, including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs, and music facilities;
- (ii) Plans for child nutrition program(s);
- (iii) Plans for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations, and rules;
- (iv) Plans for counseling services;
- (v) Explanation of contingency plans for the hiring of substitute professional and classified staff;
- (vi) Description of how the public charter school will address the rights and responsibilities of students;

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- (vii) Description of how the public charter school will handle situations involving student possession, use, or distribution of illegal drugs, weapons, flammable devices, and other items that may be used to injure others;
- (viii) Description of procedures on how the public charter school will handle disciplinary referrals, and how they will impact student promotion and advancement;
- (ix) Copies of program reviews conducted by other school districts that may have referred students to another public charter school operated by the public charter school applicant, if applicable;
- (x) Description of the typical school day for a student, including a master schedule, related activities, breaks, and extracurricular options;
- (xi) Describe how the charter school will work with the District to meet state and federal reporting requirements.
- (xii) Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to Average Daily Membership (ADM).
- (xiii) Documentation and description of how long most students remain in the program, and documentation of student improvement in academic performance, disciplinary referrals, juvenile interventions, or any other disciplinary action while in the program;
- (xiv) Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide any contracts or legal documents that will create the basis of the relationship between the entities. Please also provide all financial audits and auditor's reports.);
- (xv) If a public charter school applicant is operating any other public charter school, documentation that the public charter school applicant has established a separate Oregon nonprofit corporation, legally independent of any other public charter school in operation;
- (xvi) If a public charter school applicant has not secured a facility at the time of submitting a public charter school proposal, a written and signed declaration of intent that states:

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

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

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

Name Date

On behalf of the [add applicant's name]

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

3. Proposal Review Process

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

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

- (a) Student enrollment;
- (b) Student/teacher ratio;
- (c) Staffing with appropriately licensed or endorsed personnel;
- (d) Student learning and performance;

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- (e) Specialty programs or activities such as music, physical education, foreign language, talented and gifted, and English as a second language;
- (f) Revenue;
- (g) Expenditure for maintenance and upkeep of District facilities.

- (7) Whether there are arrangements for any necessary special education and related services;
 - (8) Whether there are alternative arrangements for students, teachers, and other school employees who choose not to attend or be employed by the public charter school if the public charter school is converting an existing District school.
 - (9) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.
- e. The Board must either approve or deny the proposal within 30 days of the public hearing.
 - f. Written notice of the Board's action shall be sent to the applicant. If denied, the notice must include the reasons for the denial with suggested remedial measures. The applicant may then resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

4. Terms of the Charter Agreement

- a. Upon Board approval of the proposal, the Board will become the sponsor of the public charter school. The District and the applicant must develop a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- b. The charter agreement shall be legally binding and must be in effect for a period of not more than five years, but may be renewed by the District.
- c. The District and the public charter school may amend a charter agreement through joint agreement.
- d. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the District. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes, and rules not fully covered by law or the proposal that shall apply to the public charter school including, but not limited to, the following:

- (1) Sexual harassment (ORS 342.700, 342.704);
- (2) Pregnant and parenting students (ORS 336.640);
- (3) Special English classes for certain children (ORS 336.079);
- (4) Student conduct (ORS 339.250);
- (5) Alcohol and drug abuse program (ORS 336.222);
- (6) Student records (ORS 326.565);
- (7) Oregon Report Card (ORS 329.115);
- (8) Recovery of costs associated with property damage (ORS 339.270);
- (9) Use of school facilities (ORS 332.172);
- (10) Employment status of public charter school employees:

- (a) Public charter school law requires the following:

- (i) Employee assignment to a public charter school shall be voluntary;

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- (ii) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school;
- (iii) If the Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
- (iv) A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit may be separate from other bargaining units of the District;
- (v) The public charter school governing body shall control the selection of employees at the public charter school;
- (vi) The Board shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy; however, the length of leave of absence may not be less than two years unless:

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- 1) The charter of the public school is terminated or the public charter school is dissolved or closed during the leave of absence; or
- 2) The employee and the Board have mutually agreed to a different length of time.

- (vii) An employee of a public charter school operating within the District who is granted a leave of absence and returns to employment with the District shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence.

- (b) The terms and conditions of employment addressed in the agreement may include, but need not be limited to, the following provisions:

- (i) A proposed plan for the placement of teachers and other school employees upon termination or nonrenewal of the charter;
- (ii) Arrangements for employees who choose not to be employed or participate in the public charter school, if a District school has been converted to a public charter school;
- (iii) Salary for professional staff or wages for classified staff;
- (iv) Health benefits;
- (v) Leaves, including timing, commencement, and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
- (vi) Work year;
- (vii) Working hours;
- (viii) Discipline and dismissal procedures;
- (ix) Arrangements to secure substitutes;
- (x) Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed;
- (xi) Hiring practices;
- (xii) Evaluation procedures.

- (11) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:

(a) Public charter school law requires the following:

- (i) Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. All resident applicants will have their names written on a uniform-sized card to be placed in a covered container. Names will be drawn individually until all available slots are filled. If slots remain after resident applicants are placed, the remaining slots may be filled by nonresident applicants using an identical process. The drawing shall be made in the presence of at least two employees of the public charter school and two employees of the District. If the public charter school has been in operation one or more years, priority enrollment will be given to those students who:

- 1) Were enrolled in the public charter school the prior year;
- 2) Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year.
- 3) Only when the public charter school is party to a cooperative agreement for the purpose of forming a partnership to provide educational services, reside in:
 - a) The public charter school's sponsoring district; or
 - b) A district which is a party to the cooperative agreement.

- (ii) A public charter school may not limit student admission based on ethnicity, race, religion, sex, sexual orientation, parental status, national origin, marital status, disability, age, income level, proficiency in the English language, or athletic ability, but may limit admission within a given age group or grade level.

- (12) Transportation of students:

(a) Public charter school law requires the following:

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

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

(a) Insurance:¹

- (i) {Level4} Commercial General Liability Insurance in an amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees, and volunteers against liability for damages because of personal injury, bodily injury, death, or damage to property, including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability, and teachers' liability;
- (ii) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees, and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
- (iii) Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing board, employees, and volunteers against liability for damages because of bodily injury, death, or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance, or use of any automobile. The policy will include underinsured and uninsured motorist vehicle coverage at the limits equal to bodily injury limits;
- (iv) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee, and \$500,000 each policy limit;
- (v) Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing board, but no less than \$25,000. Coverage shall include faithful performance and loss of moneys and securities;
- (vi) Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an "all risk of direct physical loss basis," including earthquake and flood perils.

(b) Additional requirements:

- (i) The District shall be an additional insured on commercial general and automobile liability insurance. The policies shall provide for a 90-day written notice of cancellation or material change. A certificate evidencing all of the above insurance shall be furnished to the District;

¹ Insurance requirements for individual public charter schools may vary and should be reviewed by legal counsel and an insurance representative.



- (ii) The public charter school shall also hold harmless and defend the District from any and all liability, injury, damages, fees, or claims arising out of the operations of the public charter school operations or activities;
 - (iii) The District shall be loss payee on the property insurance if the public charter school leases any real or personal District property;
 - (iv) The coverage provided and the insurance carriers must be acceptable to the District.
- e. If the District and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.
- f. In addition to any other terms required to be in the charter agreement, a virtual public charter school must have in the charter of the school, a requirement that the school:
 - (1) Monitor and track student progress and attendance; and
 - (2) Provide student assessments in a manner that ensures that an individual student is being assessed and that the assessment is valid.

5. Public Charter School Operation

- a. The public charter school shall operate at all times in accordance with the public charter school law, the terms of the approved proposal and the charter agreement.
- b. Statutes and rules that apply to the District shall not apply to the public charter school except the following, as required by law, shall apply:
 - (1) Federal law, including applicable provisions of the No Child Left Behind Act of 2001;
 - (2) Public records law (ORS 192.410 to 192.505);
 - (3) Public meetings law (ORS 192.610 to 192.690);
 - (4) ORS Chapters 279A, 279B and 279C (Public Contracting Code);
 - (5) ORS 326.565, 326.575 and 326.580 (student records);
 - (6) Municipal audit law (ORS 297.405 to 297.555 and 297.990);
 - (7) Criminal records check (ORS 181.534, 326.603, 326.607, 342.223, and 342.232);
 - (8) Textbooks (ORS 337.150);
 - (9) Tuition and fees (ORS 339.141, 339.147 and 339.155);
 - (10) Discrimination (ORS 659.850, 659.855, and 659.860);
 - (11) ORS 339.119 (considerations for educational services);
 - (12) ORS 336.840 (use of personal electronic devices);
 - (13) Tort claims (ORS 30.260 to 30.300);
 - (14) ORS Chapter 657 (Employment Department Law);
 - (15) Health and safety statutes and rules;
 - (16) Any statute or rule listed in the charter;
 - (17) The statewide assessment system developed by the Oregon Department of Education (ODE) for mathematics, science, and English under ORS 329.485 (2);
 - (18) The academic content standards and instruction (ORS 329.045);
 - (19) Any statute or rule that establishes requirements for instructional time;
 - (20) Prohibition of infliction of corporal punishment (ORS 339.250 (12));
 - (21) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of suspected abuse of a child and sexual conduct, and training on prevention and identification of abuse and sexual conduct);

- (22) Diploma, modified diploma, extended diploma, and alternative certificate standards (ORS 329.451);
- (23) Statutes and rules that expressly apply to public charter schools;
- (24) Statutes and rules that apply to special government body as defined in ORS 174.117, or public body as defined in ORS 174.109;
- (25) ORS Chapter 338.

- c. The public charter school may employ as a teacher or administrator a person who is not licensed by the TSPC; however, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by the commission, pursuant to ORS 342.135, 342.136, 342.138 or 342.140.
- d. A board member of the school district in which the public charter school is located may not serve as a voting member of the public charter school's board, yet may serve in an advisory capacity.
- e. The public charter school shall participate in PERS.
- f. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
- g. The public charter school shall maintain an active enrollment of at least 25 students, unless the public charter school is providing educational services under a cooperative agreement entered into for the purpose of forming a partnership to provide educational services.
- h. The public charter school may sue or be sued as a separate legal entity.
- i. The public charter school may enter into contracts and may lease facilities and services from the District, education service district, state institution of higher education, other governmental unit, or any person or legal entity.
- j. The public charter school may not levy taxes or issue bonds under which the public incurs liability.
- k. The public charter school may receive and accept gifts, grants, and donations from any source for expenditure to carry out the lawful functions of the school.
- l. The District shall offer a chancellor's diploma, standard diploma, modified diploma, extended diploma, or alternative certificate to any public charter school student located in the District who meets the District's and state's standards for a chancellor's diploma, standard diploma, modified diploma, extended diploma, or alternative certificate.
- m. A chancellor's diploma, standard diploma, modified diploma, extended diploma, or alternative certificate issued by a public charter school shall grant to the holder the same rights and privileges as a chancellor's diploma, standard diploma, modified diploma, extended diploma, or alternative certificate issued by a non-chartered public school.
- n. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

6. Virtual Public Charter School Operation

- a. In addition to the other requirements for a public charter school, a Virtual Public Charter School must have:

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- (1) A plan for academic achievement that addresses how the school will improved student learning and meet academic content standards required by ORS 329.045;
- (2) Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation;
- (3) A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school;
- (4) A budget, business plan, and governance plan for the operation of the school;
- (5) An agreement that the school will operate using an interactive, Internet-based technology platform that monitors and tracks student progress and attendance in conjunction with performing other student assessment functions;
- (6) An agreement to employ only licensed teachers who are highly qualified as described in the federal No Child Left Behind Act of 2001;
- (7) A plan that ensures:
 - (a) All superintendents, assistant superintendents, and principals of the schools are licensed by the TSPC to administrate; and
 - (b) Teachers who are licensed to teach by the TSPC and who are highly qualified as described in the federal No Child Left Behind Act of 2001 teach at least 95 percent of the school's instructional hours.
- (8) A plan for maintaining student records and school records, including financial records at a designated central office of operations;
- (9) A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:
 - (a) Has access to and use of a computer and printer equipment as needed;
 - (b) Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or
 - (c) Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.
- (10) A plan to provide access to a computer and printer equipment and the Internet service cost reimbursement as described in (9) above by students enrolled in the school who are from families that qualify as low-income under Title I of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq);
- (11) A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students in the school who want to participate;
- (12) A plan to conduct biweekly meetings between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology;
- (13) A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year.
- (14) A plan to provide written notice to both the sponsoring district and the district in which the student resides upon enrollment or withdrawal for a reason other than graduation from high school:

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- (a) If notice is provided due to enrollment, then the notice must include the student's name, age, address and school at which the student was formerly enrolled;
 - (b) If notice is provided due to withdrawal for a reason other than graduation from high school, then notice must include the student's name, age, address, reason for withdrawal (if applicable) and the name of the school in which the student intends to enroll (if known).
- (15) An agreement to provide a student's education records to the student's resident school district or to the sponsor upon request of the resident school district or sponsor.
- b. The sponsor of a Virtual Public Charter School or a member of the public may request access to any of the documents described in (A) above.
- c. If a Virtual Public Charter School or the sponsor of a Virtual Public Charter School contracts with a for-profit entity to provide educational services through the Virtual Public Charter School, the for-profit entity may not be the employer of any employees of the Virtual Public Charter School.
- d. The following limitations apply:
 - (1) School board members of the virtual public charter school's sponsoring district may not be:
 - (a) An employee of the virtual public charter school;
 - (b) A member of the governing body of the virtual public charter school;
 - (c) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.
 - (2) Members of the governing board of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school intends to enter or has entered into a contract to provide educational services;
 - (3) If a third-party entity contracts with a virtual public charter school to provide educational services to the school, then:
 - (a) No third-party entity's employee or governing board member may attend an executive session of the sponsoring district's school board;
 - (b) No virtual public charter school employee may promote the sale or benefits of private supplemental services or classes offered by the third-party entity;
 - (c) The educational services must be consistent with state standards and requirements;
 - (d) The virtual public charter school must have on file the third-party entity's budget for the provision of educational services, including itemization of:
 - (i) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a virtual public charter school in this state; and
 - (ii) The annual operating expenses and profit margin of the third-party entity for providing educational services to a virtual public charter school in this state.

7. Charter Agreement Review

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

8. Charter School Renewal

- a. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five years, but may not exceed 10 years.
- b. The Board and the public charter school shall follow the timeline listed below, unless a different timeline has been agreed upon by the Board and the public charter school:
 - (1) The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter.
 - (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request.
 - (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal.
 - (4) If the Board approves the charter renewal, the Board and the public charter school shall negotiate a new charter within 90 days unless the Board and the public charter school agree to an extension of the time period. Notwithstanding the time period specified in the charter, an expiring charter shall remain in effect until a new charter is negotiated.
 - (5) If the Board does not renew the charter, the public charter school may address the reasons stated for denial of the renewal and any remedial measures suggested by the Board and submit a revised request for renewal to the Board.
 - (6) If the Board does not renew the charter based on the revised request for renewal or the parties do not negotiate a charter contract within the timeline established in this policy, the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter renewal.

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- (a) If the State Board of Education finds that the Board used the appropriate process in denying the request for renewal, it shall affirm the decision of the Board. A public charter may seek judicial review of this order.
 - (b) If the State Board of Education finds that the Board did not use the appropriate process in denying the request for renewal, it shall order the Board to reconsider the request for renewal. If after reconsideration the Board does not renew the charter, the public charter school may seek judicial review of the Board's decision.
- (7) The Board shall base the charter renewal decision on a good-faith evaluation of whether the public charter school:
- (a) Is in compliance with all applicable state and federal laws;
 - (b) Is in compliance with the charter of the public charter school;
 - (c) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the Board and the public charter school;
 - (d) Is fiscally stable and used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter agreement; and
 - (e) Is in compliance with any renewal criteria specified in the charter of the public charter school.
- (8) The Board shall base the renewal evaluation described above primarily on a review of the public charter school's annual performance reports, annual audit of accounts, and annual site visit and review and any other information mutually agreed upon by the public charter school and the Board.
- (9) For purposes of this section, the phrase "good-faith evaluation" means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

9. Charter School Termination

- a. The public charter school may be terminated by the Board for any of the following reasons:
 - (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education;
 - (2) Failure to meet the requirements for student performance as outlined in the charter agreement;
 - (3) Failure to correct a violation of federal or state law;
 - (4) Failure to maintain insurance;
 - (5) Failure to maintain financial stability;
 - (6) Failure to maintain, for two or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065;
 - (7) Failure to maintain the health and safety of the students.
- b. If a charter school is terminated by the Board for any reason listed in sections A. 1 through A. 7, the following shall occur:

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- (1) The District shall give the public charter school a 60-day written notification of its decision;
 - (2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow the process as per ORS 338.105;
 - (3) The District shall state the grounds for termination and deliver notification to the business office of the public charter school;
 - (4) The public charter school may request a hearing by the District. The request must be made in writing and delivered to the business address of the sponsor;
 - (5) Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the proposed termination;
 - (6) The public charter school may appeal the decision to terminate to the State Board of Education;
 - (7) If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
 - (8) If the State Board's final order upholds the decision to terminate and at least 60 days have passed since the notice of intent to terminate was received by the public charter school, the District's sponsorship of the public charter school will terminate;
 - (9) The final order of the State Board may be appealed under the provision of ORS 183.484;
 - (10) Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
 - (11) If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- c. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in section A.7, the following shall occur:
- (1) If the District reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the District may act to immediately terminate the approved charter and close the public charter school without providing the notice required in section B.1;
 - (2) A public charter school closed due to health or safety concerns may request a hearing by the sponsor. Such a request must be made in writing and delivered to the business address of the District;
 - (3) Within 10 days of receiving the request for a hearing, the District must provide the public charter school with the opportunity for a hearing on the termination;
 - (4) If the District acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;
 - (5) The State Board will hold a hearing on the appeal within 10 days of receiving the request;
 - (6) The public charter school will remain closed during the appeal process unless the State Board orders the District not to terminate and to re-open the public charter school; and
 - (7) The final order of the State Board may be appealed under the provisions of ORS 183.484.
- d. If the public charter school is terminated, closed, or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice

to the District, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the business address of the sponsor.

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

10. District Immunity

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

Corrected 11/20/19



Code: LBE-AR

Revised/Reviewed:

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Public Charter Schools

1. Definitions

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

2. Proposal Process

- a. The public charter school applicant shall submit the proposal to the district no later than January 31 for a September starting date.

- b. To be considered complete, the proposal for a public charter school shall include the following:

- (1) The identification of the applicant;
- (2) The name of the proposed public charter school;
- (3) A description of the philosophy and mission of the public charter school and how it differs from the district's current program and philosophy;
- (4) A description of any distinctive learning or teaching techniques to be used;
- (5) A description of the curriculum of the public charter school;
- (6) A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with district schools;
- (7) The governance structure public charter school board membership, selection, duties and responsibilities;
- (8) The projected enrollment including the ages or grades to be served;
- (9) The target population of students the public charter school is designed to serve;
- (10) The legal address, facilities and physical location of the public charter school and applicable occupancy permits and health and safety approvals;
- (11) A description of admission policies and application procedures;
- (12) The statutes and rules that shall apply to the public charter school;
- (13) The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound;
- (14) A financial management system that includes:
 - (a) A description of a financial management system for the public charter school. The financial management system must include a budget and accounting system that:
 - (i) Is compatible with the budget and accounting system of the sponsor of the school; and
 - (ii) Complies with the requirements of the uniform budget and accounting system adopted by the State Board of Education under Oregon Administrative Rule (OAR) 581-023-0035.
 - (b) A plan for having the financial management system in place at the time the school begins operating.
- (15) The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
- (16) The proposed school calendar, including the length of the school day and length of the school year;
- (17) A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license issued by the Teacher Standards and Practices Commission (TSPC) and those who do not hold a license but are registered with the TSPC (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.);
- (18) The date upon which the public charter school would begin operating;
- (19) The arrangements for any necessary special education and related services for students with disabilities who qualify under the Individuals with Disabilities Education Act (IDEA) and special education or regular education and related services for students who qualify under Section 504 of the Rehabilitation Act of 1973 who may attend the public charter school;
- (20) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
- (21) The term of the charter;
- (22) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;

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- (23) A proposed plan for the placement of public charter school teachers, other employees and students upon termination or nonrenewal of a charter;
- (24) The manner in which the public charter school program review and fiscal audit will be conducted;
- (25) In the case of a district school's conversion to charter status, the following additional criteria must be addressed:

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- (a) The alternate arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school;
 - (b) The relationship that will exist between the public charter school and its employees including terms and conditions of employment.
- (26) The district will not complete the review required under ORS 338.055 of an application that does not contain the required components listed in ORS 338.045(2)(a)-(y). A good faith determination of incompleteness is not a denial for purposes of requesting state board review under ORS 338.075;
- (27) In addition to the minimum requirements enumerated in ORS 338.045(2)(a)-(y), the district, under ORS 338.045(3), may require the applicant to submit any of the following information as necessary to add detail or clarity to the minimum requirements or that the Board considers relevant to the formation or operation of the public charter school:

(a) Curriculum, Instruction and Assessment

- (i) Description of a curriculum for each grade of students, which demonstrates in detail alignment with Oregon's academic content standards;
- (ii) Description of instructional goals in relationship to Oregon's academic content standards and benchmarks;
- (iii) A planned course statement for courses taught in the program, including related content standards, course criteria, assessment practices and state required work samples that will be collected;
- (iv) Documentation that reflects consideration of credits for public charter school course work a student may perform at any other public school;
- (v) Explanation of grading practices for all classes and how student performance is documented;
- (vi) Explanation of how the proposed academic program will be aligned with that of the district. (If an applicant is proposing an elementary level public charter school, please describe how the curriculum is aligned at each grade level with the district's curriculum, including an explanation of how a student in the public charter school will be adequately prepared to re-enter the district's public school system after completing the charter school's program.);
- (vii) Description of the student assessment system, including how student academic progress will be measured at each grade level and any specific assessment instruments that will be used;
- (viii) Description of the plan for reporting student progress to parents, students and the community;
- (ix) Description of policies and procedures regarding diplomas and graduation;
- (x) Description of policies and practices for meeting the needs of students who are not successful in the regular program;
- (xi) Identification of primary instructional materials by publisher, copyright date, version and edition for each academic content area in each grade;
- (xii) Identification of major supplementary material in core academic content areas and the criteria for use with students;

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- (xiii) Description of how the public charter school will meet the unique learning needs of students working above and below grade level, including but not limited to, talented and gifted students;
- (xiv) Description of how the public charter school staff will identify and address students' rates and levels of learning;
- (xv) Description of strategies the public charter school staff will use to create a climate conducive to learning and positive student engagement;
- (xvi) Documentation that demonstrates improvements in student academic performance over time (both individual and program/grade level) from any private alternative school operated by the public charter school applicant, if applicable;
- (xvii) Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction;
- (xviii) Identification of how the public charter school will provide access to national assessments such as PSAT, SAT and ACT, if applicable;
- (xix) Description of parental involvement, content of planned meetings and how the school will adjust any meeting to meet the needs of working parents;
- (xx) Description of distance learning options available to students, including the grade levels and amount of instruction offered to students, if applicable.

(b) State and Federal Mandates/Special Education

- (i) Description of how the public charter school will meet any and all requirements of Every Student Succeeds Act (ESSA), which also specifically addresses adequate yearly progress (AYP) and the safe schools aspects of the law;
- (ii) Description of how the public charter school will collect AYP information on all subgroup populations in the school;
- (iii) Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students. (Include methodologies, data collection systems and service delivery models used.);
- (iv) Description of how the public charter school will serve the needs of talented and gifted students, including screening, identification and services;
- (v) Description of how the public charter school will deliver services and instruction to English Language Learners (ELL), including descriptions of curriculum, methodology and program accommodations;
- (vi) Description of how the public charter school will work with the district to comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring;
- (vii) Explanation of how the public charter school will work with the district to implement Child Find requirements;
- (viii) Explanation of how the public charter school will work with the district to manage IDEA 2004 mandates regarding eligibility, individualized education program (IEP) and placement meetings;
- (ix) Explanation of how the public charter school will work with the district in which the public charter school is located to implement accommodations and modifications contained in the IEP or Section 504 plan;
- (x) Explanation of how the public charter school will work with the district to include parents in implementing IEPs;
- (xi) Explanation of how the public charter school intends to work with the district in which the public charter school is located to provide special education services for eligible students.

(c) Teacher Certification

- (i) Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and the TSPC licensure;
- (ii) Explanation of how the public charter school will comply with the TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff.

(d) Professional Development

- (i) Provide the public charter school's plan for comprehensive professional development for all staff;
- (ii) Identification of how the public charter school's licensed staff will obtain their required Continuing Professional Development units for licensure renewal.

(e) Budget

- (i) Explanation of projected budget item for the Public Employees Retirement System (PERS) contributions that would be required of the public charter school;
- (ii) Description of planned computer and technology support;
- (iii) Description of planned transportation costs, if applicable;
- (iv) Explanation of projected budget items for teaching salaries and other personnel contracts;
- (v) Explanation on facilities costs, including utilities, repairs, and rent;
- (vi) Copies of municipal audits for any other public charter school operated by the public charter school applicant, if applicable.

(f) Policy

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

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

(g) Other Information

- (i) Plans for use of any unique district facilities including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs and music facilities;
- (ii) Plans for child nutrition program(s);
- (iii) Plans for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations and rules;
- (iv) Plans for counseling services;
- (v) Explanation of contingency plans for the hiring of substitute professional and classified staff;
- (vi) Description of how the public charter school will address the rights and responsibilities of students;
- (vii) Description of how the public charter school will handle situations involving student, possession, use or distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others;
- (viii) Description of procedures on how the public charter school will handle disciplinary referrals and how they will impact student promotion and advancement;
- (ix) Copies of program reviews conducted by other school districts that may have referred students to another public charter school operated by the public charter school applicant, if applicable;
- (x) Description of the typical school day for a student, including a master schedule, related activities, breaks and extracurricular options;
- (xi) Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to ADM;
- (xii) Documentation and description of how long most students remain in the program, and documentation of student improvement in academic performance, disciplinary referrals, juvenile interventions or any other disciplinary action while in the program;
- (xiii) Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide any contracts or legal documents that will create the basis of the relationship between the entities. Please also provide all financial audits and auditor's reports.);
- (xiv) If a public charter school applicant is operating any other public charter school, documentation that the public charter school applicant has established a separate Oregon nonprofit corporation, legally independent of any other public charter school in operation;
- (xv) If a public charter school applicant has not secured a facility at the time of submitting a public charter school proposal, a written and signed declaration of intent that states:

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

If the public charter school applicant fails to provide proof of an ability to secure a facility and all necessary occupancy and safety permits and

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insurance that is required by the school district as a condition of approval by the due date, it will withdraw its application to begin operation of a public charter school for the upcoming school year.

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

Name

Date

On behalf of the [ADD APPLICANT'S NAME]

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

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

3. Proposal Review Process

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

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

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

4. Terms of the Charter Agreement

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

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- (i) Employee assignment to a public charter school shall be voluntary;
- (ii) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school;
- (iii) If the Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
- (iv) A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit may be separate from other bargaining units of the district;
- (v) The public charter school governing body shall control the selection of employees at the public charter school;
- (vi) The Board shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy; however, the length of leave of absence may not be less than two years unless:

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- 1) The charter of the public school is terminated or the public charter school is dissolved or closed during the leave of absence; or
- 2) The employee and the Board have mutually agreed to a different length of time.

- (vii) An employee of a public charter school operating within the district who is granted a leave of absence and returns to employment with the district shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence.

- (b) The terms and conditions of employment addressed in the agreement may include, but not limited to, the following provisions:

- (i) A proposed plan for the placement of teachers and other school employees upon termination or nonrenewal of the charter;
- (ii) Arrangements for employees who choose not to be employed or participate in the public charter school, if a district school has been converted to a public charter school;
- (iii) Salary for professional staff or wages for classified staff;
- (iv) Health benefits;
- (v) Leaves, including timing, commencement and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
- (vi) Work year;
- (vii) Working hours;
- (viii) Discipline and dismissal procedures;
- (ix) Arrangements to secure substitutes;
- (x) Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed;
- (xi) Hiring practices;
- (xii) Evaluation procedures.

- (11) Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:

- (a) Public charter school law requires the following:

- (i) Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. An

equitable lottery may incorporate a weighted lottery for historically underserved students. All resident applicants will have their names written on a uniform-sized card to be placed in a covered container. Names will be drawn individually until all available slots are filled. If slots remain after resident applicants are placed, the remaining slots may be filled by nonresident applicants using an identical process. The drawing shall be made in the presence of at least two employees of the public charter school and two employees of the district. If the public charter school has been in operation one or more years, priority enrollment may be given to those students who:

- 1) Were enrolled in the public charter school the prior year;
- 2) Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year;
- 3) Only when the public charter school is party to a cooperative agreement for the purpose of forming a partnership to provide educational services, reside in:
 - a) The public charter school's sponsoring district; or
 - b) A district which is a party to the cooperative agreement.

- (ii) A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, income level, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level and may implement a weighted lottery for historically underserved students. Historically underserved students are at risk because of any combination of two or more factors including their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, disability and geographic location.

(12) Transportation of students:

(a) Public charter school law requires the following:

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

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

(a) Insurance¹:

- (i) Commercial General Liability Insurance in an amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability for damages because of personal injury, bodily injury, death or damage to property including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability and teachers' liability;
- (ii) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
- (iii) Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing board, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of any automobile. The policy will include underinsured and uninsured motorist vehicle coverage at the limits equal to bodily injury limits;
- (iv) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee and \$500,000 each policy limit;
- (v) Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing board, but no less than \$25,000. Coverage shall include faithful performance and loss of moneys and securities;
- (vi) Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an "all risk of direct physical loss basis," including earthquake and flood perils.

(b) Additional requirements:

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

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

¹ Insurance requirements for individual public charter schools may vary and should be reviewed by legal counsel and an insurance representative.

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

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

5. Public Charter School Operation

- a. The public charter school shall operate at all times in accordance with the public charter school law, the terms of the approved proposal and the charter agreement.
- b. Statutes and rules that apply to the district shall not apply to the public charter school except the following, as required by law, shall apply:
 - (1) Federal law, including applicable provisions of the ESSA;
 - (2) ORS 30.260 to 30.300 (tort claims);
 - (3) ORS 192.311 to 192.478 (Public Records Law);
 - (4) ORS 192.610 to 192.690 (Public Meetings Law);
 - (5) ORS Chapters 279A, 279B and 279C (Public Contracting Code);
 - (6) ORS 326.565, 326.575 and 326.580 (student records);
 - (7) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
 - (8) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
 - (9) ORS 336.840 (use of personal electronic devices);
 - (10) ORS 337.150 (textbooks);
 - (11) ORS 339.119 (considerations for educational services);
 - (12) ORS 339.141, 339.147 and 339.155 (tuition and fees);
 - (13) ORS 342.856 (core teaching standards);
 - (14) ORS 659.850, 659.855 and 659.860 (discrimination);
 - (15) ORS Chapter 657 (Employment Department Law);
 - (16) Health and safety statutes and rules;
 - (17) Any statute or rule listed in the charter;
 - (18) The statewide assessment system developed by the Oregon Department of Education (ODE) for mathematics, science and English under ORS 329.485 (2);
 - (19) ORS 329.045 (academic content standards and instruction);
 - (20) Any statute or rule that establishes requirements for instructional time;
 - (21) ORS 329.496 (physical education);
 - (22) ORS 339.250 (9) (prohibition of infliction of corporal punishment);
 - (23) ORS 339.326 (notice concerning students subject to juvenile court petitions);
 - (24) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of suspected abuse of a child and suspected sexual conduct, and training on prevention and identification of abuse and sexual conduct);
 - (25) ORS 329.451 (diploma, modified diploma, extended diploma and alternative certificate standards);
 - (26) Statutes and rules that expressly apply to public charter schools;
 - (27) Statutes and rules that apply to special government body as defined in ORS 174.117, or public body as defined in ORS 174.109; and
 - (28) ORS Chapter 338.
- c. The public charter school may employ as a teacher or administrator a person who is not licensed by the TSPC; however, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by the commission, pursuant to ORS 342.135, 342.136 or 342.138.
- d. A board member of the school district in which the public charter school is located may not serve as a voting member of the public charter school's board, yet may serve in an advisory capacity.
- e. The public charter school shall participate in the PERS.

- f. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
- g. The public charter school shall maintain an active enrollment of at least 25 students, unless the public charter school is providing educational services under a cooperative agreement entered into for the purpose of forming a partnership to provide educational services.
- h. The public charter school may sue or be sued as a separate legal entity.
- i. The public charter school may enter into contracts and may lease facilities and services from the district, education service district, state institution of higher education, other governmental unit or any person or legal entity.
- j. The public charter school may not levy taxes or issue bonds under which the public incurs liability.
- k. The public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
- l. The district shall offer a high school diploma, modified diploma, extended diploma, alternative certificate to any public charter school student located in the district who meets the district's and state's standards for a high school diploma, modified diploma, extended diploma, alternative certificate.
- m. A high school diploma, modified diploma, extended diploma, alternative certificate issued by a public charter school shall grant to the holder the same rights and privileges as a high school diploma, modified diploma, extended diploma, alternative certificate issued by a nonchartered public school.
- n. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

6. Virtual Public Charter School Operation

- a. In addition to the other requirements for a public charter school, a virtual public charter school must have:
 - (1) A plan for academic achievement that addresses how the school will improve student learning and meet academic content standards required by ORS 329.045;
 - (2) Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation;
 - (3) A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school;
 - (4) A budget, business plan and governance plan for the operation of the school;
 - (5) An agreement that the school will operate using an interactive, Internet-based technology platform that monitors and tracks student progress and attendance in conjunction with performing other student assessment functions;
 - (6) A plan that ensures:
 - (a) All superintendents, assistant superintendents and principals of the schools are licensed by the TSPC to administrate; and
 - (b) Teachers who are licensed to teach by the TSPC, teach at least 95 percent of the school's instructional hours.
 - (7) A plan for maintaining student records and school records, including financial records, at a designated central office of operations;

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- (8) A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:
 - (a) Has access to and use of a computer and printer equipment as needed;
 - (b) Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or
 - (c) Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.
 - (9) A plan to provide access to a computer and printer equipment and the Internet service cost reimbursement as described in (8) above by students enrolled in the school who are from families that qualify as low-income under Title I of the ESSA;
 - (10) A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students in the school who want to participate;
 - (11) A plan to conduct biweekly meetings between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology;
 - (12) A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year;
 - (13) A plan to provide written notice to both the sponsoring district and the district in which the student resides upon enrollment or withdrawal for a reason other than graduation from high school:
 - (a) If notice is provided due to enrollment, then the notice must include the student's name, age, address and school at which the student was formerly enrolled;
 - (b) If notice is provided due to withdrawal for a reason other than graduation from high school, then notice must include the student's name, age, address, reason for withdrawal (if applicable) and the name of the school in which the student intends to enroll (if known).
 - (14) An agreement to provide a student's education records to the student's resident school district or to the sponsor upon request of the resident school district or sponsor.
- b. The sponsor of a virtual public charter school or a member of the public may request access to any of the documents described in a. above.
 - c. If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school.
 - d. The following limitations apply:
 - (1) School board members of the virtual public charter school's sponsoring district may not be:
 - (a) An employee of the virtual public charter school;
 - (b) A member of the governing body of the virtual public charter school;
 - (c) An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.
 - (2) Members of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school intends to enter or has entered into a contract to provide educational services;
 - (3) If a third-party entity contracts with a virtual public charter school to provide educational services to the school, then:

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- (a) No third-party entity's employee or governing board member may attend an executive session of the sponsoring district's school board;
- (b) No virtual public charter school employee may promote the sale or benefits of private supplemental services or classes offered by the third-party entity;
- (c) The educational services must be consistent with state standards and requirements;
- (d) The virtual public charter school must have on file the third-party entity's budget for the provision of educational services, including itemization of:

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- (i) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a virtual public charter school in this state; and
- (ii) The annual operating expenses and profit margin of the third-party entity for providing educational services to a virtual public charter school in this state.

7. Charter Agreement Review

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

8. Charter School Renewal

- a. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five years but may not exceed 10 years.
- b. The Board and the public charter school shall follow the timeline listed below, unless a different timeline has been agreed upon by the Board and the public charter school:
 - (1) The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter;
 - (2) Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request;
 - (3) Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal;
 - (4) If the Board approves the charter renewal, the Board and the public charter school shall negotiate a new charter within 90 days unless the Board and the public charter school

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

9. Charter School Termination

- a. The public charter school may be terminated by the Board for any of the following reasons:
- (1) Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education;
 - (2) Failure to meet the requirements for student performance as outlined in the charter agreement;
 - (3) Failure to correct a violation of federal or state law;
 - (4) Failure to maintain insurance;
 - (5) Failure to maintain financial stability;
 - (6) Failure to maintain, for two or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065;
 - (7) Failure to maintain the health and safety of the students.

- b. If a public charter school is terminated by the Board for any reason listed in sections a. (1) through a. (7) above, the following shall occur:
- (1) The district shall give the public charter school a 60-day written notification of its decision;
 - (2) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow the process as per ORS 338.105;
 - (3) The district shall state the grounds for termination and deliver notification to the business office of the public charter school;
 - (4) The public charter school may request a hearing by the district. The request must be made in writing and delivered to the business address of the sponsor;
 - (5) Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the proposed termination;
 - (6) The public charter school may appeal the decision to terminate to the State Board of Education;
 - (7) If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
 - (8) If the State Board's final order upholds the decision to terminate and at least 60 days have passed since the notice of intent to terminate was received by the public charter school, the district's sponsorship of the public charter school will terminate;
 - (9) The final order of the State Board may be appealed under the provision of ORS 183.484;
 - (10) Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
 - (11) If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- c. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in section a. (7) above, the following shall occur:
- (1) If the district reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the district may act to immediately terminate the approved charter and close the public charter school without providing the notice required in section b. (1) above;
 - (2) A public charter school closed due to health or safety concerns may request a hearing by the sponsor. Such a request must be made in writing and delivered to the business address of the district;
 - (3) Within 10 days of receiving the request for a hearing, the district must provide the public charter school with the opportunity for a hearing on the termination;
 - (4) If the district acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;
 - (5) The State Board will hold a hearing on the appeal within 10 days of receiving the request;
 - (6) The public charter school will remain closed during the appeal process unless the State Board orders the district not to terminate and to re-open the public charter school; and
 - (7) The final order of the State Board may be appealed under the provisions of ORS 183.484.
- d. If the public charter school is terminated, closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice to the district, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the business address of the sponsor.

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

10. District Immunity

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

Corrected 11/20/19