	Agenda	
	Board Meeting August 12, 2024 6:30 p.m. <u>https://dsd2-org.zoom.us/j/84855147461</u> District Office Board Room	
1.0	Welcome/Pledge of Allegiance	
2.0	Approval of the Agenda	
3.0	Good News	
4.0	Public Comment	
5.0	 Announcements 5.1 August Calendar 5.1.1 Next Board Meeting August 26, 2024 at 6:30 p.m. 5.1.2 Citizens Oversight Committee Meeting September 10, 2024 at 5:30 p.m. 	46
6.0	Consent Agenda6.1 Approval of the July 8, 2024 Board Minutes	47
7.0	Financial Report – Tami Montague	50
8.0	Leave of Absence Request for Cassie Heckard	52
9.0	 Policies First Read 9.1 BBF – Board Member Standards of Conduct 9.2 CBC – Superintendent's Contract 9.3 BDC – Executive Sessions 9.4 GCBDF/GDBDF – Paid Family Medical Leave Insurance 9.5 DJCA – Personal Services Contracts – Delete 9.6 EBBA – First Aid – Delete 9.7 EBC/EBCA – Emergency Procedures and Disaster Plans 9.8 GCDA/GDDA – Criminal Records Check and Fingerprinting 9.9 BD/BDA – Board Meetings 9.10 JHC – Student Health Services and Requirements – Delete 9.11 JHCC – Communicable Diseases – Students – Delete 9.12 JHCCA – Students- HIV, HVB, and AIDS – Delete 9.13 JHCCF – Pediculosis (Head Lice) – Delete 9.14 GBEB – Communicable Diseases in Schools 9.15 EBC – Emergency Plan and First Aid 9.16 AC – Nondiscrimination 9.17 CBG – Evaluation of the Superintendent 9.18 CCG – Evaluation of Administrators 9.19 JGA – Corporal Punishment 9.20 CB - Superintendent 	53
	 2.0 3.0 4.0 5.0 6.0 7.0 8.0 	Board Meeting August 12, 2024 6:30 p.m. https://dsd2-org.zoom.us/i/84855147461 District Office Board Room 1.0 Welcome/Pledge of Allegiance 2.0 Approval of the Agenda 3.0 Good News 4.0 Public Comment 5.1 August Calendar 5.1.1 5.1 August Calendar 5.1.1 5.1.2 Citizens Oversight Committee Meeting September 10, 2024 at 5:30 p.m. 6.0 Consent Agenda 6.1 6.1 Approval of the July 8, 2024 Board Minutes 7.0 Financial Report – Tami Montague 8.0 Leave of Absence Request for Cassie Heckard 9.1 BBF – Board Member Standards of Conduct 9.2 CBC – Superintendent's Contract 9.3 BDC – Executive Sessions 9.4 GCBDF/GDBDF – Paid Family Medical Leave Insurance 9.5 DICA – Personal Services Contracts – Delete 9.6 EBBA – First Aid – Delete 9.7 EBC/EBCA – Emergency Procedures and Disaster Plans 9.8 GCDA/GDDA – Criminal Records Check and Fingerprinting 9.9 BD/BA – Board Meetings 9.10 JHC – Student Health Services and Requirements – Delete

10.0 Administrative Rules (Information Only)

- 10.1 DJC-AR Special Procurements and Exemptions from Competitive Bidding – Delete
- 10.2 DJCA-AR Personal Services Contracts Delete
- 10.3 GCDA/GDDA-AR Criminal Records Checks and Fingerprinting Delete
- 10.4 JHCC-AR Communicable Disease Student Delete
- 10.5 JHCCF-AR Pediculosis (Head Lice) Delete
- 10.6 GBEB-AR Communicable Diseases in Schools

11.0 Reports

11.1 Draft Citizens Oversight Committee Meeting Minutes

12.0 Discussion Items

- 12.1 Oregon School Boards Association Convention Report
- 12.2 Board Retreat Planning
- 13.0 Adjourn

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Phone: 503.623.5594 • Fax: 503.623.5597 • Address: 111 SW Ash Street • Dallas, Oregon 97338

Public Participation in Board Meetings

During each school board meeting, the agenda has been set to include an item titled "public comment." It is during this portion of the agenda the public can comment on any item that is or is not on the agenda.

Because of the nature of the Board's work, it is typical that the Board will hear from a patron. Public participation is a time for the Board to listen, not a time for discussion or responding to questions, as the Board needs adequate time to process the information received to ensure proper steps are taken going forward. The Board may direct questions to district administrative staff to respond to after the meeting. If input is given related to an action item later in the agenda, the Board will use the input during their discussion or deliberation of that specific item. All public comment during a Board meeting is limited to 3 minutes for each individual. Up to 5 minutes may be granted to one person who represents a group of 3 or more with similar testimony. The Board Chairperson may adjust or extend allowable time limits, if necessary.

The Board cannot hear complaints about specific school personnel during an open meeting. If a patron has a specific complaint against district personnel, the board chair or the superintendent can direct the patron to the appropriate complaint process governed by board policy.

There are three ways to provide public comment at a Board meeting.

- If you wish to address the Board in person during a Board meeting, please fill out the request for public comment form available outside the boardroom. If the meeting has started and you decide you would like to provide public comment, please alert the administrator who was the greeter or the board executive assistant with your request by simply handing them the public participation form. This will be directed to the board chair.
- 2) If you wish to address the Board remotely (via Zoom) during a Board meeting, please email Juli Lichtenberger, Executive Assistant to the Superintendent and Board, (juli.lichtenberger@dsd2.org) at least two hours prior to the start of the meeting. Clearly label the subject line as "Public Comment". In the email state that you would like to address the board remotely during the meeting, and include the topic.

Steve Spencer, Superintendent

Rachel Alpert, Assistant Superintendent

Board of Directors: Ed Dressel • Lu Ann Meyer • Rob Ogilvie • Zach Steele • Jonathan Woods

3) If you wish to address the Board in hard copy or email please submit to Juli Lichtenberger, Executive Assistant to the Superintendent and Board, at juli.lichtenberger@dsd2.org at least two hours prior to the start of the meeting. Clearly label the subject line or document as "Public Comment

If you have questions about the district, we encourage you to contact our superintendent.

Thank you for your interest in Dallas School District.

All public meetings, assemblies and celebrations held by the Dallas School District 2 are required to be accessible to persons with disabilities under Title II of the Americans with Disabilities Act (ADA). Accommodations are available upon request to persons who require alternatively formatted materials or auxiliary aids to ensure effective communication and access to events. Please allow at least 10 business days to arrange for accommodations. All requests should be sent to:

DO Reception Dallas School District 2 111 SW Ash Street Dallas, OR 97338 503-623-5594

Or: e-mail compliance.officer@dsd2.org

AUG2024

SUN	MON	TUE	WED	THU	FRI	SAT
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04	05	06	07	08	09	10
		Citizens Oversight Committee Meeting 5:30 p.m.			OSBA Conference	OSBA Conference
11	12	13	14	15	16	17
OSBA Conference	Board Meeting 6:30 p.m.					
18	19	20	21	22	23	24
25	26	27	28	29	30	31
	Inservice	Inservice	Inservice	Inservice	Inservice	
	Board Meeting 6:30 p.m.	District Wide Welcome Back Meeting 8:00 a.m.				

Minutes Board Meeting July 8, 2024 6:30 p.m. <u>https://dsd2-org.zoom.us/j/84855147461</u> District Office Board Room

Present: Lu Ann Meyer, Rob Ogilvie, Ed Dressel, Zach Steele, Jon Woods, Steve Spencer, Juli Lichtenberger, Sean Johnson, Todd Baughman, Tami Montague

Visitors: Jennifer Lenoue, Stephanie Hofferber, Erin Sutro

1.0 Welcome/Pledge of Allegiance

2.0 Approval of the Agenda

Zach Steele moved to approve the agenda as printed, seconded by Ed Dressel. The motion passed unanimously.

3.0 Good News

 3.1 OEA Choice Trust has awarded an Education Employee Wellness grant of \$75,000 to Dallas School District. Todd Baughman, Whole Child Administrator, shared good news with the Board.

4.0 Public Comment

No public comment.

5.0 Announcements

- 5.1 July & August Calendars
 - 5.1.1 No Board Meeting on July 22, 2024
 - 5.1.2 Next Board Meeting August 12, 2024 at 6:30 p.m.
 - 5.1.3 Citizens Oversight Committee Meeting August 6, 2024 at 5:30 p.m.

6.0 Consent Agenda

- 6.1 Approval of the June 24, 2024 Board Minutes
- 6.2 Annual Business Procedures Zach Steele moved to approve the Consent Agenda, seconded by Rob Ogilvie. The motion passed unanimously.
- 7.0 Resolution #24-25-01 Authority to Pay Bills and Expend Funds (Board Action) Rob Ogilvie moved to approve Resolution #24-25-01 Authority to Pay Bills and Expend Funds, seconded by Ed Dressel. The motion passed unanimously.

8.0 Resolution #24-25-02 to Set Construction Excise Tax Rates for Fiscal Year 2024-25 (Board Action)

The district received approximately \$55,000 through June 2024 from this tax. Steve Spencer recommended imposing 2/3 of the maximum amount allowed as recommended by the Citizens Oversight Committee and the Finance Committee. Jon Woods moved to adopt the 2/3 maximum Tax Rates as presented for Construction Excise Tax for fiscal year 2024-25, seconded by Rob Ogilvie. The motion passed with a majority vote of three board members. Ed Dressel and Zach Steele voted nay to the motion.

9.0 Supplemental Transportation Plan (Board Action) – Todd Baughman

Todd Baughman shared this plan is necessary to reflect updated information. Discussion was held. Zach Steele moved to approve the supplemental transportation plan for Dallas High School, Lyle Elementary School, Oakdale Heights Elementary, Whitworth Elementary School, LaCreole Middle School, Luckiamute Valley Charter Schools, and Dallas Community School, seconded by Jon Woods. The motion passed unanimously.

10.0 Board and Superintendent Operating Agreement (Board Action)

Steve Spencer shared the operating agreement is the same as last year. Jon Woods moved to approve the Board and Superintendent Operating Agreement, seconded by Zach Steele. The motion passed unanimously.

11.0 Board Advisory Committees (Board Action)

A student representative will be added to the Citizens Oversight Committee in the Fall. Discussion held. Zach Steele moved to approve the board advisory committees for the 2024-25 school year, seconded by Ed Dressel. The motion passed unanimously.

12.0 District Committee Assignments

Steve Spencer shared information regarding each of these committees. The Board held discussion and chose their assignments.

13.0 Superintendent Contract (Board Action)

Lu Ann Meyer shared the contract was created following previous Board discussion, consultant information, and legal counsel review. Juneteenth should be added to the Holiday section of the contract. Zach Steele moved to approve the superintendent contract with the revision of Juneteenth, seconded by Rob Ogilvie. The motion passed unanimously.

14.0 Superintendent Professional Growth Goal

Steve Spencer shared his personal growth goal is focused on a Leading Now Superintendent Leadership Cohort he was selected to be a part of. Steve Spencer shared additional items of personal focus. Discussion was held.

15.0 District Goals

Steve Spencer shared a draft of district goals which will be discussed at the upcoming administrator retreat. Discussion was held.

16.0 Reports

16.1 District Equity Advisory Committee Draft Minutes

Discussion about Oregon School Boards Association upcoming conference was held.

17.0 Adjourn at 7:17 p.m.

pard Chair / Lu Ann Meyer Date	bard Chair / Lu Ann Meyer Date	ard Chair / Lu Ann Meyer Date	oard Chair / Lu Ann Meyer		Date
oard Chair / Lu Ann Meyer Date	Date Date	ard Chair / Lu Ann Meyer Date			
			oard Chair / Lu Ann Meyer		Date

GENERAL FUND OPERATIONS (FUND 100)		Current MTD	Current YTD	Add: Projections	Adjustments*	Annual Forecast	Annual Budget	Variance Fav / (Unfav)	Notes
				2 500 000		2,500,000	2,500,000	0	
Beginning Fund Balance									
Lood Sources (Demadu Tavas Interact Faas)		13.232	13.232	10,489,257		10,502,489	10,502,489	0	
Flow Through ESD, County School Funds		0	0	000'06		000'06	000'06	0	
State Sources (SSF, Common School Fund, High		4,793,114	4,793,114	25,110,847		29,903,961	29,903,961	0	
Cost Disability) Endaral Sources (In Liou of Property Tayes)		0	0	3,550		3,550	3,550	0	
ber Courses (in rise of roperty taxed)	+	0	0	0		0	0	0	
Uner Sources TOTAL REVENUE	+	\$4,806,346	\$4,806,346	\$35,693,654	\$0	\$40,500,000	\$40,500,000	\$0	
AVAILABLE RESOURCES		\$4,806,346	\$4,806,346	\$38,193,654	\$0	\$43,000,000	\$43,000,000	\$0	
and Cada		Currant MTD	Current YTD	Add: Encumbrances	Adjustments*	Annual Forecast	Annual Budget	Variance	*Notes
Experiments by Account cove	t	390.037	390.037		1,126,897	18,583,482	18,583,482	_	***** ANTICIPATES SPENDING BUDGET
Salaries Accordated Devroll Costs	+	233.266	233,266	8,848,151	930,759	10,012,176	10,092,418	80,243	
Associated Faylon Costs Contracted Semicros	T	103.854	103,854	6,719,400	3,381,246	10,204,500	10,204,500	0	
Contracted Oct Needs		14.693	14,693	253,448	299,908	568,050		0	
Capital Lasses & Equipment Purchases	+	71,203	71,203	135,405	51,392	258,000		0	
Dues Fees Insurance Interest Paid		328,179	328,179	3,804	0	331,983	338,550	6,567	
Transfers to Other Flinds	1	0		0	168,000	168,000	168,000	0	
Continuencies		0	0	0	0	0	827,000	827,000	
Unannontiated Ending Fund Balance			•	•			1,960,000		
TOTAL EXPENDITURES	+	\$1,141,232	\$1,141,232	\$33,026,756	\$5,958,203	\$40,126,190	\$43,000,000	\$913,810	
Excenditures by Function Code	and the second	Current MTD	Current YTD	Add: Encumbrances	Adjustments*	Annual Forecast	Annual Budget	Fav / (Unfav)	*Notes
		21 DGG	31 066	23.185.916	3,872,832	27,089,814	25,136,381	1,953,433	* See above split by Program
Instruction	+	1 110 166	1.110.166		2,085,371	13,036,377	14,908,619	(1,872,243)	
Support Services						0	0	0	
	+					0	0	0	
Facilities Acquisition and Construction						0		(168,000)	
						0	827,000	(827,000)	
Contingencies							1,960,000	(1,960,000)	
	t	\$1,141,232	\$1,141,232	\$33,026,756	\$5,958,203	\$40,126,190	\$43,000,000	-\$2,873,810	
						C2 873 810		2.682.532	
SURPLUS / (DEFICIT)		\$3,665,114	\$3,665,115			0101010170			
Ending Fund Balance	+					\$2,873,810	7.10%	of Revenues	Board Policy 8%
		A State of the state of the state	a A she and a she was a she					Dobt Obligation	
Investment Account Balances by Type	Yield	Beg Bal	Deposits	Withdrawals	End Bal				
General Operations (5703,5018)	5.27%	\$1,922,822.59	\$4,741,404.34	\$2,723,777.69	\$3,940,449.24		Annual Debt	Paid YTD	Due by June 30, 2025
Debt Service (5770)	5.27%	\$831,868.32	\$3,716.13	\$0.00	\$835,584.45		\$3,698,920.00	\$0.00	\$3,698,920.00
Capital Projects (3974,6022)	5.27%	\$21,855,285.12	\$121,478.64	\$0.15	\$21,976,763.61				
		¢31 600 076 03	\$4 866 599 11	\$2.723.777.84	\$26,752,797.30				

NOTES TO FINACIAL STATEMENT: All cash, investment and credit card accounts have been balanced, reconciled and reviewed and all cash and investment accounts are reconciled to the general ledger by the business manager as of 731/2024. The adopted budget reflects expertied expenditures. All payoul report level. payoul reports have been field and payoul liabilities have been paid intely. All federal and state reinhursement requests as well as required financial reporting forms have been field timely. All credit card expenditures. trave and other reinhursements have been paid intely. All probat level. There have been no significant charges to the internative contraing system. To the accounting policies that are significant, to the accounting policies that are a significant charges to that the book of proper system of a significant charges to the internation of the accounting policies that are a significant charges to that the barrel of the board are accounted and complete to the best of my knowledge and to meave of no other financial required financial charges that into a significant shared should be owned your of no cases of fraud of other microreadia and and thread and have and financial active are determed and there are provided to the board are account accounted of the barrel active and to no other financial matures that the board should be owned of a this time. I have well as the barrel soft the account of the accounties that a moder to the barrel and complete to the baset of my knowledge and to no other financial matures that the baard of the account of the account account of a supervised and approved the soft and of other micro-soft there and threa to the proved by the supervised and approved to the post of the p

2024-2025					22				
Ē	Proceeds from 2022 voter approved bonds sold to complete a variety of construction projects around the district.	oter approved bon	ds sold to comple	te a variety of const	tructior	l projects around th	he district.		•
CAPITAL CONSTRUCTION F403 Voter Approved Bond	Priror Year Cumulative Total	Current MTD	Current YTD	Add: Projections	Adj*	Annual Forecast	Revenue Total ALL Years	Project Budget	Variance Fav / (Unfav)
Beginning Fund Balance	0	0	0	20,824,503	0	20,824,503			
Interest	719,882	96,955	96,955	1,183,164	0	1,280,119	2,000,000	2,000,000	0
OSCIM Grant	0	0	0	4,000,000	0	4,000,000	4,000,000	4,000,000	0
Bond Issuance #1 2022	12,756,016	0	0	0	0	0	12,756,016	12,756,016	0
Bond Issuance #2 2024	15,235,000	0	0	0	0	0	15,235,000	15,235,000	0
Bond Proceeds	2,886,380	0	0	0	0	0	2,886,380	0	2,886,380
Other Sources	0	0	0	0	0	0	0	1,310,508	(1,310,508)
TOTAL REVENUE	31,597,278	96,955	\$96,955	\$5,183,164	\$0	\$5,280,119	\$36,877,396	\$35,301,524	\$1,575,872
TOTAL AVAILABLE RESOURCES	31,597,278		96,955						
Expenditures by Building	Priror Year Cumulative Total	Current MTD	Current YTD	Encumbered	Adj*	Annual Forecast	Project Total ALL Years	Original Proj Budget	Variance Fav / (Unfav)
Lyle Elementary	55,360	41,047	41,047	516,652		557,699	613,059	3,865,970	3,252,911
Oakdale Elementary	271,699			263,430		263,430	535,130	2,095,520	1,560,390
Whitworth Elementary	158,929			218,568		218,568	377,496	2,728,840	2,351,344
LaCreole Middle School	4,059,693	3,761	3,761	670,474		674,234	4,733,927	6,739,312	2,005,385
Dallas High Scool	1,763,936	40,000	40,000	648,873		688,873	2,452,809	9,727,985	7,275,176
Morrison Building	800,940	13,958	17,199	708,201		725,400	1,526,339	991,650	(534,689)
District Wide Management/Oversight/Planning	3,662,218	17,199	13,958	643,992		657,950	4,320,168	9,152,247	4,832,079
TOTAL EXPENDITURES	\$10,772,774	\$115,965	\$115,965	\$3,670,190	\$0	\$3,786,155	\$14,558,929	\$35,301,524	\$41,485,190
Ending Fund Balance	20,824,503								

Copital Projects Fundo

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August 6, 2024

To whom it may concern,

I am requesting a one year leave of absence for the school year 2024-2025, due to the birth of my child. Thank you for your consideration.

Cassie Heackard 3rd Grade teacher at Oakdale.

Code:	BBF
Adopted:	11/09/09
Revised/Readopted:	9/26/22
Orig. Code:	BBF

Board Member Standards of Conduct

Individual Board members and the Board as a public entity must comply with ethics laws for public officials.

Board members will treat other Board members, the superintendent, staff and the public with dignity and courtesy and will provide an opportunity for all parties to be heard with due respect for their opinions.

Board members will recognize the superintendent as the chief executive officer to whom the Board has delegated administrative authority to establish regulations and oversee the implementation of Board policy.

When expressing personal opinions in public, the Board member should clearly identify the opinions as personal.

A Board member will respect the privacy rights of individuals when dealing with confidential information gained through association with the district.

A Board member will keep information and documents discussed in executive session confidential.

A Board member will not post confidential information or documents about students, staff or district business online, including but not limited to, on social media.

Board members will treat fellow Board members, staff, students and the public with respect while posting online or to social media and will adhere to Oregon Public Meetings Laws, including when communicating with other Board members via websites or other electronic means.

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make aan oral report by telephone or otherwise to the local Department of Human Services (DHS) or, to the designee of the department or to a local law enforcement within the county where the person making the report is located at the time of contact. Call 1-888-503-SAFE¹ (7233)

END OF POLICY

Legal Reference(s):

<u>ORS 162</u>.015 - 162.035 <u>ORS 162</u>.405 - 162.425 <u>ORS 192</u>.610 - 192.710 ORS 244.040 ORS Chapter 244 ORS 332.055 ORS 419B.005 ORS 419B.010 ORS 419B.015

¹ Oregon Department of Human Services - How to report child abuse

Code:	CBC
Adopted:	11/22/04
Revised/Readopted:	10/10/22
Orig. Code:	CBC

Superintendent's Contract

The superintendent, upon appointment by the Board, will receive a written contract which will state the terms of employment such as compensation, benefits and other conditions. The Board may not issue a contract that includes terms which direct the superintendent¹ to take any action that conflicts with a local, state or federal law² that applies to the district³, or which allows the Board to take an adverse employment action against the superintendent for complying with such laws. Contracts shall not be issued for more than three years in duration. The contract shall automatically expire at the end of its term. The Board may elect to issue a subsequent contract at any time for up to three years.

The compensation and benefits for the position of superintendent will be fixed by the Board and based upon the responsibilities required of the superintendent in performing their duties. The Board may not enter into an employment contract that contains provisions that expressly obligate the district to compensate the superintendent for work that is not performed.

Provisions for termination of the superintendent's employment, either by the Board or the superintendent, will also be set forth in the superintendent's employment contract. The employment contract, if it includes a mutually agreed to termination-without-cause provision by the Board, will include a 12-month notice of termination for such provision.

The district may provide health benefits for a superintendent that is no longer employed by the district until the superintendent:

- 1. Reaches 65 years of age; or
- 2. Finds new employment that provides health benefits.

For a period of one year after termination of the contract, the superintendent may not:

1. Purchase property or surplus property owned by the district or public charter school; or

¹ The term "superintendent" includes an interim superintendent.

² "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

³-Also includes taking any action that conflicts with law that applies to education services districts.

2. Use property owned by the district or public charter school in a manner other than the manner permitted for the general public.

END OF POLICY

Legal Reference(s):		
<u>ORS 332</u> .432 <u>ORS 332</u> .505	<u>ORS 342</u> .549 <u>ORS 342</u> .815	<u>OAR 584</u> -005-0005(51)

Code:	BDC
Adopted:	10/25/16
Revised/Readopted:	9/26/22
Orig. Code:	BDC

Executive Sessions

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

An executive session may be convened by the Board chair, upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660 during a regular, special or emergency meeting. An executive session may be included as an agenda item of an existing meeting in accordance with Board policy BDDC - Board Meeting Agenda or held as its own meeting. Proper notice is required.

If open session is held prior to the executive session, the The presiding officer will announce the executive session by identifying the authorization under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 for holding such session and by noting the subject of the executive session.

The Board may hold an executive session:

- 1. To consider the employment of a public officer, employee, staff member or individual agent.¹ (ORS 192.660(2)(a))
- 2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer², employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
- 3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
- 4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))

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

a. The vacancy has been advertised;

b. Regular hiring procedures have been adopted;

c. If hiring an officer, the public has had the opportunity to comment on the employment of the officer; and

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

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

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

The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session.

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

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

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

Minutes shall be kept for all executive sessions.

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

END OF POLICY

Legal Reference(s):

<u>ORS 192</u>.660

<u>ORS 332</u>.045

<u>ORS 332</u>.061

OR. ATTY. GEN. Public Records and Meetings Manual. Oregon Government Ethics Commission, <u>Staff Advisory Opinion</u> No. 22-106S <u>House Bill 2806</u> (2023)

Cross Reference(s):

BD/BDA - Board Meetings BDDG - Minutes of Board Meetings CBG - Evaluation of the Superintendent

Corrected 12/27/23

Code: GCBDF/GDBDF Adopted:

Paid Family Medical Leave Insurance *

The district provides an equivalent plan for paid family and medical leave and does not participate in Paid Leave Oregon. This plan has been approved by the Employment Department. {¹} The district will file the Oregon Quarterly Tax Report as required.

The district will make available a notice poster that outlines the requirements and procedures for the equivalent plan.² This poster will be displayed in each of the district's buildings or worksites in an area that is accessible to and regularly frequented by employees. This poster will be provided³ to remote employees upon hire or assignment to remote work.

END OF POLICY

Legal Reference(s):

<u>ORS 657B</u>.210 - 657B.260

<u>OAR 471</u>-070-2200 - 2460

² For poster requirements, see OAR 471-070-2330.

^{{&}lt;sup>1</sup> Deadlines for the district to file an exemption application can be found on OAR 471-070-2205. Application requirements can be found in OAR 471-070-2210.}

³ By hand delivery, regular mail, or through an electronic delivery method.

DJCA
5/11/21
10/10/22
DJCA

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. "Personal services contracts," as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$150,000 shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

ORS Chapters 279 ORS Chapters 279A, 279B and 279C <u>ORS 332</u>.107 <u>ORS 670</u>.600 OAR 459-010-0030

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE (Rev. 3-2012).

Cross Reference(s):

DJC - Bidding Requirements



EBBA 10/24/22

First Aid**

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention for a student is the responsibility of the student's parent(s), or of someone the parent(s) designate in the case of an emergency.

Each principal is charged with providing for the immediate care of ill or injured persons within their area of responsibility.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, each school shall have, at a minimum, at least one staff member with a current first-aid card for every 60 students enrolled.

END OF POLICY

Legal Reference(s):

ORS 329.025 ORS 332.107 ORS 336.201 ORS 336.204 <u>ORS 336</u>.211 ---336.214 <u>OAR 581</u>-021-0017 <u>OAR 581</u>-021-0031 <u>OAR 581</u>-021-0587

OAR 581-021-0590 OAR 581-022-2050 OAR 581-022-2220 OAR 581-022-2515

Cross Reference(s):

GBE - Staff Health and Safety

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).



Cøde:	
Adopted	
Revised/Readopted:	
Orig. Code:	

EBC/EBCA 6/09/20 10/24/22 EBC/EBCA

Emergency Procedures and Disaster Plans

The superintendent will develop and maintain plans specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and safety threats on district property.

The plans will also include procedures for other foreseeable emergency situations including, but not limited to, weather, explosions, riot, strike, war, or epidemic, and in the case of long-term disruptions to district operations such as a pandemic, declared public health emergency or other catastrophe. These plans should be developed to meet the situations that may occur at a school or districtwide.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of Emergency Procedures will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plans for the care of students during such situations.

The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

END OF POLICY

Legal Reference(s):

<u>ORS 192</u>.660(2)(k) <u>ORS 332</u>.107 <u>ORS 433</u>.260 <u>ORS 433</u>.441

OAR 437-002-0161



OAR 581-022-2030(3)(c) OAR 581-022-2220 OAR 581-022-2225

Cross Reference(s):

EEAC - School Bus Safety Program GBE - Staff Health and Safety GBEB - Communicable Diseases – Staff JHCC - Communicable Diseases – Students

Code:GCDA/Adopted:5/25/21Revised/Readopted:1/09/23Orig. Code(s):GCDA/

GCDA/GDDA 5/25/21 1/09/23 GCDA/GDDA

Criminal Records Checks and Fingerprinting (Version 1)

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law.

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

Pursuant to state law, a criminal records check or fingerprint-based criminal records checks shall be required of the following individuals²:

- 1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;
- 2. Any community college faculty member **providing** instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
- 3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
- 4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

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

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



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

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

1. Volunteer coaches;

2. Overnight chaperone.

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

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

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

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

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

The service of a volunteer allowed to have direct, unsupervised contact with students may begin on a probationary basis pending the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check may begin on a probationary basis pending the return and disposition of a state and national criminal records check based on fingerprints.

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

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

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 - 183.470.

END OF POLICY

Legal Reference(s):

ORS 181A.180 ORS 181A.230 ORS 326.603 ORS 326.607 ORS 332.107

<u>ORS 336.631</u> <u>ORS 342</u>.143 <u>ORS 342</u>.223 <u>OAR 414</u>-061-0010 - 061-0030 <u>OAR 581</u>-021-0510 - 021-0512 OAR 581-022-2430 OAR 584-050-0012 OAR 584-050-0100

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









Criminal Records Checks and Fingerprinting – GCDA/GDDA 3-3

Code:	BD/BDA
Adopted:	10/25/16
Revised/Readopted:	9/26/22
Orig. Code:	BD/BDA

Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening¹ of a quorum of the Board as the district's governing body to make a decision² or to deliberate³ toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the Boardgoverning body, i.e.., a work session. "Meeting" does not include any on-site inspection of any project or program attendance of members of the Board at any national, regional or state association to which the Board or its members belong.

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

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. Information on how to give or submit public comment is outlined in Board policy BDDH - Public Comment at Board Meetings⁴ and/or posted on the district's website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law⁵. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination

⁵ ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction ifas long as no deliberations toward a decision are involved.

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

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

³ "Deliberation" means discussion or communication that is part of a decision-making process.

⁴ When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.

on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

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

If requested to do so at least 48 hourstwo business days before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. If the meeting is being held upon less than 48 hours' notice and a request for an interpreter is made, the Board shall make a reasonable effort to have an interpreter present. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

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

1. Regular, Special and Emergency Meetings

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

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

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

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

2. Communications Outside of Board Meetings

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

Communications outside of a Board meeting Electronic communications may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);
- e.a. Communications to, between or among members of a governing body that are:
 - Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board (including agendas and information concerning agenda items);
 - (2) Not related to any matter that, at any time, could reasonably be foreseen to come before the Board for deliberation and decision; or
 - (3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters; or
- f.<u>b.</u> Individual responses to questions posed by community members, subject to other limitations in Board policy.

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

Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by public meetings law.

3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law.

4. Work Sessions

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

5. Executive Sessions

Executive sessions may be held during regular, special or emergency meetings for a reason permitted by law (see Board policy BDC - Executive Sessions).

Complaints regarding public meetings laws can be filed with the Board in accordance with Board Policy KL – Public Complaints. The Board will respond and provide a copy of the complaint and response to the Oregon Government Ethics Commission within 21 days in accordance with state law.⁶

{⁷}Mandatory Training

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

END OF POLICY

Legal Reference(s):

ORS Chapter 192

<u>ORS 255</u>.335 <u>ORS 332</u>.040 - 332.061 <u>ORS 433</u>.835 - 433.875

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

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018). OR. ATTY. GEN. Public Records and Meetings Manual. <u>House Bill 2805</u> (2023).

Cross Reference(s):

ACA - Americans with Disabilities Act BDC - Executive Sessions

Corrected 12/27/23

⁷ {This is required for Board members in districts with total expenditures for a fiscal year of \$1 million or more. This number will be reviewed by OGEC at least once every five years. If the district has total expenditures of less than \$1 million, this language can be kept, but "shall" should be replaced with "is encouraged to."}

Code:	JHC
Adopted.	9/12/17
Revised/Readopted:	5/08/23
Orig. Code:	JHC
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Student Health Services and Requirements**

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

The district shall staff nursing services appropriate for students with medical needs and preventionoriented health services per applicable requirements of Oregon Revised Statutes (ORS) 336.201 and Oregon Administrative Rule (OAR) 581-022-2220.

The nurse(s) employed by the district shall be licensed to practice as a registered nurse or nurse practitioner in Oregon, or may employ licensed practical nurses if their practice is supervised by a registered nurse or nurse practitioner described above, and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.

The district shall provide:

- 1. One registered nurse or school nurse for every 125 medically fragile students;
- 2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
- 3. One registered nurse or school nurse for every 225 medically complex students.

The district may use the most cost effective means available to meet the above requirements.

Any nurse(s) providing services on behalf of the district shall follow all applicable requirements of ORS Chapter 678 and OAR Chapter 851. This includes, but is not limited to, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of the patient prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.¹

The district shall maintain a prevention-oriented health services program which provides:

- 1. Pertinent health information on the students, as required by Oregon statutes or rules;
- 2. Health appraisal to include screening for possible vision or hearing problems;
- 3. Health counseling for students and parents, when appropriate;

¹ For additional delegation requirements, see OAR <u>851-047-0030</u>.

- 4. Health care and first-aid assistance that are appropriately supervised and isolate the sick or injured child from the student body;
- 5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, and the county health department;
- 6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
- 7. Services for students who are medically fragile or have special health care needs;
- 8. Integration of school health services with school health education programs.

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The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the district recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination² or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The district will abide by those requests.

END OF POLICY

Legal Reference(s):			
<u>ORS 329</u> .025 ORS 336.201	<u>ORS 336</u> .211 OAR 581-022-2050	<u>OAR 581</u> -022-2220 OAR 581-022-2225	

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022). Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1928 (2018).

Cross Reference(s):

JHH - Student Suicide Prevention

 2 The term "invasive physical examination," as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

Student Health Services and Requirements** – JHC 2-2

JHCC
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5/08/23
JHCC

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.

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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):

<u>ORS 431</u>.150 - 431.157 <u>ORS 433</u>.001 - 433.526 <u>OAR 333</u>-018 OAR 333-019-0010 OAR 333-019-0014 OAR 437-002-0360

OAR 437-002-0377 OAR 581-022-2220

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (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).



Cross Reference(s):

EBC/EBCA - Emergency Procedures and Disaster Plans GBEB - Communicable Diseases – Staff

Code:	JHCCA
Adopted:	8/12/13
Revised/Readopted:	5/08/23
Orig. Code:	JHCCA
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Students - HIV, HBV, and AIDS**

The district will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV or diagnosed with AIDS¹.

The district recognizes a parent (student) has no obligation to inform the district of an HIV, HBV or AIDS condition, and that the student has a right to attend school. If the district is informed of such a student, written guidelines shall be requested of the parent (student). These guidelines shall include who may have the information, who will give the information, how the information will be given and where and when the information will be given.

When informed of the infection, and with written permission from the parent (student), the district will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the student's condition. The district will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

Notification of alternative education programs shall be made to the parent or eligible student, if an HIV, HBV or AIDS student withdraws from school.

END OF POLICY

Legal Reference(s):

ORS 326.565 ORS 326.575 ORS 332.061 ORS 336.187 ORS 336.615 to -336.665 ORS 339.030 ORS 339.250 ORS 433.008 ORS 433.045 OAR 333-018-0000



OAR 333-018-0005 OAR 581-022-2060 OAR 581-022-2220

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



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

Students - HIV, HBV and AIDS** – JHCCA

JHCCF
8/12/13
5/08/23
JHCCF

Pediculosis (Head Lice)

(Version 1)

The Board recognizes that district programs should be conducted in a manner that protects and enhances student and employee health and is consistent with recognized health practices. Consequently, in order to prevent the spread of pediculosis (head lice) in the school setting, district staff shall institute guidelines for classrooms that will assist in the prevention of and the spread of head lice. A student with a suspected case of lice shall be referred to the school nurse or administrator for an assessment. A student found with live lice or nits (lice eggs) will be excluded from school attendance. The district recognizes that the Oregon Health Authority, Public Health Division, no longer requires exclusion of a student for the presence of nits and allows the discretion of the district. A student excluded from school will be readmitted after an assessment by designated personnel to confirm no lice are present. Students found with nits (lice eggs) only or returning after exclusion with the presence of nits only will not be excluded, but will be subjected to periodic checks to confirm continuing absence of live lice.

Successful treatment of head lice requires a coordinated approach and may involve the use of antilouse products, combing and implementation of preventative measures recommended by health authorities. Treatment information will be provided by the district to parents of students found to have contracted head lice. It is the district's intent to encourage elimination of the current infestation and to prevent a repeat episode.

The superintendent or designee will develop administrative regulations, as necessary, to implement this policy.

END OF POLICY

Legal Reference(s):

<u>ORS 433</u>.255 <u>ORS 433</u>.260 OAR 333-019-0010 OAR 437-002-0360



OAR 581-022-2220



GBEB
2/13/18
1/09/23
GBEB; JHCC

Communicable Diseases – Staffin Schools

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

AnA student or employee may not attend school or work, respectively, while in a communicable stage of a restrictable disease, or when an administrator has reason to suspect that the student or employee has or has been exposed to any disease for which exclusion is required in accordance with law. The district may provide an educational program in an alternative setting. Services will be provided to students as required by law. and per administrator regulation GBEB-AR - Communicable Diseases - Staff. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

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

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

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

The district will include, as part of its general emergency plansplan, a description of the actions to be taken by district staff in buildings and by the case of a declared public health emergency or other catastrophe that disrupts district in response to medical emergenciesoperations.

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

END OF POLICY

Legal Reference(s):

<u>ORS 332</u>.107 <u>ORS 431</u>.150 - 431.157 <u>ORS 433</u>.001 - 433.004 <u>ORS 433</u>.010 <u>ORS 433</u>.110 <u>ORS 433</u>.235 - 433.284

OAR 333-018

OAR 333-019-0010 OAR 333-019-0014 OAR 581-022-2220 OAR 581-022-2225

Communicable Diseases — Staffin Schools – GBEB 1-2 OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance for Schools*. 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 (2023).

Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2023).

Code: Adopted:

EBC

Emergency Plan and First Aid**

The district will maintain a comprehensive safety program for all employees and students. This program will include a plan for responding to emergency situations. The superintendent will consult with community and county agencies while developing this plan. The district's emergency plan will meet any requirements of the State Board of Education.

Copies of the emergency plan will be available in every school office and other strategic locations throughout the district. Parents or guardians will be informed of the district's plan.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Each school in the district shall have, at a minimum, at least one staff member with a current firstaid/CPR/AED card for every 60 students enrolled and who are trained annually on the district and building emergency plans. Emergency planning will include the presence of at least one staff member with a current first-aid/CPR/AED card for every 60 students for school-sponsored activities where students are present.

The district shall provide instruction to staff and students in the emergency plan and safety program.

END OF POLICY

Legal Reference(s):

ORS 30.800 ORS 192.660(2)(k) ORS 332.107 ORS 433.260 ORS 433.441 <u>OAR 437</u>-002-0042 <u>OAR 437</u>-002-0120 - 0139 <u>OAR 437</u>-002-0161 <u>OAR 437</u>-002-0360 <u>OAR 437</u>-002-0377 <u>OAR 581</u>-022-2030(3)(c) <u>OAR 581</u>-022-2220 <u>OAR 581</u>-022-2225 <u>OAR 581</u>-053-0003(40) <u>OAR 581</u>-053-0220(3)(e)(B)(iii) <u>OAR 581</u>-053-0320(5)(b) <u>OAR 581</u>-053-0420(2)(f)(B)

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018). Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

Code:	AC
Adopted:	1/23/18
Revised/Readopted:	9/26/22
Orig. Code:	AC

Nondiscrimination

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

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

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

The Board directs the superintendent to designate the district's civil rights coordinator and make contact information available to staff, students and parents. $\{^2\}$

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

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

END OF POLICY

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² {For additional information regarding civil rights coordinators and their responsibilities, see ORS 332.505(2).}

Legal Reference(s):

<u>ORS 174</u> .100	<u>ORS 659A</u> .003
<u>ORS 192</u> .630	<u>ORS 659A</u> .006
ORS 326.051(1)(e)	<u>ORS 659A</u> .009
ORS 332.505	<u>ORS 659A</u> .029
<u>ORS 408</u> .230	<u>ORS 659A</u> .030
<u>ORS 659</u> .805	<u>ORS 659A</u> .040
<u>ORS 659</u> .815	<u>ORS 659A</u> .103 - 659A.145
<u>ORS 659</u> .850 - 659.860	<u>ORS 659A</u> .230 - 659A.233
<u>ORS 659</u> .865	<u>ORS 659A</u> .236
<u>ORS 659A</u> .001	<u>ORS 659A</u> .309

<u>ORS 659A.321</u> <u>ORS 659A.409</u> <u>OAR 581-002-0001 - 002-0005</u> <u>OAR 581-021-0045</u> <u>OAR 581-021-0046</u> <u>OAR 581-021-0047</u> <u>OAR 581-022-2310</u> <u>OAR 581-022-2370</u> <u>OAR 839-003</u>

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019). Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020). Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

Code:	CBG
Adopted:	6/14/17
Revised/Readopted:	10/10/22
Orig. Code:	CBG

Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance. The evaluation will be based on the superintendent's administrative job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and their performance will be conducted in an executive session, unless the superintendent requests a session open to the public. Such an executive session will not include a general evaluation of any district goal, objective or operation. Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

ORS 192.660(2), (8) ORS 332.107 ORS 332.505

OAR 581-022-2405

Hanson v. Culver Sch. Dist. (FDAB 1975).

Code:	CCG
Adopted:	1/23/18
Revised/Readopted:	10/10/22
Orig. Code:	CCG

Evaluation of Administrators

The superintendent will implement and supervise an evaluation system for administratorsadministrative personnel. The purpose of administrator evaluations is to assist an administrator with developing and strengthening his/her-professional abilities, to improve the instructional program and management of the school system, and for supervisors to make recommendations regarding their employment and/or salary status.

A formal evaluation will be conducted at least once each year.

The evaluation shall be conducted according to the following guidelines:

- 1. Evaluative criteria for each position will be in written form and made available to the administrator;
- 2. Evaluations will be made by the superintendent and/or a qualified, licensed designee;
- 3. Evaluations will be in writing and discussed with the administrator by the person who conducts the evaluation; and
- 4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation, and have the right of appeal through established grievance procedures, if applicable.

An administrator's evaluation shall use the following educational leadership-administrator standards¹ adopted by the State Board of Education.

- 1. Visionary leadership;
- 2. Instructional improvement;
- 3. Effective management;
- 4. Inclusive practice;
- 5. Ethical leadership; and
- 6. Socio-political context.

¹ These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with the administrators and any exclusive bargaining representative of the administration.

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

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

An evaluation using the administrator standards must attempt to:

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

Evaluation and support systems established by the district must evaluate administrators on a regular cycle.

The superintendent shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

END OF POLICY

Legal Reference(s):

<u>ORS 192</u>.660(2),(8) <u>ORS 332</u>.505 <u>ORS 342</u>.120 ORS 342.815 ORS 342.850 ORS 342.856 OAR 581-022-2405 OAR 581-022-2410 OAR 581-022-2420

Hanson v. Culver Sch. Dist. (FDAB 1975).

Code:	JGA
Adopted:	9/09/02
Revised/Readopted:	5/08/23
Orig. Code:	JGA

Corporal Punishment**

The use of corporal punishment in any form is strictly prohibited in the district. No student will be subject to the infliction of corporal punishment.

"Corporal punishment" is defined as the willful infliction of, or willfully causing the infliction of physical pain on a student. Corporal punishment does not include the use of physical force authorized in ORS 161.205 (2), (4) or (5) for the reasons specified therein, or physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

No teacher, administrator, other school personnel or school volunteer will subject a student to corporal punishment or condone the use of corporal punishment by any person under their supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or school official.

A staff member is authorized to employ reasonable physical force upon a student onlywhen and to the extent that the application of physical force is consistent with ORS 339.285 - 339.303 and is not corporal punishment as defined in ORS 339.250(9). Physical force shall not be used to discipline or punish a student.

A staff member found in violation of this policy may be subject to discipline up to and including dismissal. A volunteer found in violation of this policy by administration may be subject to sanctions and/or prohibited from volunteer service in the district.

The superintendent shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

ORS 339.250

OAR 584-020-0040

ORS 161.205 ORS 332.107 ORS 339.240

<u>OAR 581-021</u>-0050 - 0075

Code:	CB
Adopted:	1/28/02
Revised/Readopted:	10/10/22
Orig. Code:	CB

Superintendent

The superintendent is designated as the district's chief executive officer. Under the Board's direction, the superintendent exercises general supervision of all district schools, personnel and departments. The superintendent is responsible for managing the schools under the Board's policies and is accountable to the Board for that management. The Board may not direct the superintendent to take any action that conflicts with a local, state or federal law¹ that applies to school districts².

The superintendent may delegate to other district personnel any powers and duties imposed upon the superintendent by Board policies or by vote of the Board. Delegation of power or duty will not relieve the superintendent of responsibility for action taken under such delegation.

END OF POLICY

Legal Reference(s):

ORS 332.505 ORS 332.515 OAR 581-022-2405 OAR 584-005-0005(51)

¹ "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

² Also includes taking any action that conflicts with law that applies to education service districts.

Code: DJC-AR Revised/Reviewed: DJC-AR 0rig. Code: DJC-AR DJC-AR Special Procurement

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

- 1. Brand Names or Products, "Or Equal," Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
 - c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

- (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
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- (b) Specification of the brand name, mark or product would result in cost savings to the district; or
- (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
- (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- d. The district-may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall-include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- e. The district may specify a product **or service** available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
 - (1) If the total purchase is over \$10,000 but does not exceed \$150,000, and a comparable product or service is not available under an **existing** Mandatory Use Contract, the district must obtain informal competitive quotes, bids or proposals and document this process in the procurement file;
 - (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.
- f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.
- 2. Advertising Contracts, Purchase of

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- a. The district may purchase advertising in any media, regardless of a dollar amount, without competitive bidding.
- b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$10,000 and a competitive method is used, the district must post notice on OregonBuys.gov.

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;

Special Procurements and Exemptions from Competitive Bidding – DJC-AR 3-24

1977 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 - 1987 f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;

It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. Advertising Contracts, Sale of

The district may sell advertising for district publications and activities, regardless of a dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

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Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. Equipment Repair and Overhaul



The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:

- (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
- (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
- (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, he/she shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law



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It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the Special Procurements and Exemptions from Competitive Bidding – DJC-AR

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. Copyrighted Materials

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or their licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district. A savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled

by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

- 6. Product Prequalification
 - a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
 - b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within seven calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open

until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.



In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of **public contracts** or diminish competition for such contracts. There are several safeguards in the rule to **prevent** this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

¹ OregonBuys.gov allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys.gov members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

- The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts. standardization among school and departments and reducing lead time for ordering. The district may enter into a requirements contract (also known as a blanket purchase order or b. | price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- Once a requirements contract is established, schools and departments may purchase the goods c. and services from the awarded contractor without first undertaking additional competitive solicitation.
- School and departments shall use requirements contracts established by the district, unless d. otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements e. contracts entered into by another Oregon public agency when:
 - The original contract met the requirements of public contracting code; and (1)
 - The original contract allows other public agency usage of the contract; and (2)
 - The original public contracting agency concurs and this is documented by a written (3)interagency agreement between the district and the agency.
- The term of any district requirements contract, including renewals, shall not exceed five years f. unless otherwise permitted under the public contracting code.

Findings of Fact

a.



- This rule permits the district to enter into a requirements contract, in which the vendor agrees a. to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- Requirements contracts are a common method of minimizing paperwork, achieving continuity b. of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- The district establishes a requirements contract as a result of open competitive bidding or RFP c. processes, unless otherwise permitted under the public contracting code.
- The district limits the term of a requirements contract, including all renewal options, to a d. maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- The district may use the requirements contracts established by other public agencies, subject to e. certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law



It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

- 8. Used Personal Property or Equipment, Purchase²
 - a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism. "Used personal property or equipment" is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as "used" at the time of district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
 - b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
 - c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact



- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available **sporadically** and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

² When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

Conclusion of Compliance with Law



It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

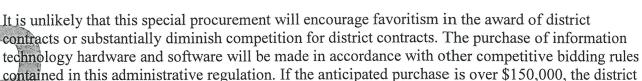
- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact



- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.
- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law



will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

- 10. Telecommunications Systems Hardware and Software Contracts
 - a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
 - b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.

Special Procurements and Exemptions from Competitive Bidding – DJC-AR 12-24 d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.



If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract Rules*.

There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

- 11. Telecommunications Services
 - a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Polk County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts,

equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any longdistance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as a RFP.

c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract Rules.*
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of

purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to

document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon-Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under A.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situations, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

- 13. Renegotiation of Existing Contracts with Incumbent Contractors
 - a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
 - b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this special procurement procedure.
 - c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
 - d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:
 - (1) Price;
 - (2) Term;
 - (3) Delivery and shipping;
 - (4) Order size;
 - (5) Substitution;
 - (6) Warranties;
 - (7) Online ordering systems;
 - (8) Price adjustments;
 - (9) Product availability;
 - (10) Product quality;
 - (11) Reporting requirements; or
 - (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original Special Procurements and Exemptions from Competitive Bidding DJC-AR





contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it needs to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

All public contracts shall be based upon competitive bids or proposals, except the following:

- 1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
- Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

- 1. How many persons are available to bid;
- 2. The construction budget and the projected operating costs for the completed public improvements;
- 3. Public benefits that may result from granting the exemption;
- 4. Whether value engineering techniques may decrease the cost of the public improvement;
- 5. The cost and availability of specialized expertise that is necessary for the public improvement;
- 6. Any likely increases in public safety;
- 7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
- 8. Whether granting the exemption will affect the sources of funding for the public improvement;

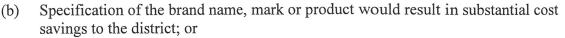
- 9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
- 10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
- 11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
- 12. Whether the public improvement will be occupied or unoccupied during construction;
- 13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
- 14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335.

- 1. Brand Names or Products, "Or Equal," Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
 - c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
 - d. The district may specify a particular brand name, make or product suffixed by "or equal," "or approved equal," "or equivalent," "or approved equivalent" or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

(a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or



- (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
- (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
 - (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to



subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of

Special Procurements and Exemptions from Competitive Bidding – DJC-AR 20-24 products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

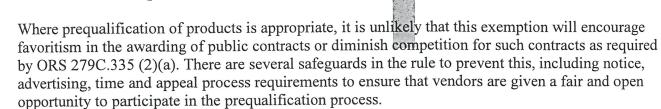


Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law



The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)³



The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.

- The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs, and this is documented by a written interagency agreement between the district and the agency.

g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.



³ OregonBuys.gov allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuy.gov members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.

d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.

The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in



ORS 279C.400 and conditions enumerated in this exemption. Definitions. For purposes of this exemption only: "Complex Systems" are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an "equal" specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. "Significant" is intended to mean something more than de minimis, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of a RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP's are to be used if authorized by the LCRB. These criteria, ensures that competitive means will be used, and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption is not intended to be used for construction manager/general contractor (CM/GC) projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

Code:	DJCA-AR
Adopted	4/15/21
Revised/Readopted:	10/10/22
Orig. Code(s):	DJCA-AR

Personal Services Contracts

- 1. Personal Services Contracts Defined
 - a. Personal services contracts include, but are not limited to a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to ORS 279A.055. Personal services include, but are not limited to, the following:
 - (1) Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
 - (2) Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
 - (3) Contracts for services that are specialized, creative and research oriented;
 - (4) Contracts for services as a consultant;
 - (5) Contracts for educational consulting services.
 - b. Personal services contracts may include: (1) public contracts for architectural, engineering or land surveying and related services; or (2) other public contracts for construction services. (ORS 279C.100)
- 2. Eligibility



- a. In determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district, the district will follow requirements listed in ORS 670.600 as follows:
- a. State requirements¹:



- (1) The contractor must be free from the direction and the control of the employer;
- (2) The contractor must obtain required business licenses;
- (3) The contractor must furnish necessary tools and equipment;
- (4) The contractor has authority to hire and fire employees;
- (5) The contractor is paid on completion of portions of projects or on a retainer basis;
- (6) The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
- (7) The contractor must file appropriate business tax returns;
- (8) The contractor must represent to the public that the labor or services are provided by an independent business.

¹ See ORS 670.600 for complete listing.

b. PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

- (1) Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- (3) Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- (4) Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- (5) Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
- (6) Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- (7) Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set their own work hours;
- (8) Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom they choose;
- (9) Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
- (10) Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- (11) Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- (12) Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- (13) Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- (14) Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- (15) Significant investment. An independent contractor has a significant investment in the facilities they use in performing services for someone else;
- (16) Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
- (17) Working for more than one employer at a time. An independent contractor is generally free to provide their services to two or more unrelated persons or firms at the same time;

(18) Making service available to general public. An independent contractor makes their services available to the general public;



- (19) Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as they produce a result that meets the specifications of the contract;
- 20) Right to terminate. An employee can quit their job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.
- c. IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

- (1) Behavioral control. A worker is an employee when the district has the right to direct and control the worker;
- (2) Financial control. A worker is an independent contractor if they can realize a profit or incur a loss. The individual may also be an independent contractor if they are not reimbursed for some or all business expenses, especially if those expenses are high or if they have a significant investment in their work;
- (3) Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.
- 3. Personal Services Contracts Procurement Requirements
 - a. Contracts for personal services less than \$25,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
 - b. Contracts for personal services greater than \$25,000 that do not exceed \$75,000 may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
 - c. Contracts for personal services greater than \$75,000 but not exceeding \$150,000 shall be based on written solicitations, request for qualifications, or the RFP process.
 - d. The district may enter into a personal services contract when the amount of the services does not exceed \$150,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - (1) The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - (c) That the goods or services are for use in a pilot or an experimental project; or

Personal Services Contracts – DJCA-AR

3-7

(d) Other findings that support the conclusion that the goods or services are available from only one source.

If the cost of the services is more than \$150,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:

- Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
- (2) The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
- (3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

Protests shall be heard by the Board, whose decision shall be final.

- 4. ITB/RFP Requirements
 - a. An invitation to bid (ITB) or RFP will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
 - b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
 - c. The solicitation document must, at a minimum, address the following:
 - (1) Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - (a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - (b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - (c) A procurement description;
 - (d) A time, date and place that prequalified applications, if any, must be filed and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - (e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - (f) A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document." if the invitation to bid is issued by a state contracting agency;

- (g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
- (h) All contractual terms and conditions applicable to the procurement.



Requirements for solicitation documents under OAR 137-047-0255 (2) and OAR 137-047-0260 (2):

- (a) General Information
 - i) Notice of any pre-offer conferences as follows:



- a) The time, date and location of any pre-offer conferences;
- b) Whether attendance at the conference will be mandatory or voluntary; and
- c) A provision that provides that statements made by the contracting agency's representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum.
- ii) The form and instructions for submission of proposals and any other special information, (e.g., whether proposals may be submitted by electronic means);
- iii) The time, date and place of opening;
- iv) The office where the solicitation document may be reviewed;
- v) For bidders, a statement whether the bidder is a "resident bidder," as defined in ORS 279A.120 (1);
- vi) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
- vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.
- (b) Contracting Agency Need

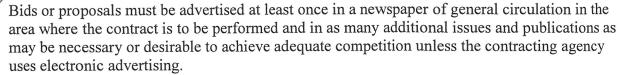
The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.

(c) Bid/Proposal and Evaluation Process



- i) The anticipated solicitation schedule, deadlines, protest process and evaluation process;
- ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements of ORS 279B.060 (2)(h)(E).
- iii) If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.
- (d) Applicable preferences described in ORS 279A.125 (2) and 282.210.

- (e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
- (f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.



- e. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
- f. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):
 - (1) Where, when, how and for how long the solicitation document may be obtained;
 - (2) A general description of the goods or services to be acquired;
 - (3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - (4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified;
 - (5) The office where contract terms, conditions and specifications may be reviewed;
 - (6) The name, title and address of the individual authorized by the contracting agency to receive offers;
 - (7) The scheduled opening; and
 - (8) Any other information the contracting agency deems appropriate.
- 5. Screening and Selection Procedures



- a. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.
- b. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:
 - (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;





(2) A satisfactory record of performance.² The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;



-) A satisfactory record of integrity.3 The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
- (4) Qualified legally to contract with the contracting agency;
- (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
- (6) Not been debarred by the contracting agency under ORS 279B.130.
- c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
- d. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.
- 6. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

7. Fingerprinting

If the scope of the work performed by a contractor(s) or their employee(s) may result in direct, unsupervised contact with students, they will be required to submit to fingerprinting and criminal records checks as required by law.

8. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.

²A contracting agency should review carefully the offeror's record of contract performance if the offeror is or recently has been materially deficient in contract performance. In reviewing the offeror's performance, the contracting agency should determine whether the offeror's deficient performance was expressly excused under the terms of the contract, or whether the offeror took appropriate corrective action. The contracting agency may review the offeror's performance on both private and public contracts.

³A contracting agency may determine that an offeror lacks integrity because of a lack of business ethics such as a violation of environmental laws or false certification made to the contracting agency. A contracting agency may find that an offeror is not responsible based on a lack of integrity of a person having influence or control over the offeror.

Code:GCDA/GDDA-ARAdopted:2/13/18Revised/Readopted:1/09/23Orig. Code:GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting

Requirements

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- 1. Any individual newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a criminal records check and fingerprinting.
- 2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a criminal records check and fingerprinting with TSPC.
- 3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
- 4. Any individual hired as or by a district contractor², whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.
- 5. The superintendent or designee will identify district contractors who are subject to such requirements.
- 6. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
- 7. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a criminal records check and fingerprinting.
- 8. Any individual applying for volunteer service in the district shall submit to an in-state criminal records check.

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

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

9. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy³ by the district as requiring a fingerprint-based criminal records check, shall submit to a state and national criminal records check based on fingerprints.



A newly hired employee⁴ is not subject to fingerprinting if:

- 1. The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or
- 2. The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the TSPC.

Notification

- 1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the ODE that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status, or the ability to volunteer in the district;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, ODE forms, or district volunteer forms (written or electronic) may result in immediate termination from employment or contract status or the ability to volunteer in the district;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the district. The district may remove the volunteer from the position allowing direct, unsupervised contact with students.

³ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

⁴ Any individual hired within the last three months.

2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

Processing and Reporting Procedures

- 1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
- 2. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district; or
 - c. Local or state law enforcement agency.
- 3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
- 4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
- 5. A copy of the fingerprinting results will be kept by the district.

Fees

- 1. Fees associated with criminal records checks for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁵, shall be paid by the district. Fees associated with fingerprinting for these same individuals, shall be paid by the individual.
- 2. An individual offered a contract or employment by the **district may**, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
- 3. Fees associated with required criminal records checks for volunteers shall be paid by the district.
- 4. Fees associated with a required fingerprinting for volunteers shall be paid by the district.



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



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

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

Appeals

a.

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 - 183.470.



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

Code:	JHCC-AR
Adopted:	3/13/18
Revised/Readopted:	5/08/23
Orig. Code:	JHCC-AR
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Communicable Disease – 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, 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 by the local public health administrator after determining that it poses a danger to the public's health.
- 2. "Susceptible" for a child means lacking documentation of immunization required under OAR 333-050-0050.
- 3. "Reportable disease" means a 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-19², 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. An administrator shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer 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.



¹ Added per OAR 333-019-1000(2).

² "Communicable stage of COVID-19" means having a positive presumptive or confirmed test of COVID-19.

- 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. A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 677.525, a nurse practitioner licensed under ORS 678.375 678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.
- 5. '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 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 be removed by a school nurse or health care provider.
- 6. More stringent exclusion standards for students from school may be adopted by the local health department.
- 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 who may be informed of a student's communicable 'disease when a legitimate educational interest exists or for health and safety reasons 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 to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).



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Pediculosis (Head Lice)

- 1. Periodic head lice checks of students are not recommended; however, screening recommendations are as follows:
 - a. Criteria for screening an individual for lice are:
 - (1) Persistent itching or scratching;
 - (2) Known exposure to sibling or other close contact with head lice (e.g., seat mate in classroom, locker partners, overnight sleep activities, scouts, etc.); or
 - (3) Self (student or parent) referral.
 - b. Three nonrelated cases of head lice in a classroom within 10 consecutive school days requires that all students in the classroom be screened by the following school day;
 - c. If there is infestation among three percent of the entire student population within 10 consecutive school days, there should be a screening of all students in the school within one week. Multiple cases from a single household count as one case for purposes of calculating the percent of students infested.
- 2. As provided by OAR 333-019-0010, students found to have contracted head lice will be excluded from school at the discretion of the local school or health district. The presence of nits (lice eggs) only is not considered excludable;
- 3. Treatment information, district policy requirements and readmittance provisions will be provided to the parent. A parent will be advised to:
 - a. Use a lice-killing agent which their health-care provider, school nurse or local health authority recommends on all family members who have symptoms of infestation;
 - b. Follow the personal and household cleaning instructions provided by the district, healthcare provider or local health authority, as appropriate; and
 - c. Remove all nits after treatment.
- 4. Following treatment, the student will be readmitted to school;
- 5. The student will be subject to screening by designated personnel to determine the treatment's effectiveness. The student will be readmitted to school or denied admittance, as appropriate. The absence of nits is not required for readmittance. In the event the student is not readmitted to school because of the continued presence of live lice, parents will be notified;
- 6. A student who has been readmitted to school will be subject to follow-up screening by designated personnel;
- 7. The parent should contact the local health department in the event additional assistance and/or information is needed regarding the treatment of the student, other family members, close contacts and the home environment (e.g., bedding, linens, grooming equipment, etc.);

- 8. A student with chronic head lice may be referred for follow-up to the school's nurse or local health department, as appropriate;
- 9. A parent who identifies head lice on their student(s) at home are to complete treatment prior to the readmission of their student, as required above.











Code:GBEB-ARRevised/Reviewed:1/09/23Orig. Code(s):GBEB-AR; JHCC-AR

Communicable Diseases – Staffin Schools

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 rule¹ and include but are not limited to COVID-19², 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, and may include a communicable stage of hepatitis B infection in a child whoif, in the opinion of the local health officer, the person poses an unusually high risk to other childrenothers (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 the local public health administrator after determining that it poses a danger to the public's health.
- 2. "Susceptible" for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
- 3. "Susceptible" for an a school employee means lacking evidence of immunity to the disease.
- 4. "Reportable diseases" means a 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

- AnA student or employee of the district will not attend school or work, respectively, at 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 that a student oran employee has a restrictable disease, the administrator shall send themthe employee home.
- 2. An administrator shall exclude a susceptible student oran employee if the administrator has reason to suspect they havethat an employee has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public's health. The administrator may request the local health officer to

¹ OAR 333-019-0010 lists restrictable diseases.

²-Added per OAR 333-019-1000(2).

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

make a determination as allowed by law. If the disease is reportable, the administrator or designee maywill report the occurrence to the local health department.

- 3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
- 4.3. AnA student or employee will be excluded in such instances until such time as the student or employee, respectively, presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 677.525, a nurse practitioner licensed under ORS 678.375 678.390, local health department nurse or school nurse stating that the student or employee does not have or is not a carrier of any restrictable disease.
- 5.4. An exclusionadministrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may beif the restriction has been removed by a school nurse or health care provider.
- 6.5. More stringent exclusion standards for students or employees from school or work may be adopted by the local health department.
- 7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

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

Equipment and Training

- 1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
- 2. The administrator or designee shall consult with the district's [school] [district] 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 to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

Minutes Citizens Oversight Committee August 6, 2024 District Office Board Room 5:30 pm

- **Present:** Jerry Boudreaux, Bob Archer, Steve Spencer, Sean Johnson, Candy Posey, Gary Suderman, Marlene Gillis, Lee Schlenker, Bill Masei, Tami Montague, Natalie Castillo
 - o Guests: John Hockman
 - 1.0 Welcome Meeting called to order at 5:37 p.m.
 - 2.0 Approval of Minutes -
 - The approval of the minutes from the June 6, 2024, meeting was tabled until the next meeting due to not enough voting members for a quorum.

3.0 Financial Update -

- Jerry asked Natalie and Tami for a list of projects, estimated costs, amount paid, balance of the project and estimates on future projects. Tami presented general information regarding the original project list received from Soderstrom at the beginning of the Bond and the projects that were included in the list. Bob stated that giving us a little bit more time to make sure that we are aligned with current projects, budgets and future projects and present to the committee at the next meeting.
- Tami gave the financial update through June 30th. Our final bond issuance was successful, that included an additional bond premium, we hit at a good time and had a lot of interest in our bonds.
- Bob said that there are a lot of Critical Facility Upgrades (CFU) that have been deferred until the second issuance of the bond.

4.0 Old Business -

4.1 LaCreole Gym – If it is decided to move forward with building the gym, it will be about six months for the design phase for Soderstrom, with the final design set in the summer of 2025 with a build start in the of summer of 2026. Bob asked if the committee would come to a decision about the gym by December.

4.2 Security Fencing – DHS needs to be secured around the backside of the building and both CTE buildings. Steve asked for this topic to be put back on the agenda because of the importance of it and it is stated in the bond language. The original fencing costs were a very rough estimate. If the district can get the area to fence more defined and actual costs, they will most likely be lower. A drawing of the updated fencing ideas will be brought to one of the next meetings.

5.0 New Business –

- 5.1 Existing CTE Building The committee previously decided to create flexible spaces within the "Old CTE Building", Culinary will not be put in the building and the commodity storage freezer will be left in the building. Having flexible spaces would allow the spaces accommodate different programs and not have them be specific. Moving a program such as Ascentec Engineering into the space would be cost prohibitive and the room would be very specific. Ascentec has approached Bill about kids going to their facility in town instead of them setting machines in the CTE space. Home Comfort is still interested in doing an "Intro to HVAC" class in the Fall of 2025 and an "Intro to Sheet Metal" class in the Spring of 2026 and taking part of the space for kids to fabricate sheet metal boxes for control panels. The hope is to offer one class per semester taught by Home Comfort with the goal of having the kids be able to service the district HVAC needs. The district School Resource Officer (SRO) just received his provisional CTE license, under the guidance of being paired with a CTE teacher, Bill, to teach a pathway to Law Enforcement class.
- 5.2 DHS Theater The rigging and lighting needs to be replaced as part of a Critical Facilities Upgrade. The rigging is past it's life span and has some compliance issues. The lighting is also failing and needs to be replaced.
- 5.3 Project Update
 - Elementary Schools All elementary schools have received cameras and access controls. Oakdale Elementary has had a full retro fit of LED lighting, classrooms, hallways and gym. Lyle had a drop ceiling installed, upgraded lighting in the hallways, carpet in between both sets of fire doors and a walk off mat in the vestibule.
 - LaCreole Contractually we are on schedule to finish in mid-August. There are just a few items to be finished, there is an inspection scheduled for next week and there will need to be training for staff on new systems that are in place. The MPR and all the hallways will have new upgraded LED lighting. The goal is to have the classrooms done

sometime this school year. All the lighting projects are at zero cost to the district and 100% funded with Energy Trust of Oregon and SB1149 funding. We had to put in a fire wall that was missed in the plan review from the City of Dallas. We had to put in a new set of doors and double the sheet rock to accommodate the existing fire wall. We should have all inspections completed and have our Certificate of Occupancy within the next couple of weeks.

- District Office/Morrison Morrison vestibule and restroom are about complete. The restroom on the DO side is just about completed, just waiting for the water heater to be installed.
- DHS Roof We are basically 100% replacement on the DHS roof, there is some metal over the gym entry that will be taken care of next year. The roofing project came in under budget and we received a credit of \$5709.55 from WTI, the roofing contractor.
 - The vestibule at the high school is about 90% complete, waiting on punch list and access controls to be finalized. The cameras are 100% functioning.
- 6.0 Public Input N/A
- 7.0 Next Meeting September 10, 2024, 5:30 PM, District Office Boardroom
- **8.0** Adjourn Motion made by Gary; motion seconded by Lee. Meeting adjourned at 6:53 p.m.

Committee Secretary	Natalie Castillo	
Committee Chair	Jerry Boudreaux	

Date

Date