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Bend

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(Required)

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JFCG-AR - Discipline for Use, Possession, Distribution or Sale of Tobacco Products or Inhalant Delivery Systems (Required; Version 1 or 2)

JFH - Student Complaints (Optional)

JGAB - Use of Restraint and Seclusion (Required)

JHCC - Communicable Disease - Students (**Now** Required)

JHCC-AR - Procedures for Dealing with Students Having HIV, AIDS or HBV (Recommend **delete**; Previously version 1)

JHCC/GBEB-AR - Communicable Disease (Previously Version 2; Recommend delete and replace with **New** JHCC-AR)

JHCC-AR - Communicable Disease - Students (**New**; Required)

JHCCF - Pediculosis (Head Lice), (Version 3; **New** Optional)

JHCD - Nonprescription Medication - **Repeal (Rescind)/Replace**

JHCDA - Prescription Medication - **Repeal (Rescind)/Replace**

JHCD/JHCDA - Medications**/* (**New**; Required)

JHCD/JHCDA-AR - Medications**/* (Required)

JHF - Student Safety (Highly Recommended)

JHFE-AR(2) - Abuse of a Child Investigations Conducted on District Premises (**New**; Highly Recommended; replaces existing JHFE-AR(2) or JHFE/KN-AR(2) depending on which version the district selected previously)

JHFE/KN-AR(2) OR KN/JHFE-AR(2) - Abuse of a Child [or Other] Investigations Conducted on District Premises - Recommend replace with JHFE-AR(2) and KN-AR(2)

JOA - Directory Information** (Required)

KBA - Public Records (Highly Recommended)

KBA-AR - Public Records (Highly Recommended)

KN-AR(2) - Investigations Conducted on District Premises (Revised; Highly Recommended; replaces existing KN-AR(2) or KN/JHFE-AR(2) depending on which version the district selected previously)

KL - Public Complaints (Highly Recommended) (Version 1, 2, 3 or 4)

KL-AR[(1)] - Public Complaint Procedure (Highly Recommended)

KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction (**New** - Highly Recommended)

KLD - Complaints about District Personnel - Recommend **Delete**; all versions

KLD-AR - Complaints about District Personnel - Recommend **Delete**; all versions

LGA - Compliance with Standards - Recommend **Delete**

LGA-AR(1) - Public Appeals and Complaints about Alleged Violations of Standards - Recommend **Delete**

LGA-AR(2) - Appeal to the State Superintendent for Alleged Standards Violation - Recommend **Delete**

GCBDD/GDBDD - Sick Time (Required) – **Update**

The new legislation addressing Sick Time, Senate Bill 299 (2017), has been reviewed and has been determined not to affect recommended policy language in OSBA's sample policy. If there are related questions, please contact Peggy Holstedt, director of policy services at OSBA.

(Summaries continued on next page)

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

COMPLAINTS AND APPEALS

Summary

The State Board of Education revised and renumbered OAR 581-022-1941 to 581-022-2370 (Complaint Procedures); OAR 581-022-1940 to 581-002-0040 (Appeal Procedure); revised OAR 581-021-0570 (Complaint Procedures - Restraint and Seclusion); and repealed OAR 581-021-0043 (Retaliation; added to 581-022-2370). All are OARs related to the local complaint procedure, and the appeal procedure to the Deputy Superintendent of Public Instruction for which the Deputy Superintendent has jurisdiction.

Key revisions include but are not limited to:

- The local complaint procedure may not have more than four steps.
- The complaints relating to discrimination, retaliation, restraint and seclusion and Division 22 standards are the only type of complaints that can be appealed to the Deputy Superintendent of Public Instruction.
- The appeal procedure for a complaint is limited to complaints that are pursued by a student, a parent or guardian of a student attending school in the district or a person that resides in the district.
- The district is directed to have complaint procedures available at the district's administrative office and on the home page of the district's website.

Legal Reference

See the policy documents for changes.

Collective Bargaining Impact

None

Local District Responsibility

Review the required and highly recommend policies and administrative regulations (AR) and the proposed language revisions for policy adoption and board review (AC-AR is required to be adopted by the board). Repeal the policies and ARs that are recommended for deletion.

Policy Implications

AC - Nondiscrimination (Required)

AC-AR - Discrimination Complaint Procedure (Required)

IGBBC - Talented and Gifted – Programs and Services** (Highly Recommended)

IGBBC-AR - Complaints Regarding the Talented and Gifted Program (Optional)

JFH - Student Complaints (Optional)

JGAB - Use of Restraint and Seclusion (Required)

KL - Public Complaints (Highly Recommended) (Version 1, 2, 3 or 4)

KL-AR[(1)] - Public Complaint Procedure (Highly Recommended)

KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction (**New** - Highly Recommended)

KLD - Complaints about District Personnel - Recommend **Delete**; all versions

KLD-AR - Complaints about District Personnel - Recommend **Delete**; all versions

LGA - Compliance with Standards - Recommend **Delete**

LGA-AR(1) - Public Appeals and Complaints about Alleged Violations of Standards - Recommend **Delete**

LGA-AR(2) - Appeal to the State Superintendent for Alleged Standards Violation - Recommend **Delete**

PUBLIC COMMENTS

Summary

As a result of several court cases, OSBA's legal staff recommends that members no longer allow any public comment – not just prohibiting complaints – concerning staff.

By prohibiting only criticism, it could be seen as “viewpoint discrimination” which is protected under the First Amendment.

Legal Reference

See policy document for changes.

Collective Bargaining Impact

None

Local District Responsibility

It is recommended that the Board review the recommended language and readopt this highly recommended policy, and review the recommended revised language in the administrative regulation and issue it to the Board for review.

Policy Implications

BDDH - Public Comment at Board Meetings (Highly Recommended)

BDDH-AR - Public Comment at Board Meetings (Optional)

TEACHER AND ADMINISTRATOR EVALUATIONS

Summary

At its June 2017 meeting the Oregon Board of Education revised the Oregon Administrative Rule (OAR) 581-022-2410 (renumbered from 581-022-1723) on Teacher and Administrator Evaluation and Support. These revisions removed the requirements generated by the expired NCLB waiver, while maintaining the integrity of Senate Bill 290. The changes requires district superintendents to regularly evaluate and report to the Board on the implementation of their local evaluation and support systems and educator effectiveness.

Legal Reference

None

Collective Bargaining Impact

The OAR states, “The standards shall be customized based on the collaborative efforts of the teachers and administrators of the school district and the exclusive bargaining representative of the employees of the school district.” Review the district's collective bargaining agreement and any administrator agreements.

Local District Responsibility

The district should review the recommended changes and readopt the attached versions of policy CCG and GCN/GDN. If the district previously adopted Version 2 of policy CCG, OSBA recommends replacing it with the revised version presented in this update for policy CCG.

If the district previously adopted single coded versions of policy GCN and GDN, this double-coded version (GCN/GDN) can replace them both.

Policy Implications

CCG - Evaluation of Administrators (Version 1 is kept; updated;
removed “Version 1” from title)

CCG - Evaluation of Administrators (**Delete/Replace** Version 2 with the
revised version attached)

CCG-AR - Administrative Standards (Recommend **Delete**; no longer necessary in an AR)

GCN/GDN - Evaluation of Staff (Required)

GCN-AR - Core Teaching Standards (Recommend **Delete**; no longer necessary in an AR)

GDN - Evaluation of Classified Staff (*Recommend Delete*)

ACCIDENT REPORTING

Summary

The Occupational Safety and Health Administration (OSHA) revised reporting rules resulting in the removal of “elementary and secondary schools,” “other schools of instruction” and “educational support services” from exempt status in regards to filling out the OSHA 300 injury tracking log.

Legal Reference

Revision to OAR 437-001-0700

Collective Bargaining Impact

None

Local District Responsibility

Consider the revised language in policy EBBB and adopt. If the district has highly recommended policy JHF, also consider the revised language in policy JHF and adopt if the board feels it’s in the best interest of the district.

Policy Implications

EBBB - Injury/Illness Reports (Required)

JHF - Student Safety (Highly Recommended)

COMMUNICABLE DISEASE

Summary

In working with the Oregon Health Authority (OHA) and the Oregon Department of Education (ODE), and the revision of the *Communicable Disease Guide* published by OHA and ODE, OSBA has revised the Communicable Disease policy and separated the administrative regulation; one for students and one for staff. Please note the staff policy is highly recommended, and the student policy is now designated as required, as required by Oregon law.

Legal Reference

Oregon Department of Education and Oregon Health Authority, *Communicable Disease Guidance* (2017).

Collective Bargaining Impact

None

Local District Responsibility

Based on Oregon law, policy GBEB is still highly recommended for the staff section, however policy JHCC has been designated as required for the student section. Similarly, since OSBA previously had a combined administrative regulation (AR) to cover both policies, the AR was separated and now the AR for policy JHCC is required, and the AR for GBEB is still highly recommended. It is recommended the district review the revisions to policy for adoption; and consider adoption of JHCC-AR and review of GBEB-AR.

Policy Implications

GBEB - Communicable Disease - Staff (Highly Recommended)

GBEB/JHCC-AR - Communicable Disease (Recommend delete and replace with GBEB-AR)

GBEB-AR - Communicable Disease - Staff (*New*; Highly Recommended)

JHCC - Communicable Disease - Students (*Now* Required)

JHCC-AR - Procedures for Dealing with Students Having HIV, AIDS or HBV (Previously version 1; Recommend *delete*)

JHCC/GBEB-AR - Communicable Disease (Previously Version 2; Recommend *delete/replace* with *New* JHCC-AR)

JHCC-AR - Communicable Disease - Students (*New*; Required)

DRUG AND ALCOHOL TESTING - TRANSPORTATION PERSONNEL

Summary

The Federal Motor Carrier Safety Administration (FMCSA) reduced the minimum annual percentage rate for random testing on controlled substances of drivers with a commercial drivers license (CDL), reducing the current rate of 50 percent of the average number of driver positions to 25 percent of the average number of driver positions.

Legal Reference

49 C.F.R. 382.305

Collective Bargaining Impact

None

Local District Responsibility

If the district has this conditionally required administrative regulation GBEDA-AR - Drug and Alcohol Testing – Transportation Personnel in its policy manual, review the new language and adopt. This administration regulation is required to be adopted by the board and is directed in statute.

Policy Implications

GBEDA-AR - Drug and Alcohol Testing – Transportation Personnel
(Conditionally Required)

LICENSING

Summary

Senate Bill 205 was passed in the 2017 Legislature and allows a district, **if it so chooses**, to employ an applicant for a position in the district (this includes but is not limited to substitute teachers), who has a teaching license application pending with the Teacher Standards and Practices Commission (TSPC). The applicant must have met other specific criteria as required by law, then may be employed to teach in an Oregon public school for 90 calendar days after the date of the submission of the teaching license application to the TSPC. For these employees, the district must verify that the employee is properly licensed on the 91st day after the date of submission of the application.

This new law is effective now (for the 2017-2018 school year). The district may still choose to require licensure as a condition of employment.

Legal Reference

ORS 339.374
OAR 584-050-0035
OAR 584-200-0020

Collective Bargaining Impact

None

Local District Responsibility

If the district has this optional policy, it is recommended for the board to review and consider whether to adopt the optional language resulting from SB 205, and readopt this policy as appropriate.

Policy Implications

GCA - License Requirements (Optional)

CRIMINAL RECORDS CHECK FOR VOLUNTEERS

Summary

The 2017 Legislature passed House Bill (HB) 2992 which requires districts to adopt policy that requires a background check for a volunteer **if** that volunteer is to have direct, unsupervised contact with students. This requirement is effective on January 1, 2018, however the district may implement this requirement at any time prior to January 1.

Legal Reference

See revisions in policy

Collective Bargaining Impact

None

Local District Responsibility

The district should determine if it will allow volunteers to have direct, unsupervised contract with students. It is recommended that the Board review the new, proposed language,

determine which language is in the best interest of the district (choose which bracketed language), and make recommended revisions to required policy GCDA/GDDA and readopt. It is recommended that the administration review the recommended revisions to the required administrative regulation, make the same determination for the AR and other bracketed language, revise accordingly and submit to the Board for review.

If the district has policy IICC - Volunteers, it is recommended that the Board review the recommended revisions and readopt with revised language, and if not, consider if adopting the policy would be in the best interest of the district. Other versions of policy IICC previously available from OSBA are recommended for replacement with the version included herein.

The district should match policy language in policy IICC on the requirement for background checks for volunteers to that in policy GCDA/GDDA.

Policy Implications

GCDA/GDDA - Criminal Records Check and Fingerprinting (Required)

GCDA/GDDA - Criminal Records Check/Fingerprinting (Version 2 - Recommend ***delete/replace*** with revised/updated version)

GCDA/GDDA-AR - Criminal Records Check and Fingerprinting (Required)

IICC - Volunteers (Conditionally Required - recommended revision)

IICC - Volunteers (Version 2 - recommend ***delete/replace*** with revised/updated version)

IICC - Volunteers (Version 3 - recommend ***delete/replace*** with revised/updated version)

IICC-AR - Volunteers (Recommend ***Delete***)

SENATE BILL 20

Summary

Senate Bill (SB) 20 passed by the 2017 Legislature updated state law references to the Every Student Succeeds Act of 2015 (ESSA) in current law.

SB 20 changed references from NCLB to ESSA in several Oregon statutes.

Additionally, SB 20 changed statute so that the modified diploma is treated similarly to a regular high school diploma affecting several student related policies such as, but not limited to, IGBA, IGBAH, IGBAJ, IGCA, JEC and JECA.

The changes affecting policy IGBHE are a result of the Oregon Department of Education's removal of the Expanded Options Program rules in lieu of ORS Chapter 340.

Legal Reference

See policy documents for changes.

Collective Bargaining Impact

None

Local District Responsibility

If the district has the policies or administrative regulations (AR), review and adopt the new policy language, and review the revised administrative regulation or adopt as required (ARs related to special education require the board to adopt).

The sample policy JEC was previously offered in three versions; two of the versions have been deleted from OSBA samples and the final version is provided herein. It remains an optional policy.

If the district has IGBHE-AR(2) - Expanded Options Program Summary (District) and IGBHE-AR(3) - Expanded Options Program Checklist, review them for updates based on recommended policy changes as needed.

Policy Implications

IGBA - Students with Disabilities - Child Identification Procedures (Required)
IGBAG-AR - Special Education - Procedural Safeguards** (Required)
IGBAH - Special Education - Evaluation Procedures** (Required)
IGBAJ - Special Education - Free Appropriate Public Education (FAPE)** (Required)
IGBAJ-AR - Special Education - Free Appropriate Public Education (FAPE)** (Required)
IGBHE - Expanded Options Program** (Highly Recommended)
IGBHE-AR - Expanded Options Program (Recoded from IGBHE-AR(1);
Highly Recommended)
IGCA - Post-Graduate Scholars Program (Conditionally Required)
JEC - Admissions** (Optional)
JECA - Admission of Resident Students** (Highly Recommended)

GRADUATION REQUIREMENTS

Summary

House Bill (HB) 3267, passed by the 2017 Oregon Legislature, directs districts and public charter schools to give a waiver for any graduation requirements above the state's requirements, if the student at anytime from grade 9 to 12 is, or was a foster child, homeless, a runaway, a child in a military family, a child of a migrant worker or enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

Senate Bill 20, also passed by the 2017 Legislature, adds that a student may also have the option to participate in a high school graduation ceremony with the student's class, if the student "qualifies to receive" a modified diploma, an extended diploma or an alternative certificate, in addition to the previous allowance for a student to participate who "receives" the same.

Lastly, HB 2220 removes certain exceptions for a person, who served in the U.S. Armed Forces and was discharged or released under honorable conditions, to receive a high school diploma upon request, subject to state law.

The effective date for these amendments is July 1, 2017.

Legal Reference

See revisions in the sample policy

Collective Bargaining Impact

None

Local District Responsibility

If the district has adopted the required policy IKF - Graduation Requirements, review the new language and adopt. Version 1 of the policy IKF, does not require an administrative regulation; all the required language for the district's graduation requirements is included in

the policy. Version 2 of policy IKF requires an accompanying administrative regulation to assure all the language is included for a district's graduation requirements (See IKF-AR).

Policy Implications

IKF - Graduation Requirements (Required; Versions 1 and 2)

IKF-AR - Graduation Requirements (Required; accompanies only Version 2 of the policy)

IKFB - Graduation Exercises (Optional)

COMPULSORY ATTENDANCE EXEMPTIONS

Summary

The 2017 Legislature passed House Bill (HB) 3029 and 3409 and Senate Bill (SB) 20, adding new or revising exemptions to the compulsory attendance law.

The HB 3029 exemption allows a parent or guardian to delay the attendance of their child if the child's sixth birthday occurs on or before September 1 immediately preceding the beginning of the current school year. The parent or guardian must submit written notification to the child's resident district that they intend to delay enrollment for one year for the purpose of better meeting the child's cognitive, social or physical development, as determined by the parent or guardian.

HB 3409 revised the compulsory attendance exemptions, which now exempts children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.

SB 20 revised the compulsory attendance exemption to also include a student who has received a modified diploma, in addition to the previous exemption for a student who has received a high school diploma.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

If the district has this highly recommended policy, the Board should review the recommended language and readopt. If the district does not have this highly recommended policy, review the policy and adopt if the Board determines it is in the best interest of the district.

There are no recommended changes for the accompanying administrative regulation, therefore it has not been included in this update.

Policy Implications

JEA - Compulsory Attendance (Highly Recommended)

TOBACCO

Summary

The 2017 Legislature passed Senate Bill 754 raising the minimum age for selling to or distributing of tobacco products or inhalant delivery systems to persons, from 18 to 21 years of age, and prohibiting the possession of tobacco products or inhalant delivery systems for persons under age 21 on district grounds, in a district facility or while at a district-sponsored activity. The bill also added to the definition of “facility”, that already includes a public or private school, youth correction facility or juvenile detention facility, to include a college, community college, university, career school and technical education school.

The edits reflected in the two versions of JFCG-AR are effected by Oregon Revised Statute 339.250, which limits the use of out-of-school suspension and expulsion.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

It is recommended that the Board review the recommended revisions of this required policy and readopt, and review the recommended revisions for administrative regulation JFCG-AR and revise accordingly.

Policy Implications

JFCG/JFCH/JFCI - Use of Tobacco Products, Alcohol, Drugs and Inhalant Delivery Systems (Required)

JFCG-AR - Discipline for Use, Possession, Distribution or Sale of Tobacco Products or Inhalant Delivery Systems (Versions 1 or 2) (Required)

HEAD LICE

Summary

The Oregon Health Authority and the Oregon Department of Education (ODE) have requested that OSBA release a Version 3 of the sample head lice policy. This sample reflects the recommendations of the National Association of School Nurses, Center for Disease Control and The Academy of Pediatrics as it relates to the management of head lice in a school setting. This policy is optional and state law allows the district discretion on how to address the issue of head lice with students in a school setting.

The ODE has released an update to the Head Lice Guidance and the link to this guidance is footnoted in the policy.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

It is recommended that the Board review any current district head lice policy, procedures and administrative regulations for consistency. If the attached policy reflects district practice, review the new sample policy (Version 3) to determine if it is in the best interest of the district to adopt and replace existing policy.

Policy Implications

JHCCF - Pediculosis (Head Lice), (Version 3; *New* Optional)

MEDICATIONS

Summary

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-021-0037 "Administration of Medication to Students". As a result, OSBA has chosen to combine the nonprescription and prescription medication policies into one double-coded policy which reflects the adopted revisions. The major changes include, but are not limited to, a new definition of medication; requirement that nonprescription medication not approved by the Food and Drug Administration (FDA) will require a prescriber's written note; replaces and expands the term "physician" to "prescriber,"; replaces "designated school employee" with "designated personnel"; and removed the district's responsibility at before-school and after-school activities on school property, except for the administration of treatment for a life-threatening food allergy and adrenal insufficiency, as required in statute.

Legal Reference

See policy document for changes.

Collective Bargaining Impact

None

Local District Responsibility

It is recommended that the Board repeal and replace Board policies JHCD - Nonprescription Medication and JHCDA - Prescription Medication with the new, required double-coded policy JHCD/JHCDA - Medications**/*, and review and adopt the recommended revisions to the required administrative regulation. The administration regulation is required to be adopted per statute.

Policy Implications

JHCD - Nonprescription Medication - Repeal (Rescind)/Replace
JHCDA - Prescription Medication - Repeal (Rescind)/Replace
JHCD/JHCDA - Medications**/* (New-Required)
JHCD/JHCDA-AR - Medications**/* (Required)

INVESTIGATIONS ON DISTRICT PREMISES

Summary

Senate Bill (SB) 101 (2017) clarified that a Department of Human Services (DHS) employee or law enforcement official is not required to reveal information about an investigation of child abuse to the school as a condition of conducting an investigation on school premises. The SB also reiterated that school employees are not allowed to notify anyone regarding an

investigation of abuse of a child conducted by DHS or law enforcement on school premises, the responsibility to notify parents or guardians rests with DHS and/or law enforcement. This is consistent with practices in most school districts across the state. SB 101 does not give the right to DHS employees to access students without signing forms and providing identification. At the request of DHS, we have created a form to be used for child abuse investigations.

Legal Reference

None

Collective Bargaining Impact

None

Local District Responsibility

It is recommended for administration to review the attached new, and revised administrative regulations (AR), and submit to the Board for review. If the district has the double-coded JHFE/KN-AR(2), the district should replace it with the attached single-coded JHFE-AR(2) in its entirety in section J; replace KN/JHFE-AR(2) with the new attached version of KN-AR(2); resulting in no double-coded AR in the manual, and having two separate forms for situations involving investigations on district property, one for child abuse and one for all other investigations.

Policy Implications

JHFE-AR(2) - Abuse of a Child Investigations Conducted on District Premises (*New* - Highly Recommended; replaces existing JHFE-AR(2) or JHFE/KN-AR(2) depending on which version the district selected previously)

JHFE/KN-AR(2) OR KN/JHFE-AR(2) - Abuse of a Child [or Other] Investigations

Conducted on District Premises - Recommend replace with JHFE-AR(2) and KN-AR(2).

KN-AR(2) - Investigations Conducted on District Premises (Revised - Highly Recommended; replaces existing KN-AR(2) or KN/JHFE-AR(2) depending on which version the district selected previously)

PUBLIC RECORDS

Summary

Senate Bill (SB) 481 passed by the 2017 Legislature established time frames for public bodies to respond to a public records request. Districts must acknowledge or complete the public records request within five business days. The district acknowledgment of a public records request must confirm that the district is, is not, or is uncertain it is the custodian of the requested public records. If the public body first acknowledges the receipt of the request for public records – without completing it – the SB also imposes a time frame for completing the request.

In addition, SB 481 defined “business day” in regard to responding to a public records request. The SB makes this new Act applicable to public records requests received by a district on or after January 1, 2018.

House Bill 3464 (2017) added legislation that a “public body” shall not “..., in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws”.

Legal Reference

See the policy document for changes.

Collective Bargaining Impact

None

Local District Responsibility

If the district has these documents in its policy manual, review and adopt the new policy language and review the revised, highly recommended administrative regulation.

Policy Implications

JOA - Directory Information** (Required)

KBA - Public Records (Highly Recommended)

KBA-AR - Public Records (Highly Recommended)

ABOUT *POLICY UPDATE*

Policy Update is a quarterly subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts.

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

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

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

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