AGENDA

Special Board Meeting
Budget Meeting
Wednesday, June 10, 2026, at 5:00 PM
CSD Board Room

1.0 Meeting Business
- 1.1 Flag Salute
- 1.2 Approval of Agenda and Meeting Minutes May 13, 2026
- 1.3 Future Meeting: Special Board Meeting July 15, 2026, 6:00 PM

2.0 Public Comment
- 2.1 Regarding the 2026 – 2027 Budget

3.0 Fiscal Report
- 3.1 Appropriations by Fund & Function
- 3.2 Monthly Summary Report
- 3.3 Object Summary Report

4.0 **Superintendent's Report**
- 4.1 Population Report
- 4.2 Correspondence – Yes

5.0 **Discussion/Action**
- 5.1 Site Plan Approval for CJSHS
- 5.2 Approve not to exceed $58,000 for Barn Project at CJSHS
- 5.3 Approval of the relocation of Storm Drain at CJSHS
- 5.4 Approval of Barn Site Preparation
- 5.5 Approval of Intrafund Transfer – Resolution 26-5
- 5.6 Approval of 2026 – 2027 - Budget Resolution 26-6

6.0 **Consent Agenda**
- 6.1 Resignation – Cheryl Johnson – Secretary – WLHS
- 6.2 Resignation - Wayne Gallagher - Superintendent
- 6.3 Resignation – Marci Gallagher – Food Service Supervisor
- 6.4 Promote – Jeff Philley to Interim Superintendent
- 6.5 Hired – Cynthia Nelson – CTE – WLHS
- 6.6 Hired – Chris Anderson – One-Year Temporary Administrator
- 6.7 Hired - Susanna Bemetz – Food Service Supervisor
- 6.8 Hired – Sierra Britton – Maintenance/Custodian Supervisor
- 6.9 Donations Non-Cash
- 6.10 Policy First Reading
  - BBAA – Individual Board Member's Authority and Responsibilities
  - BBAA - Delete (last revised 2016)
  - BBE – Vacancies on the Board
  - BBE - Delete (last revised 2019)

Draft

970. N. Central Blvd
Coquille, OR 97423

BBE-AR – Board Member Vacancy Application
BCB – Board Officers
BCE – Board Committees
BD – Board Meetings, Notices and Communications
BD/BDA – Board Meetings
BDC – Executive Sessions
BDC – Delete – (last revised 2020)
BDD – Board Meeting Procedures
BDD – Delete (last revised 2007)
BDDC – Board Meeting Agenda,
BDDG – Recordings and Minutes of Board Meetings
BDDG – Minutes of Board Meetings – Delete (last revised 2020)
CBA – Qualifications and Duties of the Superintendent
CBG – Evaluation of the Superintendent
CEA – Educational Equity Advisory Committee
DBEA – Budget Committee
EBB – Integrated Pest Management
EBBA – Student Health Services
ECCA – Access to Buildings
GBA – Equal Employment Opportunity
GBN/JBA – Sexual Harassment
GCBDA/CDBDA-AR(1) – Family and Medical Leave
JBA/GBN – Sexual Harassment

7.0 **Staff/Public Comments**

*At the discretion of the Board chairman, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card prior to the Board meeting in order to allow the chairman to provide adequate time for each agenda item. (Please keep all comments to **3 minutes**)*

8.0 **Adjournment**

Draft

970. N. Central Blvd
Coquille, OR 97423

COQUILLE SCHOOL DISTRICT #8
Board of Directors Regular Meeting Minutes
May 13, 2026
Coquille School District Board Room
970 N Central Blvd., Coquille, OR

1.0 Meeting Business

The regular meeting of the **Coquille School District Board of Directors** was called to order at 6:00 pm by Board Chair Melinda Millet

Flag Salute

Roll Call

Board Members' Present:

Melinda Millet	Present	Marsha Frost	Present
Steve Britton	Present	Heather Echavarria	Present
Sharon Nelson	Present	Kayla Pritchett	Present
Lucas Taylor	Absent		

Motion by Steve Britton to approve tonight's Agenda, Marsha Frost seconded the motion; it passed unanimously with the following votes:

Melinda Millet	Aye	Marsha Frost	Aye
Steve Britton	Aye	Heather Echavarria	Aye
Sharon Nelson	Aye	Kayla Pritchett	Aye

Motion by Heather Echavarria to approve the April 8, 2026, Regular Board Meeting Minutes, Steve Britton seconded the motion; it passed unanimously with the following votes:

Melinda Millet	Aye	Marsha Frost	Aye
Steve Britton	Aye	Heather Echavarria	Aye
Sharon Nelson	Aye	Kayla Pritchett	Aye

2. School Spotlight

Tiffany Clapper and Paige Yi recognized the Class of 2026 Valedictorians and Salutatorians from Winter Lakes High School and Coquille Jr./Sr. High School. Students shared future educational and career plans and were recognized for academic achievement, leadership, athletics, and extracurricular involvement.

DRAFT

3.0 Presentation

3.1 Title VI Attestation - Tanya Goetsch presented the Title VI Indian Education report. The Indian Parent Committee met on April 28, 2026, completed the annual federal application process, reviewed student achievement goals, discussed funding priorities, conducted officer elections, and scheduled a future bylaw review meeting.

3.2 Administrative teams presented district improvement plans related to K-2 Attendance, Third Grade Reading Proficiency, Eighth Grade Math Proficiency, Ninth Grade On-Track Status, Four-Year Graduation Rate, and Five-Year Completer Rate. Presenters included Amy May, Armando Ruiz, Paige Yi, Albert Dixon, Tanya Sinko, and Tiffany Clapper. Discussion focused on student achievement, attendance supports, interventions, family engagement, transportation barriers, graduation pathways, and student success strategies.

4.0 Written Reports

Written reports were received from Winter Lakes High School, Winter Lakes Elementary, Coquille Junior High School, Coquille Senior High School, Coquille Valley Elementary, Lincoln School, Athletics, Technology, Food Service, Transportation, School Resource Deputy, Assistant Superintendent, and Maintenance Department. Board members discussed graduation preparation, student activities, transportation services, facilities, and district operations.

5.0 Fiscal Report

Business Manager, Denese Hale presented the monthly fiscal reports, appropriations by fund and function, and object summary reports. Current projections reflected a conservative financial outlook with expectations that revenues and year-end adjustments would improve the district's financial position.

6.0 Superintendent Report

Superintendent Gallagher reviewed district correspondence, enrollment data, facilities needs, and program recommendations. Discussion included student enrollment, replacement of the CJSHS boiler system with mini-split units, adoption of STAR Interim Assessments, and revisions to GED Credit by Proficiency practices to better align with other Oregon districts.

7.0 Discussion/Action

Superintendent Gallagher informed the Board that TeachTown, an adaptive social skills curriculum designed for students with significant disabilities, should be added to the curriculum adoption request.

DRAFT

Motion by Heather Echavarria for approval of Discussion/Action Items and Marsha Frost seconded approval of Items 7.1 through 7.4, including the addition of TeachTown. The motion approved the adoption of History Alive! for grades 5-6, McGraw-Hill U.S. History and Geography for grades 7-12, the CJSHS boiler replacement project, STAR Interim Assessments, GED Credit changes, and TeachTown curriculum. Marsha Frost seconded the motion; and it passed unanimously with the following votes:

Melinda Millet	Aye	Marsha Frost	Aye
Steve Britton	Aye	Heather Echavarria	Aye
Sharon Nelson	Aye	Kayla Pritchett	Aye

8.0 Consent Agenda

Steve Britton requested clarification regarding teacher non-renewals and subsequent rehiring. Superintendent Gallagher explained that ten teachers had initially been non-renewed due to budget uncertainties and contractual timelines; subsequent resignations created vacancies, allowing some staff to be rehired.

Motion by Steve Britton for approval of Consent Agenda Items:

8.1 Cash Donations
8.2 Non-Cash Donations
8.3 New Hire – Brittany Grenebemer - Teacher - CVE
8.4 New Hire – Amy Huckins – Teacher -CVE
8.5 New Hire – Chris Ivy – Teacher – CJSHS
8.6 New Hire – Heather Baumer – SLPA
8.6 New Hire – Alex Gilbert – EA – WLE
8.7 New Hire – Bronwyn Boyd – Teacher – CJSHS
8.8 New Hire – Cayla Painter – ParaPro – LSEL
8.9 New Hire – Elijah Callicot-Simmons – Teacher -CJSHS
8.10 New Hire – Polly Latta – Teacher – WLHS
8.11 New Hire – Cynthia Nelson – Teacher - WLHS
8.12 Resignation – Kenden Findley – Teacher - CJSHS

Marsha Frost seconded the motion; and it passed unanimously with the following votes:

Melinda Millet	Aye	Marsha Frost	Aye
Steve Britton	Aye	Heather Echavarria	Aye
Sharon Nelson	Aye	Kayla Pritchett	Aye

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9.0 Staff/Public Comments
No staff or public comments were received.

10.0 Adjournment
There being no further business, Board Chair Melinda Millet adjourned the meeting at 7:32 p.m.

Approved:

_____

DRAFT

Coquille
School District #8

Section 3

COQUILLE SCHOOL DISTRICT #8
APPROPRIATIONS BY FUND & FUNCTION

6/1/2026

FUND #		Adopted Budget 2025-2026	Function 1XXX Instruction	Adopted Budget 2025-2026	Function 2XXX Support Services	Adopted Budget 2025-2026	Function 3XXX Enter. & Comm. Svcs.	Adopted Budget 2025-2026	Function 4XXX Facilities Acq. & Const.	Adopted Budget 2025-2026	Function 5XXX Interag./Fund Trans.	Adopted Budget 2025-2026	Function 6XXX Contingency	Adopted Budget 2025-2026	Function 7XXX Unapp. EFB
100	Actuals	$ 9,628,709	$ 7,514,555	$ 7,527,507	$ 6,702,643	$ 252,173	$ 222,986	$ -	$ -	$ 1,348,790	$ 1,255,394	$ 1,000,000	$ -	$ -	$ -
100	Encumbrances		$ 2,123,744		$ 792,692		$ 23,650		$ -		$ 450		$ -		$ -
		$ (9,590)	**$ 9,638,299**	**$ 32,172**	**$ 7,495,335**	**$ 5,537**	**$ 246,636**	**$ -**	**$ -**	**$ 92,945**	**$ 1,255,844**	**$ 1,000,000**	**$ -**	**$ -**	**$ -**
2XX	Actuals	$ 2,452,525	$ 1,766,965	$ 1,775,139	$ 946,165	$ 1,368,377	$ 1,036,730	$ 73,376	$ 40,850	$ 114,637	$ 114,637	$ -	$ -	$ -	$ -
2XX	Encumbrances		$ 418,327		$ 193,314		$ 153,196		$ 32,526		$ -		$ -		$ -
		$ 267,233	$ 2,185,292	**$ 635,660**	$ 1,139,479	**$ 178,450**	$ 1,189,926	**$ -**	$ 73,376	**$ -**	**$ 114,637**	**$ -**	$ -	**$ -**	$ -
3XX	Actuals	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
3XX	Encumbrances		$ -		$ -		$ -		$ -		$ -		$ -		$ -
		$ -	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -
4XX	Actuals	$ -	$ -	$ 175,562	$ 168,688	$ -	$ -	$ 1,225,001	$ 152,961	$ -	$ -	$ -	$ -	$ -	$ -
4XX	Encumbrances		$ -		$ 21,783		$ -		$ 3,042		$ -		$ -		$ -
		$ -	$ -	**$ (14,909)**	$ 190,471	**$ -**	$ -	**$ 1,068,998**	$ 156,003	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -
6XX	Actuals	$ -	$ -	$ 115,000	$ 92,020	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
6XX	Encumbrances		$ -		$ -		$ -		$ -		$ -		$ -		$ -
		$ -	$ -	**$ 22,980**	$ 92,020	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -
7XX	Actuals	$ -	$ -	$ -	$ -	$ 8,243	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
7XX	Encumbrances		$ -		$ -		$ -		$ -		$ -		$ -		$ -
		$ -	$ -	**$ -**	$ -	**$ 8,243**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -	**$ -**	$ -
	TOTAL:	**$ 12,081,234**	**$ 11,823,591**	**$ 9,478,208**	**$ 8,825,285**	**$ 1,628,792**	**$ 1,436,562**	**$ 1,298,377**	**$ 229,379**	**$ 1,463,427**	**$ 1,370,482**	**$ 1,000,000**	**$ -**	**$ -**	**$ -**
		257,643		**652,923**		**192,230**		**1,068,998**		**92,945**		**1,000,000**		**-**	

COQUILLE SCHOOL DISTRICT #8

Year-to-Date Activity & Forecast

GENERAL FUND

May-26

Account #		Adopted Budget 2025-2026	Actual July	Actual August	Actual September	Actual October	Actual November	Actual December	Actual January	Actual February	Actual March	Estimate April	Estimate May	Estimate June	Actual/ Estimate Totals	Difference Actual/Estimate to Budget
Account #	***Revenues:***															
5400	Beginning Fund Balance	1,900,000	-	-	-	-	-	2,109,778	-	-	-	-	-	-	2,109,778	(209,778)
111x	Property Taxes	2,844,252	-	15,851	14,982	81,144	2,376,364	82,253	51,985	17,446	68,399	22,144	19,134	54,007	2,803,709	40,543
1114	HERT Tax	1,000	-	-	-	-	-	-	-	-	697	-	2,142	1,000	3,838	(2,838)
1510	Interest	230,000	14,775	15,100	15,765	13,619	16,448	19,698	19,259	19,097	19,610	19,089	19,089	17,007	208,556	21,444
17xx	Student Fees	28,000	-	-	2,710	7,002	1,618	3,611	3,883	2,715	3,171	3,856	992	-	29,557	(1,557)
1810	Child Development Center	135,000	9,586	11,638	8,020	8,704	5,362	5,517	4,936	4,900	5,854	6,200	5,857	7,386	83,959	51,041
1910	Rentals	25,000	1,985	1,985	1,985	1,985	1,985	1,985	1,985	1,985	3,969	-	1,985	3,171	25,000	-
1940	Services Provided Other LEA	-	-												-	-
1990	Miscellaneous Revenue	100,000	89	203	3,285	22,593	3,087	6,963	47,832	4,581	18,367	48,816	8,935	3,582	168,332	(68,332)
1991	Reimburseable Income	-	-												-	-
2101	County School Fund	14,500	-		23,347	-			10		139			7,250	30,745	(16,245)
2199	Other Intermediate	5,000	-											5,000	5,000	-
3101	State School Fund	14,300,000	2,360,133	1,179,359	1,179,289	1,178,743	1,178,603	1,178,022	1,178,022	1,178,022	1,155,774	1,155,774	1,411,492		14,333,233	(33,233)
3103	Common School Fund	174,427	-							80,861				87,213	168,074	6,352
3299	Other Restricted State Revenue	-	-												-	-
3910	DHS-Child Care	-	-												-	-
4801	Federal Forest Fees	-	-												-	-
490X	Revenue on Behalf of District	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5200	Interfund Transfers	-	-	-	-		-	-	-	-	-	-	-	-	-	-
	TOTAL REVENUES:	**19,757,179**	**2,386,567**	**1,224,135**	**1,249,381**	**1,313,789**	**3,583,467**	**3,407,827**	**1,307,912**	**1,309,606**	**1,275,979**	**1,255,878**	**1,469,625**	**185,616**	**19,969,782**	**(212,604)**
	Expenditures:															
100	Salaries	8,406,734	206,622	266,626	738,363	748,916	790,076	726,838	691,004	731,765	768,038	730,823	751,977	1,592,545	8,743,591	(336,858)
200	Benefits	6,025,531	130,854	167,959	493,978	496,565	494,492	730,285	467,005	489,762	504,512	489,455	481,794	1,123,305	6,069,965	(44,434)
300	Purchased Services	1,228,014	73,216	37,963	132,244	34,707	97,702	77,844	79,965	81,453	84,674	85,256	55,625	145,028	985,677	242,337
400	Supplies & Materials	1,260,251	77,552	229,291	144,331	111,594	99,325	56,357	65,554	35,307	41,969	92,101	25,086	141,867	1,120,335	139,916
500	Capital Outlay	38,364	24,017	2,854	-	-	-	-	-	-	-	467	4,358	4,000	35,696	2,668
600	Other	1,175,285	163,047	267,964	34,514	15,509	110,725	56,232	8,520	27,387	19,122	358,164	2,500	12,000	1,075,684	99,601
700	Transfers Out	623,000				623,000	-								623,000	-
800	CONTINGENCY:	1,000,000												-	-	1,000,000
	TOTAL EXPENDITURES:	**19,757,179**	**675,309**	**972,657**	**1,543,429**	**2,030,291**	**1,592,321**	**1,647,556**	**1,312,048**	**1,365,673**	**1,418,315**	**1,756,265**	**1,321,340**	**3,018,745**	**18,653,949**	**1,103,230**
	ESTIMATED FUND BALANCE/ CARRYOVER AT MONTH END:		**1,711,258**	**1,962,736**	**1,668,688**	**952,186**	**2,943,332**	**4,703,602**	**4,699,467**	**4,643,400**	**4,501,064**	**4,000,677**	**4,148,963**	**1,315,833**		

PROJECTED ENDING FUND BALANCE	**1,315,833**	**-**
PROJECTED ENDING FUND BALANCE PERCENTAGE OF ACTUAL (FORECAST) REVENUE AT 6/30/2025	**7%**	

COQUILLE SCHOOL DISTRICT #8

Year-to-Date Activity & Forecast

GENERAL FUND

For the period ending June 30, 2026

		ACTIVITY					
	Adopted Budget 2025-2026	YTD Actuals through Current Month	Encumbrances	Actuals Including Encumbrances	Forecast through 6/30/2026	% Actual to Budget	Over/ (Under) Budget
Revenues:							
Beginning Fund Balance	1,900,000	2,109,778	-	2,109,778	2,109,778	111.04%	209,778
Property Taxes	2,844,252	2,749,702	54,007	2,803,709	2,803,709	96.68%	(40,543)
HERT Tax	1,000	2,838	1,000	3,838	3,838	283.83%	2,838
Interest	230,000	191,550	17,007	208,556	208,556	83.28%	(21,444)
Student Fees	28,000	29,557	-	29,557	29,557		1,557
Child Development Center	135,000	76,573	7,386	83,959	83,959	56.72%	(51,041)
Rentals	25,000	21,830	3,171	25,000	25,000	87.32%	-
Services Provided Other LEA	-	-	-	-	-		-
Miscellaneous Revenue	100,000	164,749	3,582	168,332	168,332	164.75%	68,332
Reimburseable Income	-	-	-	-	-	#DIV/0!	-
County School Fund	14,500	23,495	7,250	30,745	30,745	162.04%	16,245
Other Intermediate	5,000	-	5,000	5,000	5,000		-
State School Fund	14,300,000	14,333,233	-	14,333,233	14,333,233	100.23%	33,233
Common School Fund	174,427	80,861	87,213	168,074	168,074	46.36%	(6,352)
Other Restricted State Revenue	-	-	-	-	-		-
DHS-Child Care	-	-	-	-	-	#DIV/0!	-
Federal Forest Fees	-	-	-	-	-	#DIV/0!	-
Revenue on Behalf of District	-	-	-	-	-	0.00%	-
Interfund Transfers	-	-	-	-	-	#DIV/0!	-
TOTAL:	**19,757,179**	**19,784,167**	**185,616**	**19,969,782**	**19,969,782**	**100.14%**	**212,604**
Expenditures:							
Salaries	8,406,734	7,151,046	1,592,545	8,743,591	8,743,591	85.06%	336,858
Benefits	6,025,531	4,946,660	1,123,305	6,069,965	6,069,965	82.10%	44,434
Purchased Services	1,228,014	840,649	145,028	985,677	985,677	68.46%	(242,337)
Supplies & Materials	1,260,251	978,468	141,867	1,120,335	1,120,335	77.64%	(139,916)
Capital Outlay	38,364	31,696	4,000	35,696	35,696	82.62%	(2,668)
Other	1,175,285	1,063,684	12,000	1,075,684	1,075,684	90.50%	(99,601)
Transfers Out	623,000	623,000	-	623,000	623,000	100.00%	-
SUB-TOTAL:	**18,757,179**	**15,635,204**	**3,018,745**	**18,653,949**	**18,653,949**	**83.36%**	**(103,230)**
CONTINGENCY:	1,000,000	-	-	-	-		
TOTAL:	**19,757,179**	**15,635,204**	**3,018,745**	**18,653,949**	**18,653,949**		

PROJECTED ENDING FUND BALANCE	**1,315,833**
PROJECTED ENDING FUND BALANCE PERCENTAGE OF ACTUAL (FORECAST) REVENUE AT 6/30/2026	**7%**

Coquille
School District #8

Section 4

Coquille School District - POPULATION ONLY REPORT

May 29, 2026

Lincoln	
PK-4	*47* (PK - Not Calculated in Grand Total)
KG	70
1st	63
Total	*133*
CVE	
2nd	68
3rd	64
4th	72
5th	63
6th	74
Total	*341*
CJSHS	
7th	50
8th	71
9th	54
10th	55
11th	60
12th	43
Total	*333*
WLE – Winter Lakes Elementary	
KG	8
1st	12
2nd	15
3rd	10
4th	14
5th	13
6th	21
7th	20
8th	15
	128
WLS – Winter Lakes High School	
8th	3
9th	29
10th	49
11th	51 3 EO
12th	91 7 EO
Total	*223*
Grand Total	1158 *(Does not include PK)*

Coquille
School District #8

Section 5

62157 Hwy 101
Coos Bay, OR 97420
ph: (541) 269-2000
fax: (541) 269-5305
email: kortney@johnsonrockproducts.com
web: www.johnsonrockproducts.com

To:	**Coquille School District**	**Contact:**	Wayne Gallagher
Address:		**Phone:**	
		E-Mail:	wgallagher@coquille.k12.or.us
Project Name:	Barn Catch Basin Relocation	**Bid Date:**	6/10/2026
Project Location:	Coquille High School		

Description

This estimate includes labor, materials, and equipment to do the following improvements:

Sawcut & remove existing asphalt as necessary
Fill site to subgrade, including compaction
Supply, place & compact 6" depth of aggregate base

Note: Layout to be provided by architect

Total: $ 21,409.00

Notes:
- Johnson Rock Products, Inc. reserves the right to pass on any material price increases that occur between the time this quote was given and the time of construction.
- Johnson Rock Products, Inc. is not liable for any possible damages to underground utilities not located by others, prior to our work.
- Quote good if accepted in writing within 30 days. Please sign and return one copy of this proposal to signify an acceptance of this quote and it's terms and conditions as stated or feel free to call me if you have any questions. Our CCB# is 034185.

Payment Terms:

1.Any additional work will be billed on a cost plus 10% basis.
2.All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the agreed upon price. All agreements contingent upon strikes, accidents or delay beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.
3.Johnson Rock Products, Inc. reserves the right to make progress billings on projects with durations greater than one month. This contract is to be paid in full within 30 days from the date the work has been substantially completed. Interest at the rate of ONE AND ONE-HALF (1-1/2%) PER MONTH (18% PER ANNUM) will be charged on all balances not paid when due. In the event legal action is necessary to enforce the contract, the prevailing party will be entitled to court costs and reasonable attorney's fees.
4.The prevailing party in any action or suit is entitled to costs and attorney fees. This receipt evidences a purchase as provided for in the Account Plan Agreement between Johnson Rock Products, Inc. and the above-named Purchaser. All provisions and agreements contained in the Account Plan Agreement, if applicable, are hereby incorporated by reference.
5.I hereby acknowledge that I have received the forms "Information to Owners About Construction Liens", "Consumer Protection Notice" and "Notice of Procedure", as provided for by ORS 87.025 and as adopted by the Builders Board. Init.____

ACCEPTED:	**CONFIRMED:**
The above prices, specifications and conditions are satisfactory and are hereby accepted.	Johnson Rock Products, Inc.
Buyer: _____	Authorized Signature: _____
Signature: _____	Estimator: Kortney Johnson
Date of Acceptance: _____	

62157 Hwy 101
Coos Bay, OR 97420
ph: (541) 269-2000
fax: (541) 269-5305
email: kortney@johnsonrockproducts.com
web: www.johnsonrockproducts.com

To: Coquille School District **Address:**	**Contact:** Wayne Gallagher **Phone:** **E-Mail:** wgallagher@coquille.k12.or.us
Project Name: Barn Catch Basin Relocation **Project Location:** Coquille High School	**Bid Date:** 6/10/2026

Description

This estimate includes labor, materials, and equipment to do the following improvements:

Move catch basin from current location to new location per plans

Extend storm drain piping as necessary

Note: Layout & grades to be provided by architect

Total: $ 10,700.00

Notes:

- Johnson Rock Products, Inc. reserves the right to pass on any material price increases that occur between the time this quote was given and the time of construction.
- Johnson Rock Products, Inc. is not liable for any possible damages to underground utilities not located by others, prior to our work.
- Quote good if accepted in writing within 30 days. Please sign and return one copy of this proposal to signify an acceptance of this quote and it's terms and conditions as stated or feel free to call me if you have any questions. Our CCB# is 034185.

Payment Terms:

1. Any additional work will be billed on a cost plus 10% basis.
2. All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the agreed upon price. All agreements contingent upon strikes, accidents or delay beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.
3. Johnson Rock Products, Inc. reserves the right to make progress billings on projects with durations greater than one month. This contract is to be paid in full within 30 days from the date the work has been substantially completed. Interest at the rate of ONE AND ONE-HALF (1-1/2%) PER MONTH (18% PER ANNUM) will be charged on all balances not paid when due. In the event legal action is necessary to enforce the contract, the prevailing party will be entitled to court costs and reasonable attorney's fees.
4. The prevailing party in any action or suit is entitled to costs and attorney fees. This receipt evidences a purchase as provided for in the Account Plan Agreement between Johnson Rock Products, Inc. and the above-named Purchaser. All provisions and agreements contained in the Account Plan Agreement, if applicable, are hereby incorporated by reference.
5. I hereby acknowledge that I have received the forms "Information to Owners About Construction Liens", "Consumer Protection Notice" and "Notice of Procedure", as provided for by ORS 87.025 and as adopted by the Builders Board. Init.____

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	**CONFIRMED:** Johnson Rock Products, Inc. Authorized Signature: _____ Estimator: Kortney Johnson

62157 Hwy 101
Coos Bay, OR 97420
ph: (541) 269-2000
fax: (541) 269-5305
email: kortney@johnsonrockproducts.com
web: www.johnsonrockproducts.com

To: Coquille School District **Address:**	**Contact:** Wayne Gallagher **Phone:** **E-Mail:** wgallagher@coquille.k12.or.us
Project Name: Barn Catch Basin Relocation **Project Location:** Coquille High School	**Bid Date:** 6/10/2026

Description

This estimate includes labor, materials, and equipment to do the following improvements:

Install extruded curb to extend exising curb line approx. 50

Note: Layout to be provided by architect

Total: $ 4,550.00

Notes:
- Johnson Rock Products, Inc. reserves the right to pass on any material price increases that occur between the time this quote was given and the time of construction.
- Johnson Rock Products, Inc. is not liable for any possible damages to underground utilities not located by others, prior to our work.
- Quote good if accepted in writing within 30 days. Please sign and return one copy of this proposal to signify an acceptance of this quote and it's terms and conditions as stated or feel free to call me if you have any questions. Our CCB# is 034185.

Payment Terms:

1.Any additional work will be billed on a cost plus 10% basis.
2.All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the agreed upon price. All agreements contingent upon strikes, accidents or delay beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.
3.Johnson Rock Products, Inc. reserves the right to make progress billings on projects with durations greater than one month. This contract is to be paid in full within 30 days from the date the work has been substantially completed. Interest at the rate of ONE AND ONE-HALF (1-1/2%) PER MONTH (18% PER ANNUM) will be charged on all balances not paid when due. In the event legal action is necessary to enforce the contract, the prevailing party will be entitled to court costs and reasonable attorney's fees.
4.The prevailing party in any action or suit is entitled to costs and attorney fees. This receipt evidences a purchase as provided for in the Account Plan Agreement between Johnson Rock Products, Inc. and the above-named Purchaser. All provisions and agreements contained in the Account Plan Agreement, if applicable, are hereby incorporated by reference.
5.I hereby acknowledge that I have received the forms "Information to Owners About Construction Liens", "Consumer Protection Notice" and "Notice of Procedure", as provided for by ORS 87.025 and as adopted by the Builders Board. Init.____

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	**CONFIRMED:** Johnson Rock Products, Inc. Authorized Signature: _____ Estimator: Kortney Johnson

Coquille School District #8
Coquille, Oregon

Intrafund Transfer
RESOLUTION No. 26-05
June 10, 2026

WHEREAS, the Coquille School District Board of Directors previously approved a budget for the 2025-2026 fiscal year;

WHEREAS, Oregon Local Budget Law, OAR 150-294.450(3)(2), provides that appropriations can be transferred within a fund from an existing appropriation to another existing appropriation;

WHEREAS, the amount of appropriations in certain categories are not sufficient to cover actual expenditures in those categories, but total appropriations are sufficient to allow an appropriations transfer;

THEREFORE, BE IT RESOLVED that the Coquille School Board hereby transfers budget appropriations for the 2025-2026 year as follows:

FUND 100 - GENERAL FUND

	Existing	Change	Adjusted
Major Function 1000	**$ 9,628,709.00**	**$ 10,000.00**	**$ 9,638,709.00**
Major Function 2000	**$ 7,527,507.00**	**$ (10,000.00)**	**$ 7,517,507.00**
	$ -	**$ -**	**$ -**
	$ 17,156,216.00	**$ -**	**$ 17,156,216.00**

FUND 400 - CAPITAL PROJECTS

	Existing	Change	Adjusted
Major Function 2000	**$ 175,562.00**	**$ 100,000.00**	**$ 275,562.00**
Major Function 4000	**$ 1,225,001.00**	**$ (100,000.00)**	**$ 1,125,001.00**
	$ -	**$ -**	**$ -**
	$ 1,400,563.00	**$ -**	**$ 1,400,563.00**

The above resolution statements were approved and declared adopted on June 10, 2026

_____ _____

Board Chair Superintendent

RESOLUTION No. 26-6

RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the Board of the Coquille School District hereby adopts the budget for fiscal year 2026-2027 in the total amount of **$26,686,760. ***

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts shown below are hereby appropriated for the fiscal year beginning July 1, 2026, for the following purposes:

General Fund	
Instruction…..……	9,359,252
Support Services…….	8,135,765
Enterprise & Community…..	360,001
Transfers……...…	493,007
Debt Service….....	779,163
Contingency…….....	1,000,000
**Total……..... **	**$20,127,189**

Special Revenue Funds	
Instruction……	2,889,142
Support Services…….	1,314,289
Enterprise & Comm…..	1,470,539
Facilities Acq. & Const….	35,000
Transfers……..	201,609
Debt Service……	0
**Total……. **	**$5,910,579**

Capital Project Funds	
Instruction…..……	-
Support Services…….	435,750
Facilities Acq. & Const….	0
Transfers……...…	0
Contingency…….....	0
**Total……..... **	**$435,750**

Debt Service Funds	
Debt Service……	0
**Total……..... **	**$0**

Internal Service Funds	
Support Services…….	160,000
Transfers……...…	45,000
**Total…… **	**$205,000**

Fiduciary Funds	
Instruction…..……	0
Enterprise & Comm…..	8,243
**Total…… **	**$8,243**

Total APPROPRIATIONS, All Funds	**$26,686,760**
Total Unappropriated and Reserve Amounts, All Funds	0
TOTAL ADOPTED BUDGET	**$26,686,760** *

(amounts with asterisks must match)*

RESOLUTION IMPOSING THE TAX

BE IT RESOLVED that the following ad valorem property taxes are hereby imposed upon the assessed value of all taxable property within the district for tax year 2026-2027:

At the rate of $ 4.2522 per $1,000 of assessed value for permanent rate tax;

RESOLUTION CATEGORIZING THE TAX

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

Subject to the Education Limitation	**Outside the Education Limitation**
Permanent Rate Tax.....$4.2522/$1,000	General Obligation Bonds….$0

The above resolution statements were approved and declared adopted on June 10, 2026

X_____ Board Chair Signature

X_____ Superintendent Signature

Coquille
School District #8

Section 6

Coquille School District 8

Donation Acceptance

Donor Name	Coquille Valley Produce & Deli
Donor Address	454 OR-42 Coquille, OR 97423
Donor Phone	Unknown
Item or Amount Donated	Food Basket
Date of Donation	4/22/26
Purpose of Donation	Silent Auction item for HS Football Fundraiser. To help raise funds for the HS football team's trip to summer camp.
Conditions of Donation	None
Date Check to Business Office	N/A
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You
Coquille Produce

Paxton K. Tanner Kellner Trenton Backman
James Manning (Carrie Grider)
Jordan Fortz
Brody Sleight
Clyde Davis
Camilo Palmas - CHS
Isaiah Wren-Moody
Jake Cochran
Football

Coquille School District 8

Donation Acceptance

Donor Name	Ko-Kwel Casino Resort
Donor Address	3201 Tremont Street North Bend, OR 97459
Donor Phone	541-756-8800
Item or Amount Donated	Complimentary One Night Hotel Stay at the Ko-Kwel Casino Resort
Date of Donation	4/22/26
Purpose of Donation	Silent Auction item for HS Football Fundraiser. To help raise funds for the HS football team's trip to summer camp.
Conditions of Donation	None
Date Check to Business Office	N/A
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You
Ko-Kwel Casino

Polxton King
James [illegible]
Jordan Florez
Brody Sheriff

Tanner Hilmer Trenton Backman
Kevin Silva
Jake Cochran

Clyde Davis
Camilo Palmas
Isaiah Wehe moody

-CHS Football

Coquille School District 8

Donation Acceptance

Donor Name	Coach House
Donor Address	604 6th Ave Coos Bay, OR 97420
Donor Phone	541-267-5116
Item or Amount Donated	$50.00 dining gift certificate
Date of Donation	4/22/26
Purpose of Donation	Silent Auction item for HS Football Fundraiser. To help raise funds for the HS football team's trip to summer camp.
Conditions of Donation	None
Date Check to Business Office	N/A
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You Coach House

Paxton King
Jonas Cumming
Tanner Ulmer
Trenton Baekman
Jordan Florez
Brody Sterritt
Jake Cochran
Clyde Davis
Camilo Palmas
Isaiah Wehe moody

-CHS Football

Coquille School District 8

Donation Acceptance

Donor Name	Coquille Supply
Donor Address	10054 OR-42 Coquille, OR 97423
Donor Phone	N/A
Item or Amount Donated	Gardening Basket
Date of Donation	4/22/26
Purpose of Donation	Silent Auction item for HS Football Fundraiser. To help raise funds for the HS football team's trip to summer camp.
Conditions of Donation	None
Date Check to Business Office	N/A
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You
Coquille Supply

Paxton King
James Manning
Jordan Flores
Brody Skerritt
Clyde Davis
Camilo Palmas
Isaiah Wehr Moody
Tanner Heltner
Trenton Baekman
Jake Cochran

- CHS
Football

Coquille School District 8

Donation Acceptance

Donor Name	First Community Credit Union
Donor Address	200 N Adams St Coquille, OR 97423
Donor Phone	Unknown
Item or Amount Donated	Outdoor Game Basket
Date of Donation	4/22/26 – Silent Auction for HS Football Fundraiser
Purpose of Donation	To help raise funds for the high school football team's trip to summer camp.
Conditions of Donation	None
Date Check to Business Office	N/A
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You

First Community Credit Union

Paxton King
Jaxs Manning
Jordan Flores
Brody Stewart
Clyde Davis
Camilo Palmas
Isaiah Wentworth
Tanner Rehrer
Trenton Boettcher
Jake Cochran

-CHS Football

Coquille School District 8

Donation Acceptance

Donor Name	Ashley Martinez
Donor Address	PO Box 2023 Myrtle Point, OR 97458
Donor Phone	Unknown
Item or Amount Donated	Blackstone BBQ
Date of Donation	4/22/26
Purpose of Donation	Silent Auction for HS Football Fundraiser. To help raise funds for the HS football team's trip to summer camp
Conditions of Donation	None
Date Check to Business Office	N/A
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You

Ashley Martinez

Paxton King Tanner Helner

James Mullins

Jordan Florez

Brody Shearin

Clyde Davis

Camilo Palmas

Isaiah Mendez

Trenton Backman

Jake Colvin

- CHS Football

Coquille School District 8

Donation Acceptance

Donor Name	Green Mountain Logging – Kyle Arriola
Donor Address	91934 Lampa Lane Myrtle Point, OR 97458
Donor Phone	Unknown
Item or Amount Donated	BBQ, hats, and sweatshirts
Date of Donation	4/22/26
Purpose of Donation	Silent Auction item for HS Football Fundraiser. To help raise funds for the HS football team's trip to summer camp.
Conditions of Donation	None
Date Check to Business Office	Unknown
Date Donation Accepted by Board	
Expression of Thanks (Copy to DO)	See Attached
Date Purchase Made	
What was Purchased	
PO#	
Closure	
Submitted By	Becky Sproul

Thank You

Green Mountain Logging

Paxton King Tanner Kelner

Jones

Trenton Backman

Jordan

Jake Cochran

Brady

Clyde Davis

Camilo Palmas

Isaiah Wene Moody

-CHS Football

OSBA Model Sample Policy Adopt

Code: BBAA
Adopted:

Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of their position when the Board is in a meeting which is being held in accordance with Oregon's Public Meetings Law. A Board member has the authority to act in the name of the Board only when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business.

When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

Board members may speak on behalf of the Board or district only when specifically authorized to do so. Any other statements do not represent the position of the Board or district. When expressing personal opinions in public, Board members are encouraged to clearly identify the opinions as their own.

All Board members shall maintain awareness of relevant district information and participate in Board functions and professional Board development activities.

All members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Records

   Any individual Board member who desires a copy of an existing record may make such a request to the superintendent. Requests involving confidential records or significant staff time will be referred to the Board for approval.

2. Requests for Legal Opinions{[1]}

   Requests for legal advice or opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to a Board Member

   When a Board member receives complaints or requests for action from staff, students or members of the public, the Board member will direct the staff, students, members of the public to the public

[1] {Consider how board members obtain legal advice and whether a cost is associated with that. Does the Board want individual board members to be able to contact attorneys at PACE or OSBA (no bill accrued) on their own, or does the Board want them to get Board approval first? Do you want individual Board members to be able to contact attorneys that will bill the district on their own, or do you want them to get board approval first?}

complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent. An individual Board member is not authorized to independently act on complaints.

4. Board Member's Communication with Administration

No individual Board member may direct the superintendent or other staff to action without Board authorization. No Board member will intervene in the administration of the district or its schools.

5. Contracts or Agreements

All district contracts must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

6. Visits to Schools

A Board members may visit schools in accordance with Board policy BG – Board–Staff Communications.

7. Public Meetings Law

All Board members will comply with Public Meetings Law, including participating in an approved[2] training at least once during each term of office{[3]}.

8. Mandatory Reporting

A Board member having reasonable cause to believe that any child with whom the Board member comes in contact has suffered abuse or that any person with whom the Board member comes in contact has abused a child shall immediately make an oral report or cause an oral report be made to Department of Human Services[4] or local law enforcement.

9. Oregon Ethics Laws

All Board members will adhere to Oregon Government Ethics laws, including filing the statement of economic interest as required by Oregon Revised Statute (ORS) 244.

10. Confidential Information

All Board members will not disclose confidential information received as part of Board service.

11. Other Laws, Policies, Agreements and Procedures

All Board members will follow all laws, Board policies, working agreements, and any other procedures established by the district.

---

[2] Approved by the Oregon Government Ethics Commission.

[3] {Training is only required for districts with annual fiscal expenditures of $1M or more. See ORS 192.700.}

[4] (855) 503-SAFE (7233)

END OF POLICY

Legal Reference(s):

ORS 192.311 – 192.478
ORS 192.610 – 192.705
ORS Chapter 244

ORS 332.045
ORS 332.055
ORS 332.057

ORS 332.075
ORS 332.107
ORS 419B.010

38 OR. ATTY. GEN. OP. 1995 (1978)
S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

PROPOSED

Coquille School District 8

Code: **BBAA**
Adopted: 6/23/1997
Readopted/Revised: 1/12/2009, 10/12/2016

Individual Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of his/her position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

A Board member has the right to express personal opinions. When expressing such opinions in public, the Board member must clearly identify the opinions as his/her own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Information

   Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district must be submitted to the Board for consideration.

2. Requests for Legal Opinions

   A request for a legal opinion by a Board member, must be approved by a majority vote of the Board before the request is made to legal counsel. If the legal opinion sought involves the superintendent's employment or performance, the request should be made to the Board chair. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to Board Members

   When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the appropriate complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent.

DELETE

4. Board Member's Relationship to Administration

Individual Board members will be informed about the district's educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements

All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

Legal Reference(s):

ORS 332.045
ORS 332.055
ORS 332.057
ORS 332.075

38 OR. ATTY. GEN. OP. 1995 (1978)
S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 42[illegible] (1987).

DELETE

6/30/16 PH

OSBA Model Sample Policy

Code: BBE
Adopted: Adopt

Vacancies on the Board

Vacancies on the Board will be filled through the following procedures:

1. At a Board meeting, the Board will declare the vacancy[1];

2. The Board or designee will establish an application period of at least 20 days. Applicants will be required to submit an application to the district office by the designated date. Deadlines and instructions will be posted on the district website. The Board can vote to extend or re-open the application period at any time;

3. After the application period has ended, the superintendent or designee will verify applicant eligibility. Applicants must:

   a. Be an elector of the district.[2] This requires being registered to vote within the district;
   b. Have resided in the district for a period of one year immediately preceding the appointment;
   c. [Be a resident of the zone of the vacant position, if the position is zoned;]
   d. Not be an employee of the district or a charter school located within the district[~~{[3], except as a substitute bus driver in accordance with ORS 332.016}~~].

4. The Board will review applicant materials in an open Board meeting;

5. The Board may select applicants to interview. Any interview will be held in an open Board meeting;

6. During an open Board meeting, the Board will vote to appoint one of the applicants. In the event that no applicant receives a majority of votes[4], the Board may re-vote or vote to re-open the application period;

---

[1] In accordance with ORS 332.030, the Board shall declare a vacancy upon any of the following:
1. The death or resignation of any Board member;
2. When a Board member is removed from office or the election of the Board member has been declared void by the judgment of any court;
3. When a Board member ceases to be a resident of district [or zone from which nominated (see exception for board members who move out of the zone, but remain residents of the district in ORS 332.030(2) - (3))];
4. When a Board member ceases to discharge the duties of office for two consecutive months unless prevented by sickness or other unavoidable cause;
5. When a Board member ceases to discharge the duties of office for four consecutive months for any reason; or
6. When a Board member is recalled.

[2] ORS 254.005(4) provides "'Elector' means an individual qualified to vote under section 2, Article II, Oregon Constitution." District staff may verify this with local elections officials.

[3] {Include this bracketed language only if the district has an ADM or 50 or fewer.}

[4] ORS 332.055 requires the affirmative vote of a majority of Board members to transact any business. Consequently [three] votes are necessary to appoint a board member, regardless of how many vacancies exist.

7. The newly appointed Board member(s) will take an oath of office before assuming the duties of office and will be seated immediately thereafter.

[If the vacancy occurs in a zone and an eligible zone resident cannot be found, the Board shall appoint one of the eligible residents from the district to serve in accordance with ORS 332.124.]

The appointee will serve until June 30 following the next election. At that election, either the remainder of the term for the position, or a full term for the position will be on the ballot.

If the offices of a majority of Board members are vacant at the same time, the directors of the [South Coast Education Service District shall appoint persons to fill the vacancies from qualified individuals.

END OF POLICY

Legal Reference(s):

ORS 249.865 - 249.877
ORS 254.005
ORS 255.245
ORS 255.335
ORS 332.030
ORS 332.122
ORS 332.124

PROPOSED

OSBA Model Sample Administrative Regulation

Code: BBE-AR
Revised/Reviewed: Adopt

Board Member Vacancy Application

When a Board vacancy is declared, the Board will appoint a qualified person in accordance with Board policy BBE – Vacancies on the Board. To be considered for appointment, this form must be submitted to the district office by the deadline communicated by the district. Submitted applications become public records and may be disclosable upon request.

Name: _____

Motivation and Experience

Why do you want to serve on the Board?

_____

_____

_____

_____

Which experiences or perspectives will help you represent and serve all students and families?

_____

_____

_____

_____

How will you help advance the district's mission and goals?

_____

_____

_____

_____

How will you engage respectfully with individuals whose viewpoints differ from your own?

_____

_____

_____

Knowledge, Time Commitment and Governance

Availability: Board meetings, work sessions, and committee service often occur in the evenings and occasionally during the daytime. How will you balance Board obligations with other commitments?

_____

Laws applying to public entities: Briefly share any familiarity you have with Oregon public meetings and public records laws: _____

_____

_____

Policy and Budget: What experience do you have with policy development, budgets, or strategic planning?

P

Student-Centered Decision-Making: How will you ensure decisions reflect student outcomes, safety, and well-being?

R O P O S E D

This page is intended for internal and verification purposes. It is not intended to be provided to the Board or discussed at a Board meeting. Once submitted, it is a public record and may be subject to disclosure.

Contact and Personal Information

Name (as it appears on voter registration): _____

Preferred name (if different): _____

Position applying for: _____

Note: Your address is used only to verify residency within the district/zone, as required by Oregon law. Verification may be required.

Home street address (as it appears on voter registration):

_____

City: _____ State: OR _____

Primary phone: _____ Alternative phone: _____

Email: _____

Best way to contact you? ☐ Phone ☐ Email ☐ Text

Accessibility and Accommodations

We welcome applicants with disabilities. Do you need an accommodation to participate in interviews or meetings (e.g., ASL interpreter, materials in alternative formats, physical access, assistive technology)?

☐ No ☐ Yes (please describe): _____

Attestations (Required)

- ☐ The information I have provided is true and complete to the best of my knowledge.
- ☐ I meet the statutory eligibility for appointment: registered elector and one-year residency (ORS 332.018).
- ☐ ~~[~~I reside in the zone corresponding to this vacancy (ORS 332.030 and ORS 332.122~~).]~~
- ☐ I am not disqualified by employee status (ORS 332.016).
- ☐ I understand the appointment duration (through June 30 after the next regular district election) (ORS 332.030(4)).

Signature: _____ Date: _____

COQUILLE SCHOOL DISTRICT

Code: BBE
Adopted: 1978PHB
Revised/Readopted: 07/23/2007, 12/11/2019
Orig. Code(s): BBE

Vacancies on the Board

Vacancies will be filled through Board appointment. The Board appointee must be a legally registered voter and a resident within the district for one year immediately preceding the appointment.

Board elections are held every odd-numbered year which for the purposes of this policy are termed "election" years. The appointee:

1. Will serve until June 30 following the next "election," at which time the individual elected in May of that year will fill the remaining portion of an unexpired term or serve a full four year term; or

2. Will serve until June 30 of a subsequent "election" year if the vacancy occurs after the filing date in an "election" year.

A Board member so elected as a replacement will serve the remaining year(s) of the term of office of the Board member being replaced.

In the event of multiple vacancies, the position vacated first will be filled first.

Upon appointment by the Board, the newly appointed Board member(s) will be sworn and seated immediately.

If the offices of a majority of Board members are vacant at the same time, the Directors of the South Coast Education Service District 7 shall appoint persons to fill the vacancies from qualified school district voters.

END OF POLICY

DELETE

Legal Reference(s):

ORS 249.865 - 249.877
ORS 255.245
ORS 255.335
ORS 332.030
ORS 332.122
ORS 332.124

Cross Reference(s):

BBBA - Board Member Qualifications
BBC - Board Member Resignation

Code: BCB
Adopted:

Adopt

Board Officers

~~At~~ No later than the next regular ~~its first scheduled~~ meeting after July 1, the Board will elect one of its members to serve as chair and one to serve as vice chair. In an election year, this meeting must occur no later than the last day of July. No member of the Board may serve as chair more than four years in succession. ~~If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.~~

The Board chair will:

1. ~~[Work with the superintendent to] [Direct the superintendent or designee to] establish~~Prepare the agenda for ~~regular~~ Board meetings in accordance with Board policy BDDC – Board Meeting Agenda;

2. Call special meetings ~~when required~~;

3. Preside at ~~all~~ meetings of the Board and enforce the rules of order. The Board chair has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public comment is a part of the meeting, the Board chair may regulate the order and length of appearances and limit appearances to presentations of relevant points in accordance with Board policy BDDH – Public Comment at Board Meetings;

4. Sign ~~the minutes and other~~ official documents that require the signature of the chair;

5. Represent the district and the Board at official functions, unless this duty is delegated by the Board chair to another Board member;

6. Appoint ~~all~~Board members to committees ~~[and will be an ex-officio member of all such committees]~~ unless otherwise ordered by the Board;

7. Have the right to discuss issues and vote~~.~~; and

8. Perform such other duties as may be prescribed by law or by action of the Board.

In the absence~~, incapacitation or death~~ of the chair, the vice chair will perform the duties of chair and, when so acting, will have the chair's powers. The vice chair will perform other functions as designated by the Board.

If a Board member is unable to continue to serve as an officer, a replacement will be elected. The replacement officer will serve the remainder of the officer's term, until the officer resigns or ceases to remain on the Board, or until the officer is removed or replaced by the Board.

~~The superintendent will designate a staff member to serve as Board secretary and will directly supervise and evaluate the secretary. [In absence of the designated Board secretary, the Board may name anyone~~

~~present to serve as secretary for that meeting.]The secretary to the Board will take notes at Board meetings, compile minutes and perform related work as assigned by the superintendent or requested by the Board chair. These duties will include, but not be limited to, the following:~~

~~1. Record the disposition of all matters on which the Board considered action;~~

~~2. Prepare and distribute minutes in advance for approval at the next Board meeting;~~

~~3. Maintain properly authenticated official copies of the minutes;~~

~~4. Maintain the official record of Board policies;~~

~~5. Properly post public notice for all Board meetings.~~

Board ~~or District~~ Spokesperson

The Board may designate the chair, vice chair or another Board member as the Board's spokesperson. ~~The Board may appoint one of its members, usually the chair, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position should be articulated by a single voice. The spokesperson serves at the Board's direction and may be removed or replaced at any time by action of a majority of the Board.~~A Board member speaks on behalf of the Board only when specifically authorized by the Board. Official Board statements will be made using official district or Board communication channels, websites or social media accounts, or at official district events. When a Board member expresses personal opinions in public, the Board member is encouraged to clearly identify the opinions as personal. Comments made by Board members when not authorized by the Board are considered personal comments of the Board member.

END OF POLICY

Legal Reference(s):

ORS 255.335
ORS 332.040
ORS 332.045
ORS 332.057
OAR 166-400
~~OAR 166-400~~
OAR 166-~~400~~-0010~~(9)~~
OAR 199-050-0050

OSBA Model Sample Policy

Code: BCE
Adopted:

Board Committees

The Board may establish committees. A Board committee is a group of Board members, staff, students and/or community members tasked by the Board to make a decision on behalf of the Board or make a recommendation to the Board on policy or administration. The district may have additional administrative committees.

Board committees may be classified into two general types based on membership:

1. Board subcommittees are primarily made up of Board members, e.g., superintendent evaluation committee, long-range planning committee, policy committee;

2. Advisory committees are primarily made up of non-Board members, e.g., bond steering committee.

Regardless of classification, the Board can include Board members and non-Board members on committees.

Board committees will not have the power to act for the Board except as the Board has specifically authorized. Committee meetings may be called by the committee in accordance with any direction from the Board and committee procedures. Committee recommendations and reports will be provided to the Board.

All meetings of Board committees will follow the Public Meetings Law[1], including the requirement to record the meetings or take meeting minutes. A committee may sit in an executive session when such meeting is in accordance with the committee's assigned purpose and when such session is permitted by law. Administrative committees, including superintendent committees, are generally not subject to Public Meetings Law.[2]

When establishing a Board committee, the Board will determine:

1. Committee membership and appointment process;

2. The task of the committee;

3. What resources are needed and will be provided to the committee;

[1] OAR 199-050-0010(1)(b) provides that Public Meetings Law apply to bodies "with authority to make recommendations to a public body on policy or administration."

[2] OAR 199-050-0010(2)(b) provides that Public Meetings Law does not apply to "bodies appointed by an individual public official with authority to make recommendations only that individual public official who has the authority to act on the body's recommendation and is not required to pass the recommendations on unchanged to a public body."

4. The length of time the committee will exist[3];

5. Expectations regarding any actions or recommendations of the committee.

END OF POLICY

Legal Reference(s):

ORS 192.610 - 192.705
ORS 332.045
ORS 332.105
OAR 199-040
OAR 199-050

PROPOSED

[3] The Board can establish a standing committee, which has a continuing existence or a special committee, which goes out of existence as soon as the committee has completed a specified task.

Code: BD
Adopted: Adopt

Board Meetings, Notices and Communications

Definitions

"Communication" means the expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

"Convening" means gathering in a physical location, using electronic, video or telephonic technology to be able to communicate contemporaneously among participants, using serial electronic written communication among participants, or using an intermediary to communicate among participants.

"Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the Board[1] is required, at any meeting at which a quorum is present.

"Decision-making process" means the process the Board engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.

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

"Executive session" means any meeting or part of a meeting of the Board that is closed to certain persons for deliberation on certain matters.

"Intermediary" means a person who is used to facilitate communications among members of the Board about a matter subject to deliberation or decision by the Board, by sharing information received from a member of the Board with other members of the Board. The term "intermediary" can include a member of the Board.

"Meeting" means the convening of the Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program or the attendance of members of the Board at any national, regional or state association to which the Board or the members belong.

"Public Meetings Law" means Oregon Revised Statutes (ORS) 192.610 – 192.705 and Oregon Administrative Rules (OAR) 199-040 and 199-050.

[1] This policy is written to apply to the Board. Other bodies, including Board committees, may be subject to public meeting laws. This policy may help other bodies understand what is required, but is intended as direction for the Board.

"Quorum" means the minimum number of members of the Board required to legally transact business. For the Board, a quorum is [~~three~~ 4[2]] Board members.

"Work session" or "workshop" means meetings held for the purpose of either presenting information to the Board to prepare for a regular or special meeting, or to allow the Board to engage in preliminary discussions or deliberations.

Board Authority at Meetings

The Board has the authority to act only when a quorum is present at a properly noticed regular, special or emergency meeting. The affirmative vote of [~~three~~ 4[3]] members of the Board is required to transact any business.

Types of Meetings

The Public Meetings Law applies to all regular, special, emergency, executive session and work session meetings of the Board.

1. Regular Meetings

   The regular meeting schedule will be established at the annual organizational meeting each year and may be changed by the Board with public notice. The purpose of each regular meeting will be to conduct the regular Board business.

2. Special Meetings

   A special meeting may be scheduled when less than a quorum is present at a regular meeting and therefore no business may be conducted, 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. Special meetings may be convened by the Board chair, upon request of three Board members, or by common consent of the Board.

3. Emergency Meetings

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

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

[2] {ORS 332.055 establishes the quorum as a majority. If the Board has five members, three constitute a quorum. If the Board has seven members, four constitute a quorum. If the Board has nine members, five constitute a quorum.}

[3] {ORS 332.055 provides "the affirmative vote of the majority of members of the board is required to transact any business." If the Board has five members, three votes are required. If the Board has seven members, four votes. If the Board has nine members, five votes.}

be conducted in accordance with Public Meetings Law. The Board may make official decisions during a work session.

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).

Communications Outside of a Board Meeting (Serial Meetings Prohibited)

Private meetings where a quorum of the Board engages in discussions or communications that are part of the Board's decision-making process on matters within the authority of the Board violate Public Meetings Law, except as part of an executive session.

A quorum of Board members shall not, outside of a meeting conducted in compliance with Public Meetings Laws, use a series of communications of any kind, directly or through intermediates, for the purpose of deliberating or deciding on any matter that is within the jurisdiction of the Board. This prohibition applies to using any one or a combination of the following methods of communication:

1. In-person;
2. Telephone calls;
3. Videos, videoconferencing, or electronic video applications;
4. Written communication, including electronic written communications, such as email, texts, and other electronic applications;
5. Use of one or more intermediaries to convey information among members; and
6. Any other means of conveying information.

Communications outside of a Board meeting may contain communications between or among members of the Board, including a quorum, that are:

1. Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the Board;
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.

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

Important: Please do not reply or forward this communication if this communication could constitute a decision or deliberation toward a decision between and among members of the district board. Board member electronic communications on district business are subject to Public Meetings and Public Records Law.

A quorum of Board members may attend social meetings or gatherings so long as no discussions or deliberations are had.

Meeting Location, Public Accommodations and Logistical Requirements

All meetings will be open to the public except as provided by law.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law[4]. The Board may attend training sessions outside the district boundaries but may not deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced. Meeting locations shall be accessible to persons with disabilities.

Any Board meeting may be held in person, through the use of electronic or telephonic means, or in some combination of in-person, electronic or telephonic means.

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. For Board meetings (excluding executive session) held by telephone or other electronic means of communication, the district shall make available a place or an electronic means by which the public can listen to or view the meetings in real time. The place provided may be a place where no Board member is present.

For executive sessions where the media are statutorily authorized to be present, if any person, including any Board member, is attending the executive session by telephone, video, or other electronic means, the district shall provide members of the media the same attendance option. The district may establish reasonable security measures to ensure the media's attendance by telephone, video, or other electronic means is conducted through a secure connection or method.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for persons who are deaf or hard of hearing. The request should include the name of the requester, sign language preference and any other relevant information requested. 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 aids and services may be provided upon request and appropriate advance notice.

If requested to do so at least 72 hours before a meeting held in public, the Board will make a reasonable effort to provide translation services.{[5]}

Recordings or minutes will be kept for all meetings in accordance with state law and Board policy BDDG – Recordings or Minutes of Board Meetings.

All meetings shall comply with applicable provisions of the Oregon Indoor Clean Air Act.

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[4] 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 if no deliberations toward a decision are involved.

[5] {Districts are encouraged to evaluate translation needs and resources prior to adding this language. A district may decide that translating the agenda, minutes or other documents, or public comment is sufficient.}

{The possession of a firearm, deadly weapon or any other instrument used as a dangerous weapon is prohibited at Board meetings, except as authorized by law.{[6]}}

Public Notice Requirements

The district posts public notice{[7]} of its meetings on the district's website or on a publicly accessible website hosted by a third-party that is linked to the district's website.

The public notice shall identify the following:

1. The time, date, location of the meeting, and, to the extent reasonably possible, will include the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means;

2. The agenda or list of the principal subjects anticipated to be considered at the meeting and will be specific enough to permit the public to recognize matters in which they are interested. The Board may amend the agenda or may add or remove items from the list of principal subjects prior to or during a meeting. See Board policy BDDC – Board Meeting Agenda for additional meeting agenda information; and

3. The name, telephone number, and email address of a person at the district office to contact to request an interpreter or other communication aids or a statement that the district will provide a sign language interpreter or other communication aids at the meeting.

The district will provide notice to interested persons and news representatives who have requested notice through means reasonably calculated to provide actual notice to interested persons known to the Board.

For all regular meetings, the meeting notice shall be provided with as much advance notice as reasonably possible, but no less than 48 hours' advance notice.

For all special meetings, the meeting notice shall be provided with no less than 24 hours' advance notice.

For an emergency meeting, public notice shall be provided with as much advance notice as reasonably possible given the emergency circumstances. The district shall attempt to contact the media and other interested persons to inform them of the emergency meeting by telephone, email, social media, or other method reasonably calculated to provide actual notice. If reasonably possible under the emergency circumstances, the emergency meeting notice shall be conspicuously displayed on the district's website or on a publicly accessible website hosted by a third-party hosted and linked to the district's website.

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[6] {ORS 166.670(1)(a) prohibits the possession of firearms or "any other instrument used as a dangerous weapon" on school grounds and in facilities occupied by the district, unless an exception applies. ORS 166.370(3)(g) provides an exception for persons "licensed under ORS 166.291 and 166.292 to carry a concealed handgun." ORS 166.377 allows districts to adopt a policy stating that this defense (the exception in ORS 166.670(3)(g)) does not apply "on the grounds of the schools controlled by the board." Some districts have adopted policy KGBB to do so.}

[7] {The public notice must be displayed conspicuously on the district's website. If the district does not maintain a publicly accessible website, the district shall satisfy the public notice requirements through other means such as posting on the Oregon Transparency Website, community postings, bulletin boards, newspaper notice, or any other means reasonably calculated to provide actual notice to the general public. Modify this sentence to communicate how the district publishes its public notices.}

If a meeting will include an executive session, the notice shall comply with the above notice requirements and the notice shall also identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. Example:

> "The Board will meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent."

If an executive session is to be part of an open regular, special, or emergency meeting, the notice shall comply with the above notice requirements and prior to entering the executive session, the Board chair shall make a public announcement and identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization (See Board policy BDC – Executive Sessions for additional information on executive sessions.)

Complaints

Complaints regarding Public Meetings Laws can be filed in accordance with Public Meetings Law complaint procedures outlined in Board policy KL – Public Complaints. Complaints must be filed within 30 days of the alleged violation.

{[8]}Mandatory Training

Every member of the Board shall attend or view a training on Public Meetings Law as required by ORS 192.700 and Board policy BBAA – Board Member's Authority and Responsibilities.

END OF POLICY

Legal Reference(s):

ORS Chapter 192
ORS 332.040 - 332.061
ORS 332.107
ORS 433.835 - 433.875
OAR 199-050-0005 – 199-050-0085

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

PROPOSED

[8] {Training is only required for districts with annual fiscal expenditures of $1M or more. See ORS 192.700.}

Coquille School District 8

Code: **BD/BDA**
Adopted: 1978PHB
Readopted/Revised: 7/23/2007, 10/12/2016
Orig. Code(s): BD

Delete

Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening of a quorum of the Board as the district's governing body to make a decision or to deliberate 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 governing body, i.e. a work session. 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. All meetings will be conducted in compliance with state and federal statutes. All Board meetings, including Board retreats and work sessions, will be held within district boundaries. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business.[1] No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation[2], age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those 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 were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. Communications with all qualified individuals with disabilities shall be as effective as communications with others.

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

1. Regular, Special and Emergency Meetings

   Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the organizational meeting in July 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.

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[1]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 as long as no deliberations toward a decision are involved.
[2]As defined in ORS 174.100.

No later than the next regular meeting following July 1, the Board will hold an 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. 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 Boa[illegible]mem[illegible]rs out[illegible]de of a legally called Board meeting, in their capacity as Board members, shall not b[illegible]used [illegible]or the purpose of discussing district business. This includes electronic communicati[illegible]Electr[illegible]ic [illegible]ommunications among Board members shall be limited to messages not inv[illegible]ving [illegible]liberation, debate, decision-making or gathering of information on which to [illegible]libera[illegible]

Electronic communications may contain:

a. Agenda item suggestions;
b. Reminders rega[illegible]meeti[illegible]mes, [illegible]tes and places;
c. Board meeti[illegible]agendas [illegible]inf[illegible]on concerning agenda items;
d. One-way i[illegible]rmation fro[illegible]Board members or the superintendent to each Board member (e.g., an article on [illegible]dent achie[illegible]ment or to share a report on district progress on goals) so long as that information [illegible]also b[illegible]g made available to the public;
e. Individual respons[illegible]t[illegible]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 Records and 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 the Public Meetings Law.

Delete

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 the state law on public meetings, including notice and minutes. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

5. Executive Sessions

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

END OF POLICY

Legal Reference(s):

ORS 174.100
ORS 174.104
ORS Chapter 192
ORS Chapter 193
ORS 332.00 to -332.061
ORS 433.835 to -433.875

38 OR. ATTY. GEN. OP. 1995 (1978)
41 OR. ATTY. GEN. OP. 28 (1980)
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12[illegible], 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 200[illegible]
OR. ATTY. GEN. Public Records and Meetings Manual (201[illegible])

Delete

6/30/16 | SL

Code: BDC
Adopted:

Adopt

Executive Sessions

The Board may meet in executive session to discuss subjects allowed by statute under Oregon Revised Statute (ORS) 192.660 or ORS 332.061 but may not take final action in executive session except for the expulsion of a student and matters pertaining to or examination of the confidential records of the student in accordance with ORS 332.061.

An executive session may be included as an agenda item of a meeting open to the public in accordance with Board policy BDDC – Board Meeting Agenda or held as its own meeting. Public notice is required as outlined in Board policy BD – Board Meetings, Notices and Communications.

If an executive session is held as part of a meeting open to the public, the Board chair will announce the executive session in compliance with Board policy BD – Board Meetings, Notices and Communications and include and identify the appropriate statutory citation, appropriate subsection and the paragraph authorizing the session under ORS 192.660 or ORS 332.061 for holding such session and by noting the general subject of the executive session.

Example:

> "The Board will now meet in executive session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent."

Prior to or at the beginning of the executive session, the Board chair may read the following[1]:

> "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room."

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent; may not include a discussion or negotiation of compensation (including salaries and benefits).[2]

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[1] This statement should be amended if ORS 192.660 does not require that representatives of the news media be allowed to attend, ORS 332.061 allows the Board to vote in executive session, or the Board will not be returning to open session following the executive session. This statement can also be included on the agenda.

[2] 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. It also does not apply to the employment of the chief executive officer, other public officers, employees and staff members of the district unless:

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

(ORS 192.660(2)(a))

2. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer[3], employee, staff member or individual agent who does not request an open hearing[4]; may not include a discussion or negotiation of compensation (including salaries and benefits). (ORS 192.660(2)(b))

3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))

4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))

5. To consider information or records that are exempt by law from public inspection.[5] (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.[6] (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[7]; may not include a discussion or negotiation of compensation (including salaries and benefits or a general

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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.

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

[4] Notice must be provided to the public officer, employee, staff member or individual agent in accordance with OAR 199-0040-0030. The public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

a. Identification of the governing body before which the matter will be considered (the Board);
b. The time, date and location of the meeting;
c. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
d. Information on how the public official may make a request for an open hearing.

[5] Consider including a reference to the law that exempts the information or records from public inspection in the notice.

[6] Legal counsel must be present in the executive session, either in-person or via electronic or telephonic communications.

[7] Notice must be provided to the chief executive officer, public officer, employee or staff member in accordance with OAR 199-0040-0030. The public official must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

a. Identification of the governing body before which the matter will be considered (the Board);
b. The time, date and location of the meeting;
c. The purpose for which the governing body proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the governing body will be considering the dismissal or disciplining of, hearing complaints or charges against, or reviewing and evaluating the performance of the public official receiving the notice; and
d. Information on how the public official may make a request for an open hearing.

evaluation of an agency, goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs. (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 review matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

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

1. Deliberations with persons designated by the Board to carry on labor negotiations;

2. Hearings on the expulsion of a minor student 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.

Recordings or minutes shall be kept for all executive sessions in accordance with state law and Board policy – BDDG – Recordings and Minutes of Board Meetings.

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

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 192.685
ORS 192.705
ORS 332.045
ORS 332.061
OAR 199-040-0015 - 0060
OAR 199-050-0015
OAR 199-050-0040
OAR 199-050-0050
OAR 199-050-0060

OR. ATTY. GEN. *Public Records and Meetings Manual*.
OREGON GOVERNMENT ETHICS COMMISSION, Staff Advisory Opinion No. 22-106S

PROPOSED

Coquille School District 8

Code: BDC
Adopted: 06/23/1997
Revised/Readopted: 07/23/2007, 10/12/2016, 08/26/2020

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 order of the Board chair, upon request of three Board members or by common consent of the Board for a purpose authorized under Oregon Revised Statute (ORS) 192.660 during a regular, special or emergency meeting. 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.

The Board may hold an executive session:

1. To consider the employment of a public officer, employee, staff member or individual agent. (ORS 192.660(2)(a))
2. To consider the dismissal or discipline of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. (ORS 192.660(2)(b))
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d))
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (ORS 192.660(2)(e))
5. To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))
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 review the expulsion of a minor student from a public elementary or secondary school. (ORS 332.061(1)(a))

Delete

10. To discuss matters pertaining to or examination of the confidential records of a student. (ORS 332.061(1)(b))

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

1. Deliberations with persons designated by the Board to carry on labor negotiations;

2. Hearings on the expulsion of a minor student 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.

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 332.045
OR[illegible] 332.0[illegible]
House Bill 2514 (2019)

Delete

OSBA Model Sample Policy

Code: BDD
Adopted:

Adopt

Board Meeting Procedures

1. Quorum

   A quorum of the Board is [~~three~~ 4 {[1]}] Board members.

2. Vote Needed for Exercise of Powers

   The affirmative vote of [~~three~~ 4 {[2]}] Board members will be necessary for exercising any of the Board's powers. All votes of the Board shall be taken by public vote, except when authorized in executive session under Oregon Revised Statute (ORS) 332.061.

3. Board Member Voting

   The results of all votes shall be recorded, including the vote of each member's vote by name, on all votes taken by the Board. A written ballot, if used, shall identify the individual Board member by name and their vote, and shall be announced during the meeting at which the vote occurred. Secret ballots are prohibited.

4. Abstaining from Vote

   Any conflicts of interest will be handled in accordance with ORS 244.120 and Board policy BBFA – Board Member Ethics and Conflicts of Interest. Board member abstentions will be documented in the meeting minutes or recording.

5. Parliamentary Procedure

   Official Board business will be transacted by motion or resolution at properly noticed[3] meetings.

   Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised, "Procedure in Small Boards"*[4] as modified by the Board will govern the Board in its deliberation. Modifications include the following: Motions

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[1] {ORS 332.055 establishes the quorum as a majority. If the Board has five members, three constitute a quorum. If the Board has seven members, four constitute a quorum. If the Board has nine members, five constitute a quorum.}

[2] {ORS 332.055 provides "the affirmative vote of the majority of members of the board is required to transact any business." If the Board has five members, three votes are required. If the Board has seven members, four votes. If the Board has nine members, five votes.}

[3] See ORS 192.640, OAR 199-050-0040 and Board policy BD/BDA – Board Meetings for notice requirements. {In the June 2026 policy update, OSBA will be recommending policy BD/BDA be recoded and renamed: BD – Board Meetings, Notices and Communications.}

[4] See *Robert's Rules of Order*, 12th Edition, § 49:21.

will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

Failure to follow *Robert's Rules of Order* will not invalidate a lawful Board decision.

END OF POLICY

Legal Reference(s):

ORS 192.650
ORS 244.120(2)
ORS 332.045

ORS 332.055
ORS 332.057
ORS 332.107

OAR 199-050-0005 (9)
OAR 199-050-0055

38 OR. ATTY. GEN. OP. 1995 (1978)
41 OR. ATTY. GEN. OP. 28 (1980)

PROPOSED

Coquille School District 8

Code: **BDD**
Adopted: 6/23/97
Revised: 07/23/07

Board Meeting Procedures

1. Quorum

A quorum will consist of the majority of the Board members.

2. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members will be necessary for exercising any of the Board's powers.

3. Board Member Voting

Each member's vote on all motions will be recorded in the minutes.

4. Abstaining from Vote

If a Board member chooses to abstain from voting, such abstention will be recorded.

5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised,* "Procedure in Small Boards" as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The chair will decide all questions relative to points of order, subject to an appeal to the Board.

END OF POLICY

Legal Reference(s):

ORS 192.650
ORS 332.045
ORS 332.055
ORS 332.057
ORS 332.107
38 OR. ATTY. GEN. OP. 1995 (1978)
41 OR. ATTY. GEN. OP. 28 (1980)
11/14/06 | JN

Delete

OSBA Model Sample Policy

Code: BDDC
Adopted:

Board Meeting Agenda

{[1]}The Board chair will direct the preparation of an agenda for all meetings of the Board. The Board chair may seek assistance from the superintendent or another Board member. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the Board chair or superintendent at least [five] working days prior to the meeting. The agenda will include the principal subjects anticipated to be considered at the meeting and be specific enough to permit the public to recognize the matters in which they are interested. When the agenda includes an executive session, the agenda shall identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. (See Board policy BDC – Executive Sessions for additional information.)

The Board chair may direct an amendment to the agenda until it is posted, including adding or removing items. The Board may also amend the agenda during a meeting by a majority vote of the Board. This includes adding items to the agenda during the meeting.

A consent agenda may be used by the Board. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be voted on and approved at the same time. An item on the consent agenda will be removed from the consent agenda upon request of a Board member prior to the consent agenda's consideration. The item removed from the consent agenda will then be placed on the regular agenda.

The agenda, together with supporting materials, will be distributed to Board members at least [three] full working days prior to the meeting. A copy of the agenda will be posted on the district website at least 48 hours prior to any regular meeting and 24 hours prior to any special meeting.

Copies of the agenda for the press and public will not contain any confidential information included in Board member packets.

END OF POLICY

Legal Reference(s):

ORS 192.630 ORS 192.640 OAR 199-050-0040

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

[1] {The Board is encouraged to review current practices for agenda preparation and Public Meetings Law.}

OSBA Model Sample Policy

Code: BDDG
Adopted:

Recordings and Minutes of Board Meetings

{[1]}The Board will ensure a {[2]}video recording is made of all of its meetings and portions of meetings that are not held in executive session. These recordings will be posted on the district's website or social media site within seven days following the meeting.

A video or audio recording of a meeting can be kept as the official record as long as all required content is included and it is kept in an allowable format[3]. Alternatively, the district may create written minutes. Written minutes do not need to be a verbatim transcript and can be kept in hard copy or electronic form[4].

The official record must give a true reflection of the matters discussed at the meeting and the views of the participants, and must include the following information:

1. All members of the Board present;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name for all actions taken[5];
4. The substance of any discussion on any matter; and
5. A reference to any document discussed at the meeting.

If written minutes are created for meetings which do not take place in executive session, those minutes shall be available to the public within a reasonable time{[6]} after the meeting. These minutes will be published to the district website and may be requested from the district office.

PROPOSED

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[1] {ORS 192.655 requires districts with an ADMr of 50 or more to record board meetings, and post the recording within seven days. Districts with fewer than 50 ADMr are exempt from this requirement and do not need to adopt this language.}

[2] {If the district lacks broadband internet, an audio recording is sufficient. See ORS 192.655.}

[3] Oregon Administrator Rule (OAR) 166-017-0045(4) requires moving images or audio recordings be kept in MP2, MP3, MP4, or WAVE formats.

[4] Oregon Administrator Rule (OAR) 166-017-0045(4) requires textual data or still images be kept in XML, ODT, TXT, PDF, RTF, PREG, JFIF, PNG, or TIFF formats.

[5] If minutes are kept in a recorded form, all voting will use a roll call vote and if minutes are kept in written form the minutes will identify the vote of each member by name under each board action.

[6] {The Oregon Attorney General's *Public Records and Meetings Manual* says, "three weeks arguably is within the reasonable time allowed by statute."}

Recordings or minutes[7] of executive sessions will be kept in the same manner as other meetings of the Board. If disclosure of material from executive session recordings or minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure. Executive session minutes of a hearing held under ORS 332.061 shall contain only material not excluded under ORS 332.061(2) and information[8] will not be disclosed in accordance with ORS 332.061.

Either the recording or minutes of Board meetings will be kept permanently. If written minutes are created for any meetings of the Board, any recordings will be kept for at least one year after the minutes are created.

END OF POLICY

Legal Reference(s):

ORS 192.610 - 192.705
ORS 332.061

OAR 166-017-0005 - 0095
OAR 166-400-0010(9)

OAR 199-050-0060

Attorney General's PUBLIC RECORDS AND MEETINGS MANUAL.

PROPOSED

[7] "...a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law." ORS 192.650(2)

[8] ORS 332.061 prohibits the disclosure of:
1. The name of the minor student;
2. The issue, including a student's confidential records;
3. The discussion; and
4. The school board member's vote on the issue.

Coquille School District 8

Code: BDDG
Adopted: 06/23/1997
Revised/Readopted: 07/23/2007, 08/26/2020, 10/14/2020

Minutes of Board Meetings

The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include, but not be limited to, the following information:

1. All members of the Board who were present;

2. All motions, proposals, resolutions, orders and measures proposed and their disposition;

3. The results of all votes and the vote of each member by name;

4. The substance of any discussion on any matter;

5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of minutes from the district office. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The district will maintain a hard copy[1] of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure.

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 a student's confidential records; the discussion; and each Board member's vote on the issue.

END OF POLICY

Legal Reference(s):

ORS 192.610 - 192.710 ORS 332.061 House Bill 2514 (2019)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

[1] Oregon Administrative Rule 166-400-0010(9)

OSBA Model Sample Policy

Code: CBA
Adopted:

Adopt

Qualifications and Duties of the Superintendent

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district{[1]}; TSPC
2. A master's degree or higher, ~~in the field of education~~, preferably in educational administration; under appropriate licensure
3. Successful teaching experience at the elementary or secondary school level;
4. Service as a superintendent or administrative experience in the central administration of a school system.

In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

The superintendent will have the following personal and professional qualities:

1. Success in leadership roles with staff, community and professional peers;
2. Ability to communicate effectively, both orally and in writing;
3. Scholarship, intelligence and excellent ability to plan and organize;
4. Training, experience and success in personnel selection, evaluation and development;
5. Knowledge of curriculum development, implementation and evaluation;
6. Knowledge of business and support service systems which facilitate planning, control and accountability;
7. Experience in administering collective bargaining agreements;
8. Ability to motivate other administrators and significantly involve them in the decision-making process;
9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

{[1] Please contact the Teacher Standards Practices Commission (TSPC) with questions regarding licensure.}

General Functions

1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.

2. The superintendent has the authority to formulate and delegate duties and responsibilities to subordinate administrative personnel. The delegation of such duties and responsibilities, however, will not relieve the superintendent of responsibility for the action taken under such delegation.

Specific Functions

The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;

2. Serve as educational leader to the Board, staff and community;

3. Act as the district's chief administrative officer;

4. Serve as district school clerk, performing such duties as required by law or by the Board;

5. Support the Board with ~~S~~scheduling meeting places, ~~prepare an agenda~~providing for required notices, and ensuring any required recordings or minutes are created for all Board meetings and ~~other~~for all committee meetings authorized by the Board, as appropriate;

6. Attend all regular and special meetings of the Board, except when excused;

7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;

8. Administer adopted Board policies;

9. Regularly review adopted Board policies and make recommendations for needed changes;

10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;

11. Provide an ongoing program of communication to and from the community, staff and Board concerning district programs and activities;

12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;

13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;

14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;

15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;

16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;

17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;

18. Resolve problems of operations and settle disputes referred through administrative channels;

19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;

20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;

21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;

22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;

23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;

24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;

25. Provide for ~~Evaluate the~~ performance evaluations of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;

26. Assign and control the promotion of students;

27. Maintain a continuous inventory of all district property, furniture, material and supplies;

28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;

29. Establish procedures to involve teachers, principals, supervisory personnel and representatives from student and community groups in the preparation and selection of courses of study and other instructional materials;

30. Recommend instructional materials, instructional supplies and school equipment to be purchased by the district;

31. Direct the preparation of the budget, prepare the budget message for presentation to the budget committee, supervise the administration of all fiscal policies of the district and serve as custodian of all district funds;

32. Develop and recommend to the Board long-range plans for educational programs, facilities and financial resources that are consistent with population trends, district goals and community needs;

33. Direct the district in its relationships with federal, state and local government agencies;

34. Cooperate with universities and colleges in their student-teacher training programs;

35. Attend local, state and national meetings, conferences and workshops as deemed beneficial to the interests of the district;

36. Visit, as may be required, all district schools as a regular part of a schedule and institute and carry out such regulations, as may be necessary, to attain their efficient operation;

37. Direct the administrative staff in establishing and changing, as needed, school attendance area boundaries subject to Board approval;

38. In cases of matters not specifically covered by Board policies, take appropriate action and report such action to the Board no later than the next regular Board meeting;

39. Have other power and duties as may be approved by the Board, and as may be necessary to fulfill the functions of the office of superintendent.

END OF POLICY

Legal Reference(s):

ORS 332.075
ORS 342.143
ORS 342.173
ORS 342.850
OAR 584-020-0000 - 0035
OAR 584-046-0003 - 0024
OAR 584-080-0151
OAR 584-080-0152
OAR 584-080-0161

OSBA Model Sample Policy

Code: CBG
Adopted:

Adopt - Discussion During June Board meeting

Evaluation of the Superintendent

{Required policy. OAR 581-022-2405 requires districts to "adopt and implement personnel policies which address…evaluation procedures." Review the superintendent contract before adopting to ensure there is no conflicting language; modify policy as needed.}

The Board will formally evaluate the superintendent's job performance ~~at least once each year~~. The evaluation will be based on the superintendent's 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.

1 year in advance

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.[1] Such an executive session will not include a general evaluation of any district goal, objective or operation or of any directive to personnel concerning district goals, objectives, operations or programs. 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)(i), (8)~~
ORS 332.107
ORS 332.505

OAR 199-040-0027
OAR 199-040-0030

OAR 581-022-2405

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[1] Notice must be provided to the superintendent in accordance with OAR 199-0040-0030. The superintendent must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

a. Identification of the Board;
b. The time, date and location of the meeting;
c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
d. Information on how the superintendent may make a request for an open hearing.

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

OSBA Model Sample Policy

Code: CEA
Adopted: Adopt

Educational Equity Advisory Committee

The duties of the district's educational equity advisory committee{[1]} shall include:

1. Advising the superintendent about the educational equity impacts of policy decisions; and

2. Informing the superintendent when a situation arises in a district school that negatively impacts underrepresented students and advising the superintendent on how best to handle that situation.

The superintendent may act within the superintendent's authority on any recommendations of the educational equity advisory committee without approval from the Board. The superintendent does not have the authority to adopt or amend policy.

The educational equity advisory committee may prepare an annual report that:

1. Contains the following information:

    a. The successes and challenges the district has experienced in meeting the educational equity needs of students in the district;
    b. Recommendations the committee made to the superintendent, and the actions that were taken in response to those recommendation; and
    c. Any other information required by the State Board of Education.

2. Is shared with the Board:

    a. By the superintendent; and
    b. If requested by the Board, by the committee as a presentation by the committee at a Board meeting.

3. Is made available by being:

    a. Distributed to the parents of district students;
    b. Posted on the district's website; and
    c. Sent to the State Board of Education.

The educational equity advisory committee shall be selected and appointed by the superintendent and must be composed of parents, employees, students and community members from the district. For the purposes of selecting members, the superintendent:

1. Shall solicit names of possible members from the community;

2. Must ensure that membership is primarily representative of underserved student groups;

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[1] {The district can name this committee something else. If the district chooses to do so, use consistent language throughout.}

3. May not exclude or deny members based on language, immigration status or protected class, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity;

4. May not appoint a voting member of the Board or the superintendent to the educational equity advisory committee; and

5. Must ensure that the composition of an educational equity advisory committee elevates underrepresented parent, employee, student, and community member voices.

The district will provide sufficient support to educational equity advisory committee members to participate in meetings, including, but not limited to access to district-managed emails, translation and interpretation services, and relevant trainings.

A member of the educational equity advisory committee will also serve on the school district budget committee.[2]

END OF POLICY

Legal Reference(s):

ORS 328.542
ORS 329.711
ORS 332.107
OAR 199-050-0010
OAR 581-022-2307

~~House Bill 2453 (2025)~~
House Bill 4066 (2026)

[2] {The district is not required to add an educational equity advisory committee member to the budget committee until there is a non-board member vacancy on the budget committee.}The district is not required to include a member of the educational equity advisory committee on the budget committee if no member of the committee is willing or able to serve on the budget committee.

OSBA Model Sample Policy

Code: DBEA
Adopted:

Adopt

Budget Committee
(Version 2)

Organization, Membership and Terms of Office

The district budget committee will consist of the [~~five~~] [seven] members of the Board and [~~five~~] [seven] electors appointed by the Board as required by law. [The term of the appointed members of a budget committee in a district that prepares an annual budget, will each be three years, with appointments made so that, as nearly as practicable, the terms of one-third of the members end each year.] [The appointive members of a budget committee in a district that prepares a biennial budget shall be appointed to four-year terms. The terms shall be staggered so that as near as practicable, one-fourth of the terms of the appointive members end each ~~year~~.] At least one member of the budget committee must be a member of the district's educational equity advisory committee.[1] The Board will establish appropriate timelines and procedures for the appointment of budget committee members.

A majority of the constituted committee is required for passing an action item. Majority for a [14-member budget committee is 8] [~~10-~~member budget committee is 6]. Therefore, if only [8] [~~6~~] members are present, a unanimous vote is needed for passing an action item.

Presiding Officer and Orientation of Budget Committee

1. Organization: The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. Such meeting may be prior to or on the date the budget message and document are presented.

2. Background Information: Budget committee members will be provided with data for the ensuing year(s), such as the Board's educational plan, and other pertinent material bearing on the preparation of the district budget.

Meetings of the Budget Committee

The district's budget committee shall hold one or more meetings to receive the budget message, the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. No new program should be considered for the budget estimate that has not

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[1] {The budget committee is not required to include a member of the educational equity advisory committee until a vacancy on the budget committee occurs by a member who is not also a member of the school district board.} The district is not required to include a member of the educational equity advisory committee on the budget committee if no member of the committee is willing or able to serve on the budget committee.

previously been submitted to the Board and approved as a part of the educational plan. The budget committee will determine levels of spending, but will not determine programs.

Final Action

The budget committee will approve an estimated district budget document for submission to the Board.

END OF POLICY

Legal Reference(s):

ORS 174.130
ORS 192.610 - 192.695
ORS 294.305 - 294.565
ORS 328.542
ORS 329.711
ORS 433.835 - 433.875
OAR 581-022-2307

House Bill 4066 (2026)

OSBA Model Sample Policy

Code: EBB
Adopted:

Adopt - Add title page 2

Integrated Pest Management

{ORS 634.740 requires boards to adopt policies regarding pest management.}

To ensure the health and safety concerns of student, staff and community members, the ~~district~~Board shall adopt an integrated pest management plan (IPM){[1]} which emphasizes the least possible risk to students, staff and community members and shall adopt a list[2] of low-impact pesticides for use with the IPM plan. The IPM plan and list shall be available to the public through the district's website[3].

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:

   a. Protect the health and safety of students and staff;
   b. Protect the integrity of district buildings and grounds;
   c. Maintain a productive learning environment; and
   d. Protect local ecosystem health.

2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;

3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;

4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;

5. Evaluates the need for pest control by identifying acceptable pest population density levels;

6. Monitors and evaluates the effectiveness of pest control measures;

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[1] {See Integrated Pest Management Program for Oregon Schools at http://blogs.oregonstate.edu/schoolipm/. The program includes access to Resources & Forms including Model plans for large school districts and small school districts.}

[2] See ORS 634.705(5).

[3] Inclusion of the list and IPM in the district's Healthy and Safe Schools Plan satisfies this requirement as long as it is posted on the district's website.

7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;

8. Excludes the application of pesticides for purely aesthetic purposes;

9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;

10. Gives preference to the use of nonchemical pest control measures;

11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and

12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The ~~district shall designate the~~ [insert position title] is designated as the Integrated Pest Management Plan Coordinator~~(s) give them~~ and has the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator~~(s)~~ shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;

2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;

3. Oversee pest prevention efforts;

4. Ensure identification and evaluation of pest situation;

5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;

6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;

7. Evaluate pest management results; ~~and~~

8. Keep for at least four years following the application date, records of applied pesticides that include:

   a. A copy of the label;
   b. A copy of the Safety Data Sheet (SDS);
   c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
   d. The pest condition that prompted the application;
   e. The approximate amount and concentration of pesticide applied;
   f. The location and description of the area where the pesticide was applied;
   g. The type of application and whether the application was effective;
   h. The name(s) of the person(s) applying the pesticide;

i. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
j. The dates and times for the placement and removal of warning signs; and
k. Copies of all required notices given, including the dates the IPM Coordinator(s) gave the notices.

9. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints; and

10. Conduct outreach to district staff about the district's IPM plan.

At least once every five years, the Board shall review the IPM plan, make any necessary updates and readopt the IPM plan.[4] The final IPM plan shall include the day, month and year the Board adopted or readopted the plan.

END OF POLICY

Legal Reference(s):

ORS 634.116 ORS 634.700 - 634.750

[4] For IPMs adopted prior to January 1, 2026, the Board shall review, update and readopt the IPM no later than January 1, 2027, or five years from the date of the most recent approval of the plan, whichever is later.

OSBA Model Sample Policy

Code: EBBA
Adopted:

Adopt - Strike 12 of last sentence

Student Health Services */**

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. A health services plan shall be developed, implemented, and updated annually. The plan shall describe a health services program for all students at each facility that is owned or leased where students are present for regular programming.

The district shall maintain a written prevention-oriented health services plan for all students. The health services plan will[1]:

1. Explain available health care space that is appropriately supervised and adequately equipped for providing health care and administering medication or first aid;

2. Refer to available communicable disease prevention and management plan that includes school-level protocols[2];

3. Outline a district-to-school communication plan[3];

4. Provide information about health screenings, including immunizations and TB certificate requirements;

5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed[4];

6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;

7. Describe how hearing, vision and dental screenings are managed and/or verified for required students[5];

8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more

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[1] For exact language and complete requirement, see OAR 581-022-2220(1).

[2] For specific protocol content requirements, see OAR 581-022-2220(1)(b).

[3] For requirements of this plan see OAR 581-022-2220(1)(c).

[4] For more information regarding these requirements see ORS 336.201 and 339.869, OARs 581-021-0037, 581-015-2040, 581-015-2045, 851-045-0040 – 0060, and 851-047-0010 – 0030.

[5] For vision screening or eye examination or dental screening information see ORS 336.211 and 336.213.

new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school[6];

9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids[7];

10. Refer to adopted policy and procedures for medications in accordance with Oregon law[8];

11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities[9][; and][.]

12. ~~[List the positions in the district which shall be required to obtain and maintain a first-aid/CPR/AED card in accordance with OAR 581-022-2220(3).]~~

~~[~~Any nurse(s) employed by the district and providing services to students on behalf of the district shall be licensed in Oregon to practice as a registered nurse or nurse practitioner or be a licensed practical nurse (LPN) in alignment with LPN supervision requirements of OAR 851-045-0050 – 0060.

A nurse employed by 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 a student prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.[10]

An administrator or other staff who is not a nurse may supervise, evaluate or direct a school nurse or registered nurse for purposes related to the nurse's role as a school employee, including but not limited to assigning the nurse's work hours, locations and workload and other matters addressed through a collective bargaining agreement. An administrator may not direct the school nurse or registered nurse in the practice of nursing.

A nurse employed by the district 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 provides a menstrual product dispenser with a variety of products in every student bathroom[11] which meets the requirements of law.~~]~~

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[6] For definitions for this policy see ORS 336.201.

[7] OAR 437-002-0360 lists various health and safety regulations that apply in the employment setting.

[8] Medication laws can be found in ORS 339.866 – 339.874 and OAR 581-021-0037; relevant Board policy includes JHCD/JHCDA - Medications.

[9] For guideline requirements see OAR 581-022-2220(1)(k).

[10] For additional delegation requirements see OAR 851-047-0030.

[11] ["Student bathroom" means a bathroom that is accessible by students, including a gender-neutral bathroom, a bathroom designated for females, and a bathroom designated for males. (OAR 581-021-0587)]

END OF POLICY

Legal Reference(s):

ORS 329.025
ORS 332.107
ORS 336.201
ORS 336.204
ORS 336.211 – 336.214
ORS 342.458
OAR 581-021-0017
OAR 581-021-0031
OAR 581-021-0587
OAR 581-021-0590
OAR 581-022-2050
OAR 581-022-2220
OAR 581-022-2515

Every Student Succeeds Act, 20 U.S.C. § 7928 ~~(2018)~~(2024).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ~~(2018)~~(2024).

OSBA Model Sample Policy

Review Facilities use

Code: ECAA
Adopted:

Adopt

Access to Buildings

The Board directs the superintendent to control access to district buildings as appropriate and necessary to protect property, students and personnel.
~~[The Board's objectives for providing controlled access are to:~~

~~1. Ensure maximum protection of district property and facilities that minimizes possibilities of theft, vandalism and loss of materials and equipment;~~

~~2. Involve staff members in being responsible for district property (e.g. keys) in their possession and to eliminate unnecessary costs for replacing lost or misplaced district property;~~

~~3. Establish and maintain an efficient organizational plan for securing district property and facilities.]~~

The superintendent or designee will develop procedures to control access to school buildings and provide safeguards against unauthorized access to these buildings. Procedures will include staff members being responsible for district property (e.g., keys, access cards) in their possession.

Staff who fail to obey such ~~regulations~~ procedures may be disciplined up to and including dismissal. Students who fail to obey such ~~regulations~~ procedures may be disciplined.

When reviewing policies and procedures relating to school building security, the Board must consider the installation of a panic alarm system in accordance with ORS 339.408.

END OF POLICY

Legal Reference(s):

~~ORS 164.205 to 164.270~~
ORS 332.107
ORS 332.172
~~ORS 336.071~~
ORS 339.408

OSBA Model Sample Policy

Code: GBA
Adopted:

Adopt w/out last sentence

Equal Employment Opportunity

{OAR 581-022-2405 requires districts to have personnel policies which address affirmative action and equal employment opportunity.}

Equal employment opportunity and treatment shall be practiced by the district regardless of race[1], color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition[2], age, veterans' status[3], service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability[4] if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be ~~provided~~ communicated to all students, parents of students and employees through handbooks and will be published on the district website.

The superintendent will develop other specific ~~recruiting~~recruitment, interview~~ing~~ and evaluation procedures ~~as are~~ necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination[~~, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities~~].

END OF POLICY

Legal Reference(s):

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[1] 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] ~~This unlawful employment practice~~[Certain protections related to pregnancy, childbirth or a related medical condition ~~as described in House Bill 2341 (2019) (added to ORS 659A)~~ applies~~y~~ to employers who employ six or more persons (ORS 659A.106 and ORS 659A.148).] {Remove if district has six or more employees.}

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

[4] ~~This unlawful employment practice~~[Certain protections related to disability ~~as described in ORS 659A.112~~ applies~~y~~ only to employers who employ six or more persons (ORS 659A.106).] {Remove if ESD has six or more employees.}

ORS 174.100
~~ORS 243.317 – 243.32305~~
ORS 326.051
ORS 332.505
~~ORS 342.934~~
ORS 408.225 – 408.237
~~ORS 408.230~~
~~ORS 408.235~~
ORS 652.210 - 652.220
ORS 659.850
ORS 659A.003
ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
~~ORS 659A.040~~
ORS 659A.082
ORS 659A.109
ORS 659A.112
ORS 659A.147
~~ORS 659A.233~~
~~ORS 659A.236~~
~~ORS 659A.309~~
~~ORS 659A.321~~
~~ORS 659A.409~~
ORS 659A.820

OAR 581-021-0045
OAR 581-022-2405
~~OAR 839-003-0000~~
OAR 839-006-0435 - 0480
~~OAR 839-006-0440~~
~~OAR 839-006-0450~~
~~OAR 839-006-0455~~
~~OAR 839-006-0460~~
~~OAR 839-006-0465~~

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2018~~2024).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (~~2018~~2024).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (~~2018~~2024); 29 C.F.R Part 1626 (~~2019~~2025).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (~~2018~~2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (~~2018~~2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (~~2018~~2024); 34 C.F.R. Part 104 (~~2019~~2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683~~, 1701, 1703-1705, 1720~~ (~~2018~~2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act~~ of 1990~~/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (~~2018~~2-2024); 29 C.F.R. Part 1630 (~~2019~~2025); 28 C.F.R. Part 35 (~~2019~~2025).
~~Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).~~
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (~~2018~~2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (~~2018~~2024).
~~Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).~~
~~Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).~~
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (~~2018~~2024).

OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al., OAR 581-021-0038 and federal Title IX laws.}

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints{[1]} or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures{[2]}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[3] shall include:

1. A demand or request for sexual favors in exchange for benefits;

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

   a. Interferes with a student's educational activity or program;
   b. Interferes with a school or district staff member's ability to perform their job; or

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[1] {Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the district chooses to change these terms, new terms must be consistent and clear. Note, "complainant" is defined under federal law.}

[2] {Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNAA/JHFF).}

[3] "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

c. Creates an intimidating, offensive, or hostile environment.

3. Assault when sexual contact occurs without consent[4].{[5]}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to,{[6]}physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

{[7]}[Name], [position] at [phone] or [email] Principal, Supervisor, HR & Superintendent

[This] [These] individual[s] [is] [are] responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. ~~[This person is also designated as the Title IX coordinator.{[8]}]~~ *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;

2. Staff member is protected and to promote a nonhostile work environment; or

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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[4] "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

[5] {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the district would like to include the full statutory definition, it can do so.}

[6] {OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

[7] {The district must designate person(s) to receive reports or complaints regarding sexual harassment. More than one staff member may be designated to receive reports or complaints of sexual harassment.}

[8] {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

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

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. [Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.]

The district will use [a reasonable person] standard when determining whether a hostile environment exists. [A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.{[9]}]

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. [Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.]

When a student or staff member is harassed by a third party, the district will consider the following:

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[9] {OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be…" 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

1. [Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.]

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person[10] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[11]:

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[10] Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

[11] Remember confidentiality laws when providing any information.

1. Name and contact information for all persons designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

3. Information about the internal complaint processes available through the school or district that the ~~[student, student's parents, staff member, person or person's parent]~~ [person] who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:

   a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
   b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

~~Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.~~

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

~~[**Oregon Department of Education (ODE) Support**~~

~~The ODE will provide technical assistance and training upon request.]~~

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[12];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report. The report can be made at any time.

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[12] "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

[~~Person or position~~] is designated ~~as the~~ Title IX coordinator [~~and~~ can be contacted at [insert phone number]]. The Title IX coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook.{[13]}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[14] The district shall treat complainants and respondents equitably by providing supportive measures[15] to the complainant and by following a grievance procedure[16] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.[17]

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.[18] The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);

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[13] {Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

[14] (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

[15] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.[15] The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

[16] This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

[17] The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

[18] The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

[Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary[19], or both.]

No Retaliation

Neither the district or any person may retaliate[20] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy [and contact information for the Title IX coordinator] shall be prominently published in the [school] [district] student handbook and on the [school] [district] website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any [student, parent of a student, school or district staff member, or third party] [person] upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

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[19] Of the United Stated Department of Education.

[20] Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

OSBA Model Sample Administrative Regulation

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

Adopt w/notes

Family Leave *

(Version 2)

{This administrative regulation (AR) is intended for districts with 25 or more and fewer than 50 employees . If the district does not have 25 or more and fewer than 50 employees, the district should not use this AR. This AR accompanies Version 2 of Board policy GCBDA/GDBDA - Family Leave.}

Employee Eligibility

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days[2] immediately prior to the first day of the start of the requested leave.[[3]] In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

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

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

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

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

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

~~3. Separates from employment with the district, irrespective of any reason:~~

~~a. Is eligible to take OFLA leave at the time the employee separates; and~~
~~b. Is reemployed by the district within 180 days of separation from employment; or~~
~~c. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and~~

~~[1] While the district is subject to FMLA, the district does not have any eligible employees.~~

~~[2] Thirty days during a declared public health emergency.~~

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

~~4. Is eligible to take OFLA leave:~~

~~a. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.~~

An employee of the district who has separated and is reemployed within 180 days, or experiences a temporary cessation of schedule hours may be eligible for OFLA in accordance with ORS 659A.156.

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

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period.

In addition:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;

~~2. An employee who has taken 2 weeks of OFLA child placement leave need not requalify for up to an additional 12 weeks of leave within the same leave year when used for the purposes of OFLA sick child leave;~~

~~3.~~2. An employee unable to work because of a disabling compensable injury[4] need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

~~In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.~~

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

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

[4] As defined in ORS 656.005.

Qualifying Reason

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.

2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care~~. Under OFLA, sick child leave includes~~; or leave taken to care for an employee's child whose school or child care provider has been closed[5] in conjunction with a statewide public health emergency declared by a public health official.[6]

3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.[7] ~~[When such leave is used for a family member who is related by affinity, the district requires an attestation form signed and submitted by the employee.]~~

~~4. [Child placement leave: leave taken under OFLA before January 1, 2025, to effectuate the legal process required for placement of a foster child or the adoption of a child.]~~

~~5. [Leave previously protected by OFLA[8]: 1) leave to which an eligible employee was entitled under ORS 659A.150 - ORS 659A.186 on June 30, 2024; and 2) leave to which an eligible employee would not be entitled under ORS 659A.150 - ORS 659A.186 on July 1, 2024 and may now be entitled leave under Paid Family Medical Leave (ORS 657B).]~~

Eligible employees may access OMFLA for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

Definitions

1. Family member:

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[5] "Closure" (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

[6] The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:
1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

[7] Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

~~[8] OAR 839-009-0215. OFLA: Leave Previously Protected by OFLA.~~

For the purposes of OFLA, "family member" means an eligible employee's:

a. Spouse or domestic partner;
b. Child or the child's spouse or domestic partner;
c. Parent or the parent's spouse or domestic partner;
d. Sibling or stepsibling, or the sibling's or stepsibling's spouse or domestic partner;
e. Grandparent or the grandparent's spouse or domestic partner;
f. Grandchild or the grandchild's spouse or domestic partner; or
g. Any individual related by blood or affinity[9] whose close association with an eligible employee is the equivalent of a family relationship.

2. Child:

a. For the purposes of OFLA, "child" means the eligible employee's biological or adopted child, a child the employee is fostering, a stepchild, the child of the employee's spouse or domestic partner, or a child with whom the employee is or was in a relationship of "in loco parentis."
b. For the purposes of ~~child placement leave and~~ sick child leave only under OFLA, the child must be under the age of 18 or ~~an adult dependent child~~ substantially limited by a physical or mental impairment as described in ORS 659A.104.

3. In loco parentis:

For the purposes of OFLA, "in loco parentis" means person in the place of ~~the~~a parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Public health emergency:

For OFLA a "public health emergency" means:

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

Leave Period

For the purposes of calculating an employee's leave period for OFLA, the district uses a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave

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[9] "Affinity" means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:
1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

commences. ~~The same method for calculating the leave period for OFLA leave entitlement shall be used for all employees.~~

Leave Duration

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of OFLA leave, for sick child leave and bereavement leave, during the designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each family member of the employee within an leave year, except that the eligible employee may not take more than four weeks of bereavement leave within an leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, ~~T~~the employee may use all or part of the 12 weeks of family leave and all or part of the 12 weeks of pregnancy disability leave in any order.

~~[In addition to the 24 weeks of possible OFLA leave identified above, an eligible employee is entitled to a total of two weeks of child placement leave within an OFLA leave year until January 1, 2025. The adoption or foster placement of multiple children at one time entitles the employee to take only one two-week period of child placement leave.]~~

OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.[10]

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

Qualified leave under OFLA may run concurrently with available leave taken under ORS 653.601 - 653.661, but does not run concurrent with leave taken under Paid Family and Medical Leave Insurance (PFMLI).

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12[11]. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek[12]. If an employee takes

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[10] Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

[11] For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

[12] For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of OFLA leave, e.g., sick child leave and bereavement leave. An eligible employee working an average 25 hours per week may be

intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward ~~OFLA~~the 12 weeks of leave to which the employee is entitled.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

Intermittent Leave

An eligible employee is permitted under OFLA to take intermittent leave for any qualifying reason.

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

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

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

Alternate Work Assignment

The district may transfer an employee on intermittent OFLA leave or a reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;

2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;

4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and

5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

An employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

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entitled to additional OFLA pregnancy disability leave calculated as 12 times 25 hours, or a total of 300 hours of pregnancy disability leave in the same leave year.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;

2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;

4. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternate position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of OFLA leave, if an employee[13] begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

OFLA does not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will not run concurrently with OFLA but may run concurrently with leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or vacation leave during the leave period [{[14]}to the extent that the total combined amount of accrued paid leave and benefits received from PFMLI does not exceed an amount equal to the employee's full wage replacement during the period of leave]. [~~The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave.~~] The district will notify the eligible employee when the requested leave has been designated as OFLA leave and ask the employee about the use of available accrued paid leave.

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[13] Applies only to an employee who is employed principally in an instructional capacity by the district.

[14] {Select one of the two bracketed options based on district practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) for additional guidance.}

Eligible employees who request OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.[15] The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

Application

An eligible employee shall provide at least {[16]30} days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice[17] to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

[15] See also ORS 342.934(4)(d) in reduction force situations.

[16] {This number of days should align with the days provided in the leave request form.}

[17] Oral notice may be given by any other person on behalf of the employee taking the leave.

The district may request additional information[18] to determine that the requested leave qualifies as OFLA leave as provided by law. The district may designate the employee as provisionally on OFLA leave until sufficient information is received to properly make a determination.

An eligible employee able to give advance notice of the need to take such leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

If an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice[19] within 24 hours before or after commencement of the leave.

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

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Verification

The district may require an eligible employee to provide medical verification, when appropriate[20], to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, any costs associated with obtaining the medical verification shall be borne by the district, or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

1. The name of the child requiring home care;

2. The name of the school or child care provider that is subject to the closure;

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[18] See OAR 839-009-0260. ~~Except in cases to verify bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.~~

[19] Notice may be given by any other person on behalf of the employee taking the leave.

[20] Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.{[21]} The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.[22]

Record Keeping

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

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

Federal vs. State Law

Both federal and state law contain provisions for family and medical leave. Federal regulations state an employer must comply with all leave laws; that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and OFLA leave, the leave used counts against the employee's entitlement under both laws. State law requires that FMLA and ~~OFLA or other~~ state leave entitlements run concurrently when for the same purpose.

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[21] {Electronic posting **is not** sufficient to satisfy this requirement, but may be used to supplement the physical posting.}

[22] https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf {29 CFR § 825.300(a)(1) requires "every employer covered by the FMLA" to meet this requirement and 29 CFR § 825.600(b) specifies that educational entities are covered by FMLA. However, employees are not eligible for FMLA unless there are fifty or more employees within 75 miles. Electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.}

OSBA Model Sample Policy

Code: JBA/GBN
Adopted:

Match the staff version notes

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al., OAR 581-021-0038 and federal Title IX laws.}

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints{[1]} or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures{[2]}.

Oregon Definition and Procedures

Oregon Definition

Sexual harassment of students, staff members or third parties[3] shall include:

1. A demand or request for sexual favors in exchange for benefits;

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[1] {Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the district chooses to change these terms, new terms must be consistent and clear. Note, "complainant" is defined under federal law.}

[2] {Common complaint procedures that may also be involved include: Nondiscrimination and Civil Rights (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA).}

[3] "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

   a. Interferes with a student's educational activity or program;
   b. Interferes with a school or district staff member's ability to perform their job; or
   c. Creates an intimidating, offensive, or hostile environment.

3. Assault when sexual contact occurs without consent[4].{[5]}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, [{[6]}physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

{[7]}[Name], [position] at [phone] or [email]

[This] [These] individual[s] [is] [are] responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. [This person is also designated as the Title IX coordinator.{[8]}] *See* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

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[4] "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

[5] {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the district would like to include the full statutory definition, it can do so.}

[6] {OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy." The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

[7] {The district must designate person(s) to receive reports or complaints regarding sexual harassment. More than one staff member may be designated to receive reports or complaints of sexual harassment.}

[8] {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;

2. Staff member is protected and to promote a nonhostile work environment; or

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. [Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.]

The district will use [a reasonable person] standard when determining whether a hostile environment exists. [A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.{[9]}]

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. [Discipline of staff and students engaging in sexual harassment;

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[9] {OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be…" 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.]

When a student or staff member is harassed by a third party, the district will consider the following:

1. [Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.]

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person[10] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[11]:

1. Name and contact information for all persons designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

3. Information about the internal complaint processes available through the school or district that the [student, student's parents, staff member, person or person's parent] [person] who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:

   a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
   b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol

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[10] Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

[11] Remember confidentiality laws when providing any information.

or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

~~Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.~~

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

[Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.]

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[12];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be

[12] "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report. The report can be made at any time.

[Person or position] is designated as the Title IX coordinator [and can be contacted at [insert phone number]]. The Title IX coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook.{[13]}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[14] The district shall treat complainants and respondents equitably by providing supportive measures[15] to the complainant and

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[13] {Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

[14] (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

[15] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.[15] The district must maintain

by following a grievance procedure[16] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.[17]

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.[18] The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

[Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary[19], or both.]

No Retaliation

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as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

[16] This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

[17] The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

[18] The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

[19] Of the United Stated Department of Education.

Neither the district or any person may retaliate[20] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy [and contact information for the Title IX coordinator] shall be prominently published in the [school] [district] student handbook and on the [school] [district] website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any [student, parent of a student, school or district staff member, or third party] [person] upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030

OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

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[20] Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.