

Yoncalla School District
BOARD OF DIRECTORS
REGULAR MEETING
August 19, 2020
Early Learning Center
401 1st Street
Yoncalla, OR 97499

Until further notice, due to COVID-19 concerns, School Board meeting will be held on Facebook Live.

<https://www.facebook.com/yhseagles/>

6:00 PM

CALL TO ORDER

I. AWARDS, RECOGNITION, CORRESPONDENCE

II. PUBLIC FORUM

The public is invited to share any comments they may have with the board via email. Emails should be received by 5:45 PM on August 19, 2020. Please send your comments to laurie.simlness@yoncalla.k12.or.us

III. ADJUSTMENTS TO THE AGENDA

IV. CONSENT AGENDA

- A. Minutes of School Board meeting July 15, 2020
- B. Accounts Payable/Funding Update

V. INFORMATION ITEMS

- A. Board and Superintendent Working Agreement
- B. Board Policies-
 - GBL
 - GBN JBA AR
 - GBN JBA
 - IGBAG AR
 - JBA GBN AR
 - JBA GBN
 - JHH
 - JHCC
 - JHCC AR

VI. REPORTS

- A. High School Principal Report
- B. Elementary Principal Report
- C. Preschool/Early Works Report
- D. Superintendent Report

VII. DISCUSSION ITEMS

- A. Lots south of the Elementary School
- B. Superintendent Goals for 2020-2021
- C. Anti-Racism and Equity Resolution

VIII. ACTION ITEMS

IX. ANOUNCEMENTS

- A. Future Dates of Importance
 - Board Meeting September 16, 2020, 6:00 PM

X. OTHER BUSINESS

XI. ADJOURN

YONCALLA SCHOOL DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING MINUTES

July 15, 2020

Yoncalla High School
292 5th St.

Due to COVID-19 concerns, the June 17, 2020 School Board meeting was held on Facebook Live.

<https://www.facebook.com/yhseagles/>

BOARD MEMBERS PRESENT

Dave Anderson
Eric Gustafson-Chair
Jen Bailey
Cathey Grimes-Vice Chair

ADMINISTRATION PRESENT

Brian Berry
Laurie Simlness

CALLED TO ORDER. Chair Gustafson called the meeting to order at 6:06PM. The flag salute was conducted. Also present: Erin Helgren, Cody Reed, Trinity Benito

BOARD MEMBER VACANCY INTERVIEW. Board members interviewed a candidate for the vacant position. Director Bailey made a motion to approve Trinity Benito for vacant school board position 2, Director Grimes seconded, passed unanimously. Ms. Benito read the oath of office, and is now Director Benito.

ADJUSTMENTS TO THE AGENDA. None

REORGANIZE SCHOOL BOARD. Director Grimes was nominated for Board Chair. Director Anderson made a motion to approve, Director Bailey seconded, passed unanimously. Director Anderson was nominated for Vice Chair. Director Bailey made a motion to approve, Director Grimes seconded, passed unanimously. Chair Anderson thanked Director Gustafson for his dedicated board.

DISCUSSION ITEMS.

- A. Anti- Racism and Equity Resolution. After some discussion, Director Gustafson asked the Resolution be tabled.
- B. Lots south of the Elementary School. Marcy Gustafson is doing research on the property, and will share at a later date.

PUBLIC FORUM. None.

ADJUSTMENTS TO THE AGENDA. Consent Agenda Item p, Hiring of Kaleigh Soto for Middle School Volley Ball Coach. Director Bailey approved the agenda as adjusted, Director Anderson seconded, passed unanimously.

CONSENT AGENDA.

- A. Minutes of School Board meeting June 17, 2020
- B. Designate Brian Berry as Chief Executive Officer/Clerk
- C. Designate Danielle Littlefield as Deputy Clerk
- D. Designate Brian Berry as Custodians of Funds
- E. Authorize Facsimile Signature of Brian Berry and Danielle Littlefield
- F. Appoint Brian Berry as Budget Officer
- G. Designate Brian Berry as District Election Authority
- H. Designate US Bank as Bank Depository

- I. Authorize Investment of Funds with Local Government Investment Pool and US Bank
- J. Appoint Dole Coalwell Attorneys OR OSBA as General Legal Counsel
- K. Appoint Oregon School Boards Association as Labor Relations Consultant
- L. Appoint Zolezzi Insurance as Insurance Agent of Record
- M. Designate Neuner, Davidson and Cooley as auditor of Record
- N. Appoint Brian Berry as person designated to represent Yoncalla SD in matters pertaining to AHERA (Asbestos Hazard Emergency Response Action)
- O. Establish dates and times of School Board meetings
- P. Hiring of Kaleigh Soto as Middle School Volleyball Coach

Director Anderson made a motion to approve, Director Bailey seconded, passed unanimously.

REPORTS /DISCUSSIONS.

- Q. Superintendent Report
 - Erin Helgrin shared the positive results of the Summer Lunch Program and an update on the Preschool Promise grant.

ACTION ITEMS.

- A. Consider for approval hiring of Darren Crosby as Elementary School Physical Education Teacher. Director Gustafson made a motion to approve, Director Anderson seconded, passed unanimously.
- B. Consider for approval hiring of Erin Helgren as Early Learning Alignment Consultant. Director Bailey made a motion to approve, Director Gustafson seconded, passed unanimously.

ANNOUNCEMENTS.

- A. Future Dates of Importance.
 - Board Meeting, August 19, 2020, 6:00 PM

ADJOURN. Director Gustafson made a motion to adjourn, Director Benito seconded, passed unanimously. Director Grimes adjourned the meeting at 7:22 PM.

DATE OF BOARD APPROVAL.

**Yoncalla School District
Financial Overview
Actuals As of July 31, 2020**

GENERAL FUND						
Revenue	2019-20	2020-2021	2020-2021		Estimated Totals	Over (Under) Budget
	Unaudited Actuals	Adopted Budget	YTD Actuals	Encumbrances		
Local Revenue:						
1111-Current Taxes	\$ 929,390	\$ 945,000	\$ -	\$945,000.00	\$ 945,000	\$ -
1112-Prior Years' Taxes	\$ 43,485	\$ 45,000	\$ 10,019	\$38,415.00	\$ 48,434	\$ 3,434
1113-County Tax Sales	\$ 2,249	\$ -	\$ -	\$ -	\$ -	\$ -
1510-Interest on Investments	\$ 28,797	\$ 33,000	\$ 1,430	\$28,100.00	\$ 29,530	\$ (3,470)
1740-Co-Curricular Fees	\$ 7,808	\$ 8,000	\$ -	\$8,000.00	\$ 8,000	\$ -
1990-Miscellaneous Income	\$ 100,291	\$ 85,000	\$ 12,600	\$60,000.00	\$ 72,600	\$ (12,400)
2101-County School Fund	\$ 2,942	\$ 3,500	\$ -	\$ 3,500	\$ 3,500	\$ -
2102-General ESD Funds	\$ 39,442	\$ 38,000	\$ -	\$ 38,000	\$ 38,000	\$ -
State Revenue						
3101-School Support Fund	\$ 2,853,328	\$ 2,964,802	\$ 492,163	\$ 2,470,667	\$ 2,962,830	\$ (1,972)
3103-Common School Fund	\$ 22,426	\$ 23,500	\$ 10,666	\$ 11,750	\$ 22,416	\$ (1,084)
3299-Other Restricted Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Revenue						
4801-Federal Forest Fees	\$ 26,236	\$ 10,000	\$ -	\$ 10,000	\$ 10,000	\$ -
5300- Sale Comp Fixed Assets	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -
Total Revenue	\$ 4,156,393	\$ 4,155,802	\$ 526,878	\$ 3,613,432	\$ 4,140,310	\$ (15,492)
Total Expenditures (Below)	\$ 4,707,494	\$ 4,710,402	\$ 74,728	\$ 4,159,002	\$ 4,233,730	\$ (476,672)
Revenue Over (Under) Expenditures	\$ (551,101)	\$ (554,600)	\$ 452,149	\$ (545,570)	\$ (93,421)	\$ 461,179
Beginning Fund Balance	\$ 1,865,367	\$ 1,700,000	\$ -	\$ 1,000,000	\$ 1,000,000	\$ (1,700,000)
Ending Fund Balance	\$ 1,314,266	\$ 1,145,400	\$ 452,149	\$ 454,430	\$ 906,579	\$ (1,238,821)
Expenditures By Function						
Instruction	\$ 1,985,909	\$ 2,256,540	\$ 638	\$ 2,255,540	\$ 2,256,178	\$ (362)
Support Services	\$ 1,836,476	\$ 1,859,518	\$ 74,091	\$ 1,754,518	\$ 1,828,609	\$ (30,909)
Enterprise & Community Service	\$ 15,000	\$ 10,000	\$ -	\$ 10,000	\$ 10,000	\$ -
Transfers	\$ 870,109	\$ 138,944	\$ -	\$ 138,944	\$ 138,944	\$ -
Contingency	\$ -	\$ 445,400	\$ -	\$ -	\$ -	\$ (445,400)
Totals by Function	\$ 4,707,494	\$ 4,710,402	\$ 74,728	\$ 4,159,002	\$ 4,233,730	\$ (476,672)

Yoncalla School District
 General Fund - Fund 100
 FY 20/21 Cash Flow Projection

Actuals Through: July 31, 2020

ESTIMATE

Revenue	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	BUDGET ORIGINAL	YTD Actual	YTD Est.	YTD Adj + Act + Est.
1111 CURRENT YEAR'S TAXES	\$0.00	\$0.00	\$0.00	\$0.00	\$625,000.00	\$245,000.00	\$14,000.00	\$6,000.00	\$24,000.00	\$3,000.00	\$3,000.00	\$25,000.00	\$945,000.00	\$0.00	\$945,000.00	\$945,000.00
1112 PRIOR YEAR'S TAXES	\$10,019.06	\$6,000.00	\$8,000.00	\$2,900.00	\$4,600.00	\$2,650.00	\$2,600.00	\$1,385.00	\$2,400.00	\$1,480.00	\$3,400.00	\$3,000.00	\$45,000.00	\$10,019.06	\$38,415.00	\$46,434.06
1510 INTERST ON INVESTMENTS	\$1,428.70	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$3,100.00	\$3,500.00	\$3,000.00	\$2,500.00	\$2,000.00	\$1,500.00	\$1,500.00	\$33,000.00	\$1,428.70	\$28,100.00	\$28,528.70
1740 CO-CURRICULAR FEES	\$0.00	\$0.00	\$1,275.00	\$1,800.00	\$1,500.00	\$0.00	\$1,250.00	\$1,675.00	\$0.00	\$500.00	\$0.00	\$0.00	\$6,000.00	\$0.00	\$6,000.00	\$6,000.00
1990 MISCELLANEOUS	\$12,600.00	\$3,000.00	\$1,000.00	\$10,000.00	\$10,000.00	\$8,000.00	\$10,000.00	\$0.00	\$1,000.00	\$13,900.00	\$3,000.00	\$100.00	\$65,000.00	\$12,600.00	\$60,000.00	\$72,600.00
2101 COUNTY SCHOOL FUND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,500.00	\$0.00	\$3,500.00	\$0.00	\$3,500.00	\$3,500.00
2102 GENERAL ESD FUNDS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,666.67	\$0.00	\$0.00	\$12,666.67	\$0.00	\$12,666.66	\$0.00	\$38,000.00	\$0.00	\$38,000.00	\$38,000.00
3101 SSF - GENERAL SUPPORT	\$492,163.00	\$247,073.00	\$247,066.00	\$247,066.00	\$247,066.00	\$247,066.00	\$247,066.00	\$247,066.00	\$247,066.00	\$247,066.00	\$247,066.00	\$0.00	\$2,864,802.00	\$492,163.00	\$2,472,639.00	\$2,864,802.00
3103 COMMON SCHOOL FUND	\$10,665.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11,750.00	\$0.00	\$0.00	\$0.00	\$23,500.00	\$10,665.88	\$11,750.00	\$22,415.88
3289 RESTRICTED GRANTS-IN-AID	\$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	\$0.00
4801 FEDERAL FOREST FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00
5300 SALE/COMP FIXED ASSETS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00	\$1,000,000.00
5400 BEGINNING FUND BAL	\$0.00	\$1,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$301,382.67	\$267,946.00	\$274,132.66	\$39,600.00	\$5,155,802.00	\$526,877.64	\$4,613,432.00	\$5,140,309.64
Total Monthly Revenue	\$526,877.64	\$1,259,073.00	\$260,341.00	\$264,266.00	\$890,666.00	\$518,482.67	\$278,416.00	\$259,126.00	\$301,382.67	\$267,946.00	\$274,132.66	\$39,600.00	\$5,155,802.00	\$526,877.64	\$4,613,432.00	\$5,140,309.64
Expenditures by Function																
1000 INSTRUCTION	(\$637.52)	(\$165,000.00)	(\$160,000.00)	(\$200,000.00)	(\$170,000.00)	(\$225,000.00)	(\$175,000.00)	(\$165,540.00)	(\$200,000.00)	(\$175,000.00)	(\$220,000.00)	(\$400,000.00)	(\$2,255,540.00)	(\$637.52)	(\$2,255,540.00)	(\$2,256,177.52)
2000 SUPPORT SERVICES	(\$74,090.93)	(\$135,000.00)	(\$115,000.00)	(\$205,000.00)	(\$146,000.00)	(\$135,000.00)	(\$186,500.00)	(\$140,000.00)	(\$135,000.00)	(\$176,000.00)	(\$167,000.00)	(\$212,018.00)	(\$1,859,518.00)	(\$74,090.93)	(\$1,754,518.00)	(\$1,828,608.93)
3000 Enterprise & Community Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$10,000.00)	\$0.00	(\$10,000.00)	\$0.00	(\$10,000.00)	(\$10,000.00)
5000 TRANSFERS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$138,944.00)	\$0.00	(\$138,944.00)	\$0.00	(\$138,944.00)	(\$138,944.00)
6000 CONTINGENCIES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$445,400.00)	\$0.00	\$0.00	\$0.00
7000 UNAPPROP ENDING BAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$445,400.00)	\$0.00	\$0.00	\$0.00
Total Monthly Expenditures	(\$74,728.45)	(\$300,000.00)	(\$275,000.00)	(\$405,000.00)	(\$316,000.00)	(\$360,000.00)	(\$353,500.00)	(\$305,540.00)	(\$335,000.00)	(\$351,000.00)	(\$535,944.00)	(\$612,018.00)	(\$5,155,802.00)	(\$74,728.45)	(\$4,159,002.00)	(\$4,233,730.45)
Ending Balance	\$452,149.19	\$958,073.00	(\$14,659.00)	(\$140,734.00)	\$574,666.00	\$158,482.67	(\$85,084.00)	(\$46,414.00)	(\$33,617.33)	(\$83,054.00)	(\$281,811.34)	(\$572,418.00)				\$906,579.19

Yoncalla School District #32

***** BOARD REPORT APPROPRIATIONS *****

Fiscal Year: 2020-2021

Subtotal by Collapse Mask

Include pre encumbrance

From Date: 7/1/2020

To Date: 7/31/2020

Exclude Inactive Accounts with zero balance

Print accounts with zero balance

Filter Encumbrance Detail by Date Range

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance % Bud
100.0000.0000.000.000.00.00	UNDESIGNATED	(\$5,155,802.00)	(\$74,728.45)	(\$74,728.45)	(\$5,081,073.55)	\$0.00	(\$5,081,073.55) 98.55%
100.1000.0000.000.000.000.00	UNDESIGNATED	\$2,256,540.00	\$637.52	\$637.52	\$2,255,902.48	\$961,327.83	\$1,294,574.65 57.37%
100.2000.0000.000.000.000.00	UNDESIGNATED	\$1,859,518.00	\$74,090.93	\$74,090.93	\$1,785,427.07	\$1,024,625.28	\$760,801.79 40.91%
100.3000.0000.000.000.000.00	UNDESIGNATED	\$10,000.00	\$0.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00 100.00%
100.5000.0000.000.000.000.00	UNDESIGNATED	\$138,944.00	\$0.00	\$0.00	\$138,944.00	\$0.00	\$138,944.00 100.00%
100.6000.0000.000.000.000.00	UNDESIGNATED	\$445,400.00	\$0.00	\$0.00	\$445,400.00	\$0.00	\$445,400.00 100.00%
100.7000.0000.000.000.000.00	UNDESIGNATED	\$445,400.00	\$0.00	\$0.00	\$445,400.00	\$0.00	\$445,400.00 100.00%
FUND: GENERAL FUND - 100		\$0.00	\$0.00	\$0.00	\$0.00	\$1,985,953.11	(\$1,985,953.11) 0.00%

Grand Total:

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$1,985,953.11 (\$1,985,953.11) 0.00%

End of Report

Yoncalla School District #32

*** BOARD REPORT EOM-Revenues***

From Date: 7/1/2020 To Date: 7/31/2020

Fiscal Year: 2020-2021 Subtotal by Collapse Mask Include pre encumbrance Print accounts with zero balance Filter Encumbrance Detail by Date Range Exclude Inactive Accounts with zero balance

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance	% Bud
100.0000.1111.000.000.000.00	CURRENT YEAR TAXES	(\$945,000.00)	\$0.00	\$0.00	(\$945,000.00)	\$0.00	(\$945,000.00)	100.00%
100.0000.1112.000.000.000.00	PRIOR YEARS' TAXES	(\$45,000.00)	(\$10,019.06)	(\$10,019.06)	(\$34,980.94)	\$0.00	(\$34,980.94)	77.74%
100.0000.1510.000.000.000.00	EARNINGS ON INVESTMENTS	(\$33,000.00)	(\$1,429.70)	(\$1,429.70)	(\$31,570.30)	\$0.00	(\$31,570.30)	95.67%
100.0000.1740.000.000.000.00	CO-CURRICULAR FEES	(\$8,000.00)	\$0.00	\$0.00	(\$8,000.00)	\$0.00	(\$8,000.00)	100.00%
100.0000.1990.000.000.000.00	MISC. LOCAL SOURCES	(\$85,000.00)	(\$12,600.00)	(\$12,600.00)	(\$72,400.00)	\$0.00	(\$72,400.00)	85.18%
100.0000.2101.000.000.000.00	COUNTY SCHOOL FUND	(\$3,500.00)	\$0.00	\$0.00	(\$3,500.00)	\$0.00	(\$3,500.00)	100.00%
100.0000.2102.000.000.000.00	GENERAL ESD FUNDS	(\$38,000.00)	\$0.00	\$0.00	(\$38,000.00)	\$0.00	(\$38,000.00)	100.00%
100.0000.3101.000.000.000.00	SCHOOL SUPPORT FUND	(\$2,964,802.00)	(\$492,163.00)	(\$492,163.00)	(\$2,472,639.00)	\$0.00	(\$2,472,639.00)	83.40%
100.0000.3103.000.000.000.00	COMMON SCHOOL FUND	(\$23,500.00)	(\$10,665.88)	(\$10,665.88)	(\$12,834.12)	\$0.00	(\$12,834.12)	54.61%
100.0000.4801.000.000.000.00	FEDERAL FOREST FEES	(\$10,000.00)	\$0.00	\$0.00	(\$10,000.00)	\$0.00	(\$10,000.00)	100.00%
100.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-GENERAL FUND: GENERAL FUND - 100	(\$1,000,000.00) (\$5,155,802.00)	\$0.00 (\$526,877.64)	\$0.00 (\$526,877.64)	(\$1,000,000.00) (\$4,628,924.36)	\$0.00 \$0.00	(\$1,000,000.00) (\$4,628,924.36)	100.00% 89.78%
202.0000.1510.000.000.000.00	INTEREST ON INVESTMENTS	(\$15,000.00)	(\$135.66)	(\$135.66)	(\$14,864.34)	\$0.00	(\$14,864.34)	99.10%
202.0000.5200.000.000.000.00	TRANSFER FROM GENERAL FUND	(\$88,944.00)	\$0.00	\$0.00	(\$88,944.00)	\$0.00	(\$88,944.00)	100.00%
202.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-BLDG IM FUND: BLDG IMP/REPR - 202	(\$67,000.00) (\$170,944.00)	\$0.00 (\$135.66)	\$0.00 (\$135.66)	(\$67,000.00) (\$170,808.34)	\$0.00 \$0.00	(\$67,000.00) (\$170,808.34)	100.00% 99.92%
206.0000.1610.000.000.000.00	DAILY SALES - LUNCH	(\$500.00)	\$0.00	\$0.00	(\$500.00)	\$0.00	(\$500.00)	100.00%
206.0000.3102.000.000.000.00	SCHOOL SUPPORT LUNCH MATCH	(\$900.00)	\$0.00	\$0.00	(\$900.00)	\$0.00	(\$900.00)	100.00%
206.0000.4504.000.000.000.00	NATL SCHOOL BREAKFAST REIMB	(\$38,000.00)	\$0.00	\$0.00	(\$38,000.00)	\$0.00	(\$38,000.00)	100.00%
206.0000.4505.000.000.000.00	NATL SCHOOL LUNCH REIMBURSEME	(\$67,000.00)	\$0.00	\$0.00	(\$67,000.00)	\$0.00	(\$67,000.00)	100.00%
206.0000.4910.000.000.000.00	USDA COMMODITIES	(\$5,000.00)	\$0.00	\$0.00	(\$5,000.00)	\$0.00	(\$5,000.00)	100.00%
206.0000.5200.000.000.000.00	INTERFUND TRANSFER	(\$15,000.00)	\$0.00	\$0.00	(\$15,000.00)	\$0.00	(\$15,000.00)	100.00%
206.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-FOOD SE FUND: FOOD SERVICES - 206	(\$10,000.00) (\$136,400.00)	\$0.00 \$0.00	\$0.00 \$0.00	(\$10,000.00) (\$136,400.00)	\$0.00 \$0.00	(\$10,000.00) (\$136,400.00)	100.00% 100.00%
208.0000.1510.000.000.000.00	INTEREST ON INVESTMENTS	(\$830.00)	(\$32.05)	(\$32.05)	(\$797.95)	\$0.00	(\$797.95)	96.14%
208.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-UNEMPLC FUND: UNEMPLOYMENT RESERVE - 208	(\$85,740.00) (\$86,570.00)	\$0.00 (\$32.05)	\$0.00 (\$32.05)	(\$85,740.00) (\$86,537.95)	\$0.00 \$0.00	(\$85,740.00) (\$86,537.95)	100.00% 99.96%
209.0000.1510.000.000.000.00	INTEREST ON INVESTMENTS	(\$3,500.00)	(\$121.02)	(\$121.02)	(\$3,378.98)	\$0.00	(\$3,378.98)	96.54%
209.0000.1970.000.000.000.00	PERS RESERVE FUND: PERS RESERVE - 209	(\$137,975.00) (\$141,475.00)	(\$271.67) (\$392.69)	(\$271.67) (\$392.69)	(\$137,703.33) (\$141,082.31)	\$0.00 \$0.00	(\$137,703.33) (\$141,082.31)	99.80% 99.72%
210.0000.1760.000.000.000.00	CLUB FUNDRAISING	(\$105,000.00)	\$0.00	\$0.00	(\$105,000.00)	\$0.00	(\$105,000.00)	100.00%
210.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-STUDENT FUND: STUDENT BODY - 210	(\$40,000.00) (\$145,000.00)	\$0.00 \$0.00	\$0.00 \$0.00	(\$40,000.00) (\$145,000.00)	\$0.00 \$0.00	(\$40,000.00) (\$145,000.00)	100.00% 100.00%
211.0000.1510.000.000.000.00	INTEREST ON INVESTMENTS	\$0.00	(\$0.03)	(\$0.03)	\$0.00	\$0.00	\$0.00	0.00%
211.0000.5200.000.000.000.00	INTERFUND TRANSFER	(\$35,000.00)	\$0.00	\$0.00	(\$35,000.00)	\$0.00	(\$35,000.00)	100.00%
211.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-TECHNOI FUND: TECHNOLOGY FUND - 211	(\$25,000.00) (\$60,000.00)	\$0.00 (\$0.03)	\$0.00 (\$0.03)	(\$25,000.00) (\$59,999.97)	\$0.00 \$0.00	(\$25,000.00) (\$59,999.97)	100.00% 100.00%
251.0000.3299.000.000.000.00	OTHER RESTRICT GRANTS - SIA FUND: STUDENT INVESTMENT ACCOUNT - 251	(\$292,000.00) (\$292,000.00)	\$0.00 \$0.00	\$0.00 \$0.00	(\$292,000.00) (\$292,000.00)	\$0.00 \$0.00	(\$292,000.00) (\$292,000.00)	100.00% 100.00%
280.0000.3299.000.000.000.00	PROMISE PRESCHOOL GRANT	(\$366,750.00)	\$0.00	\$0.00	(\$366,750.00)	\$0.00	(\$366,750.00)	100.00%
280.0000.5400.000.000.000.00	BEGINNING FUND BALANCE FUND: PROMISE PRESCHOOL - 280	(\$9,568.00) (\$376,318.00)	\$0.00 \$0.00	\$0.00 \$0.00	(\$9,568.00) (\$376,318.00)	\$0.00 \$0.00	(\$9,568.00) (\$376,318.00)	100.00% 100.00%

Yoncalla School District #32

***** BOARD REPORT EOM-Revenues *****

From Date: 7/1/2020 To Date: 7/31/2020

Fiscal Year: 2020-2021 Subtotal by Collapse Mask Include pre encumbrance Print accounts with zero balance Filter Encumbrance Detail by Date Range
 Exclude Inactive Accounts with zero balance

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance % Bud
281.0000.1920.000.000.000.00	CONTRIBUTIONS/PRIVATE	(\$40,000.00)	\$0.00	\$0.00	(\$40,000.00)	\$0.00	100.00%
281.0000.3299.000.000.000.00	OTHER RESTRICTED GRANTS-IN-AID	(\$200,000.00)	\$0.00	\$0.00	(\$200,000.00)	\$0.00	100.00%
281.0000.4510.000.000.000.00	ESSA	(\$55,000.00)	\$0.00	\$0.00	(\$55,000.00)	\$0.00	100.00%
281.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-SPECIAL	(\$46,500.00)	\$0.00	\$0.00	(\$46,500.00)	\$0.00	100.00%
	FUND: SPECIAL PROJECTS - 281	(\$341,500.00)	\$0.00	\$0.00	(\$341,500.00)	\$0.00	100.00%
286.0000.4590.000.000.000.00	FED VIA ST-TITLE I (A)	(\$140,000.00)	\$0.00	\$0.00	(\$140,000.00)	\$0.00	100.00%
	FUND: TITLE I (A) - 286	(\$140,000.00)	\$0.00	\$0.00	(\$140,000.00)	\$0.00	100.00%
289.0000.4590.000.000.000.00	FED REV VIA STATE	(\$16,000.00)	\$0.00	\$0.00	(\$16,000.00)	\$0.00	100.00%
	FUND: REAP/SRSA - 289	(\$16,000.00)	\$0.00	\$0.00	(\$16,000.00)	\$0.00	100.00%
290.0000.4506.000.000.000.00	PERKINS II VOCATIONAL GRANT	(\$3,877.00)	\$0.00	\$0.00	(\$3,877.00)	\$0.00	100.00%
	FUND: PERKINS GRANT - 290	(\$3,877.00)	\$0.00	\$0.00	(\$3,877.00)	\$0.00	100.00%
296.0000.4590.000.000.000.00	FED REV VIA STATE	(\$75,000.00)	\$0.00	\$0.00	(\$75,000.00)	\$0.00	100.00%
	FUND: IDEA - 296	(\$75,000.00)	\$0.00	\$0.00	(\$75,000.00)	\$0.00	100.00%
297.0000.4590.000.000.000.00	FED REV VIA STATE	(\$25,000.00)	\$0.00	\$0.00	(\$25,000.00)	\$0.00	100.00%
	FUND: TITLE II (A) - 297	(\$25,000.00)	\$0.00	\$0.00	(\$25,000.00)	\$0.00	100.00%
298.0000.4300.000.000.000.00	INDIAN EDUCATION GRANT	(\$17,000.00)	\$0.00	\$0.00	(\$17,000.00)	\$0.00	100.00%
	FUND: INDIAN EDUCATION GRANT - 298	(\$17,000.00)	\$0.00	\$0.00	(\$17,000.00)	\$0.00	100.00%
700.0000.1510.000.000.000.00	INTEREST ON INVESTMENTS	(\$200.00)	(\$7.55)	(\$7.55)	(\$192.45)	\$0.00	96.23%
700.0000.1920.000.000.000.00	CONTRIBUTIONS & DONATIONS	(\$1,000.00)	\$0.00	\$0.00	(\$1,000.00)	\$0.00	100.00%
700.0000.5400.000.000.000.00	BEGINNING FUND BALANCE-SCHOLAF	(\$10,700.00)	\$0.00	\$0.00	(\$10,700.00)	\$0.00	100.00%
	FUND: SCHOLARSHIP - 700	(\$11,900.00)	(\$7.55)	(\$7.55)	(\$11,892.45)	\$0.00	99.94%
Grand Total:		(\$7,194,786.00)	(\$527,445.62)	(\$527,445.62)	(\$6,667,340.38)	\$0.00	92.67%

End of Report

OSBA Model Sample Policy

Code: GBL
Adopted:

Personnel Records *

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

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.

The superintendent will be responsible for establishing 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's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

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~~ may arrange with the [personnel/district] office to inspect the contents of ~~his/her~~ their personnel file on any day the [personnel/district] office is open for business;
2. Others designated ~~in writing~~ by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out ~~his/her~~ their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. 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;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Attorneys for the district or the district's designated representative on matters of district business;
8. ~~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 192.345 or 192.355 and shall be~~

[†] ~~"Disciplinary records" is defined as records related to a personnel discipline action or materials or documents supporting that action.~~

~~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.~~ Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

9. Upon request from a law enforcement agency, the Oregon Department of Human Services, ~~or the Teacher Standards and Practices Commission, or the Oregon Department of Education, a district shall provide the records of investigations of suspected child abuse by a district employee~~ in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in ~~his/her~~ their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with [the district's public records procedures] [Board policy KBA - Public Records]. [The district will attempt to notify the employee of the request and that the district believes it is legally required to disclose certain 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. §§ 12101-12112 (2012~~8~~); 29 C.F.R. Part 1630 (2016~~9~~); 28 C.F.R. Part 35 (2016~~9~~).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

OSBA Model Sample

Code: GBN/JBA-AR
Revised/Reviewed:

Sexual Harassment Complaint Procedure

[Principals,] [the compliance officer] [and the superintendent] [has] [have] responsibility for reports, complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to district officials, this includes officials such as the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. The rights of the student, student's parents, staff member, person or person's parents who filed the complaint;
2. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parents may pursue, including the person designated for the school or district for receiving complaints;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment; and
7. Notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and
3. Be made available to students, students' parents, staff members and members of the public at each school office, at the district office and on the school or district website.

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within [10] working days after receipt of the step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within [10] working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the step 3 decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within [10] working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

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

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____

Date: _____

[Name of District]
[Address] | [Phone]

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

The district is committed to the elimination of sexual harassment in district schools, activities and programs. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment: of students by staff members, other students or third parties; of staff members by students, other staff members or third parties; and of third parties by staff members and students. This policy applies to third parties who are on or immediately adjacent to school grounds or district property, are at any school-sponsored or district-sponsored activity or program, or are off school or district property, if a student or staff member acts toward the person in a manner that creates a hostile environment for the person while at school or a school-sponsored or district-sponsored activity or program. "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 at interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. [The prohibition also includes off duty conduct which is incompatible with a staff member's district job responsibilities.]

All staff members, students, and third parties are subject to this policy.

Sexual harassment of students, staff members or third parties shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with the staff member's ability to perform the job or that creates an intimidating, offensive or hostile work environment; or unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that creates an intimidating, offensive or hostile environment; and
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Examples of sexual harassment may include, but not be limited to, [[¹]]physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials;

[¹ OAR 581-021-0038 requires that the policy include a "list of examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district does have discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school district's legal counsel.]

sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

All complaints or reports about behavior that may violate this policy shall be promptly investigated.

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official so that the district official (and the reporting staff member when the victim of the harassment is a student or third party) may coordinate efforts to take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions that are necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the staff member who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to [immediately] report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Upon receipt of a complaint from a student or the student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(5) to the complainant.

The person who initiated the complaint and if applicable the student's parents or person's parents shall be notified when the investigation is initiated and concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal student confidentiality laws.

The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the educational assignments or any terms or conditions of employment or of work or educational environment of the person who initiated the complaint or who participates in the investigation. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in ²[all grade 6 through 12 schools] [all schools]. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

[² Posting in “in grade 6 through 12 schools” is the minimum requirement per ORS 342.700.]

OSBA Model Sample Policy

Code: IGBAH-AR
Adopted:

Special Education - Evaluation and Eligibility Procedures**

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation
 - a. The district conducts re-evaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.
 - b. The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

5. Evaluation Planning

- a. ~~The district, or designated referral and evaluation agency for preschool children, ensures that,~~ As part of an initial evaluation (if appropriate), and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals, as appropriate, must review and document their review of existing evaluation data information on the child, including:
- (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations;
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
- (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs, or continues to need, early intervention/early childhood special education (EI/ECSE) or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
- (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
- (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
 - (3) Are used for the purposes for which the assessments or measures are valid and reliable;

- (4) Are administered by trained and knowledgeable personnel; and
- (5) Are administered in accordance with any instructions provided by the producer of the assessments.

- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.

- e. Each eligibility team prepares a written eligibility statement that includes:
- (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

OSBA Model Sample

Code: JBA/GBN-AR
Revised/Reviewed:

Sexual Harassment Complaint Procedure

[Principals,] [the compliance officer] [and the superintendent] [has] [have] responsibility for reports, complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to district officials, this includes officials such as the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. The rights of the student, student's parents, staff member, person or person's parents who filed the complaint;
2. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parents may pursue, including the person designated for the school or district for receiving complaints;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment; and
7. Notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and
3. Be made available to students, students' parents, staff members and members of the public at each school office, at the district office and on the school or district website.

Step 2

The district official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3

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

Step 4

If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the step 3 decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within [10] working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

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

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

[Name of District]
[Address] | [Phone]

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____

Date: _____

OSBA Model Sample Administrative Regulation

Code: JBA/GBN-AR(2)
Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct^{7} that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

^{7} The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.}

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

9. Identification of the allegations potentially constituting sexual harassment;
10. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
11. Findings of fact supporting the determination;
12. Conclusions regarding the application of the district’s code of conduct to the facts;
13. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
14. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

15. [Discipline up to and including suspension and expulsion;
16. Removal from various activities, committees, extra-curricular, positions, etc.
17. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

18. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.]¹⁵

Other remedies may include:

19. [Educational programming];[.]

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

20. Would not constitute sexual harassment, even if proved;
21. Did not occur in the district's education program or activity¹⁶; or
22. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

23. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
24. The respondent is no longer enrolled or employed by the district; or
25. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

26. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
27. Obtains the parties' voluntary written consent to the informal resolution process; and
28. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within [15] days of the decision, on the following bases:

29. Procedural irregularity that affected the outcome of the matter;
30. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
31. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
32. [Additional bases may be allowed, if made available equally to both parties.]

When an appeal is filed, the district must:

33. Notify the other party in writing;
34. Implement appeal procedures equally for both parties;
35. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
36. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
37. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
38. Issue a written decision describing the result of the appeal and the rationale for the result; and
39. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

40. General grievance process (from receipt of formal complaint to determination of responsibility: [90] days;
41. Appeals (from receipt of appeal): [60] days;
42. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.¹⁹

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

{¹⁹ If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.}

OSBA Model Sample Policy

Code: JBA/GBN
Adopted:

Sexual Harassment

The district is committed to the elimination of sexual harassment in district schools, activities and programs. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment: of students by staff members, other students or third parties; of staff members by students, other staff members or third parties; and of third parties by staff members and students. This policy applies to third parties who are on or immediately adjacent to school grounds or district property, are at any school-sponsored or district-sponsored activity or program, or are off school or district property, if a student or staff member acts toward the person in a manner that creates a hostile environment for the person while at school or a school-sponsored or district-sponsored activity or program. "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 at interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. [The prohibition also includes off duty conduct which is incompatible with a staff member's district job responsibilities.]

All staff members, students, and third parties are subject to this policy.

Sexual harassment of students, staff members or third parties shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with the staff member's ability to perform the job or that creates an intimidating, offensive or hostile work environment; or unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that creates an intimidating, offensive or hostile environment; and
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Examples of sexual harassment may include, but not be limited to, [[¹physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials;

[¹ OAR 581-021-0038 requires that the policy include a "list of examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district does have discretion in what is included in this list. If you are listing behaviors not reflected in our recommendations, please make sure that you have your list reviewed by your school district's legal counsel.]

sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

All complaints or reports about behavior that may violate this policy shall be promptly investigated.

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official so that the district official (and the reporting staff member when the victim of the harassment is a student or third party) may coordinate efforts to take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions that are necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the staff member who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to [immediately] report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Upon receipt of a complaint from a student or the student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(5) to the complainant.

The person who initiated the complaint and if applicable the student's parents or person's parents shall be notified when the investigation is initiated and concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal student confidentiality laws.

The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the educational assignments or any terms or conditions of employment or of work or educational environment of the person who initiated the complaint or who participates in the investigation. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in ²[all grade 6 through 12 schools] [all schools]. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

[² Posting in "in grade 6 through 12 schools" is the minimum requirement per ORS 342.700.]

OSBA Model Sample Policy

Code: JHH

Adopted:

Student Suicide Prevention**

The district shall develop a comprehensive student suicide prevention plan for students in kindergarten through grade 12.

[The district may consult with state or national suicide prevention organizations, the Oregon Department of Education (ODE), school-based mental health professionals, parents, guardians, employees, students, administrators and school boards associations when developing the required plan.]

The plan shall include, at a minimum:

1. Procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide;
2. Identification of the school officials responsible for responding to reports of suicidal risk;
3. A procedure by which a person may request the district to review the actions of a school in responding to suicidal risk;
4. Methods to address the needs of high-risk groups, including:
 - a. Youth bereaved by suicide;
 - b. Youth with disabilities, mental illness or substance abuse disorders;
 - c. Youth experiencing homelessness or out of home settings, such as foster care; and
 - d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students.
5. A description of, and materials for, any training to be provided to employees as part of the plan, which must include:
 - a. When and how to refer youth and their families to appropriate mental health services; and
 - b. Programs that can be completed through self-review of suitable suicide prevention materials.
6. Supports that are culturally and linguistically responsive;
7. Procedures for reentry into a school environment following a hospitalization or behavioral health crisis¹; and

¹ “Behavioral health crisis” as defined by Oregon Administrative Rule (OAR) 581-022-2510, means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual’s mental or physical health.

8. A process for designating staff to be trained in an evidence-based suicide prevention program.²

The plan must be written to ensure that a district employee acts only within the authorization and scope of the employee's credentials or licenses.

The plan must be available annually to the community of the district, including district students, their parents and guardians, and employees and volunteers of the district, and readily available at the district office and on the district website.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.343](#)

[OAR 581-022-2510](#)

² ODE will provide a list of available programs.

OSBA Model Sample Policy

Code: JHCC
Adopted:

Communicable Diseases - Students

The district shall provide reasonable protection against the risk of exposure to communicable disease for students. 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). Services will be provided to students as required by law.

A student will not attend school while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that any susceptible student has or has been exposed to any disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Students. If the disease is a reportable disease, the administrator will report the occurrence to the local health department. The administrator will also take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of students and others.

The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

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

The district shall protect the confidentiality of each student's health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

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

END OF POLICY

Legal Reference(s):

[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526](#)

[OAR 333-019-0010](#)
[OAR 333-019-0014](#)
[OAR 333-019-1000](#)
[OAR 437-002-0360](#)

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

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

OSBA Model Sample Policy

Code: JHCC-AR
Adopted:

Communicable Diseases – Student

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

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious 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 policy² or by the local public health administrator, after determining that it presents a significant public health risk in the school setting poses a danger to the public’s health.
2. “Susceptible” means being at risk of contracting a restrictable disease by virtue of being in one or more categories described in law for a child means lacking documentation of immunization required under OAR 333-050-0050.
3. “Reportable diseases” means a human reportable disease, infection, microorganism or condition as specified in OAR Chapter 333, Division 18 disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. A student of the district will not attend a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19³, unless authorized to do so under Oregon law. When an administrator has reason to suspect any child has a restrictable disease, the administrator shall send the student home.
2. ~~1.~~An administrator ~~that~~ shall exclude a susceptible child from school if the administrator has reason to suspect that ~~a~~ the student ~~has or~~ has been exposed to ~~any restrictable disease for which the student is required to be excluded, shall exclude that student from school and send him/her home~~ measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer

¹ Added per OAR 333-019-1000(2).

² ~~“OAR 333-019-0010(710) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”~~

³ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

determines that exclusion is not necessary to protect the public's health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

3. An administrator shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. ~~2.~~The student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 ~~to~~- 677.525, a nurse practitioner licensed under ORS 678.375 ~~to~~- 678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.

~~3. An administrator will exclude a susceptible student that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not 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 administrator may request the local health officer to make a determination as allowed by law.~~

- ~~6.5.~~ 4. The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local ~~public health officer~~-administrator states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may ~~also~~ be removed by a school nurse or health care provider.

- ~~7.6.~~ 5. More stringent exclusion standards for students from school may be adopted by the local health department ~~or by the district through Board adopted policy.~~

~~6. A disease is considered to be a restrictable disease if it is listed in OAR 333-019-0010, or it has been designated to be a restrictable disease through Board policy or by the local health administrator, after determining that it presents a significant public health risk in the school setting.~~

- ~~9.7.~~ The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.

3. An administrator shall determine other persons ~~with a legitimate educational interest~~ who may be informed of ~~the communicable nature of an individual~~ a student's communicable disease, ~~or an employee's communicable disease~~, when a legitimate educational interest exists or for health and safety reasons ~~within guidelines allowed by~~ in accordance with law.

Education

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

Equipment and Training

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