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Summer Board Conference

August 11-13
Salem Convention
Center

(Please note date and
location change)

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Policy Update is a
subscription publication
of the Oregon School
Boards Association

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COMPLAINT PROCEDURES

Summary

The revisions to the complaint procedures are to clarify timelines and more closely align with legal requirements.

Collective Bargaining Impact

None

Local District Responsibility

Revise and re-approve administrative regulations AC-AR – Discrimination Complaint Procedure (Required) and JFCF-AR – [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, or Teen Dating Violence Reporting Procedures – Student (Required). Some districts have AC-AR as a board adopted policy: if your district has done this, the board should adopt any changes. OSBA currently has four versions of policy KL, Public Complaints. Of these, versions one, two and three have an accompanying AR, while version four does not. If the district has version four (includes the complaint procedure in the policy), revise and re-adopt KL – Public Complaints*/** (Highly Recommended). If the district uses version one, two or three of KL – Public Complaints*/**, revise and re-approve KL-AR(1) – Public Complaints (Highly Recommended).

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.

Policy(ies) and ARs Impacted by these Revisions

AC-AR – Discrimination Complaint Procedure, Required

JFCF-AR – [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, or Teen Dating Violence Reporting Procedures – Student, Required

KL – Public Complaints*/**, *Version 4*, Highly Recommended

KL-AR(1) – Public Complaint Procedure, Highly Recommended

CYBERSECURITY

Summary

Cybersecurity is an increasing issue in schools across the country. To help districts establish norms and procedures, OSBA is releasing a new optional policy.

Collective Bargaining Impact

None

Local District Responsibility

Consider adopting new policy EHB – Cybersecurity (Optional) and approving EHB-AR – Cybersecurity (Optional).

Policy(ies) and ARs Impacted by these Revisions

EHB – Cybersecurity, Optional – *New*

EHB-AR – Cybersecurity, Optional – *New*

PAID FAMILY LEAVE INSURANCE

Summary

The Oregon Legislature has passed paid family leave laws with benefits becoming available on September 3, 2023. This policy is intended to help districts make decisions and implement these laws. The district has the option of using the state-run program Paid Leave Oregon, or continuing with an equivalent plan and there is a model policy available for either situation.

An administrative regulation is not necessary if Version 2 of the model policy is selected.

Collective Bargaining Impact

Districts may bargain aspects of paid family leave. Many districts have received requests to bargain regarding over these topics.

Local District Responsibility

Determine whether the district will be using Paid Leave Oregon or an equivalent plan. If using an equivalent plan, consider adopting GCBDF/GDBDF Paid Family Medical Leave Insurance * (Version 2).

Policy(ies) and ARs Impacted by these Revisions

GCBDF/GDBDF – Paid Family Medical Leave Insurance *, *Version 1*, Highly Recommended – *New*

GCBDF/GDBDF-AR – Paid Family Medical Leave Insurance, (*aligns with Version 1 of policy only*), Highly Recommended – *New*

GCBDF/GDBDF – Paid Family Medical Leave Insurance *, *Version 2*, Optional – *New*

CULTURAL AND RELIGIOUS HOLIDAYS

Summary

Districts are prohibited from discriminating against student, staff and community members on the basis of religion and other protected classes. To assist districts in valuing the cultural and religious backgrounds of the communities that they serve, OSBA is releasing new optional policy ICB– Religious and Cultural Holidays**. OSBA has also updated policy IGBHD - Program Exemptions** to more closely match the legal requirements for requesting an exemption from school activities.

Collective Bargaining Impact

None

Local District Responsibility

Revise and re-adopt policy IGBHD – Program Exemptions** (Highly Recommended). Consider adopting new policy ICB – Religious and Cultural Holidays** (Optional).

Policy(ies) and ARs Impacted by these Revisions

ICB – Religious and Cultural Holidays**, Optional – *New*

IGBHD – Program Exemptions**, Highly Recommended

EXPULSION

Summary

ORS 339.250(2) and OAR 581-021-0070 require school districts to have a policy on expulsion. There has been some confusion on the board’s role in expulsions, especially related to the expulsion hearing. This change clarifies the board’s role and gives the board the option of delegating the hearings officer role in the policy, thus relieving the board of the obligation to meet every time there is a recommendation for expulsion to designate a hearings officer. The board retains authority on appeal.

Collective Bargaining Impact

None

Local District Responsibility

Revise and readopt policy JGE - Expulsion** (Required).

Policy(ies) and ARs Impacted by these Revisions

JGE – Expulsion**, Required

ABOUT POLICY UPDATE

Policy Update is a subscription newsletter providing a brief discussion of current policy issues of concern to Oregon school districts, education service districts, community colleges, and public charter schools.

Sample model 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 model 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 or 503-588-2800.

yes

OSBA Model Sample Policy

Code: AC-AR

Adopted:

Discrimination Complaint Procedure

{Required AR. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination complaint procedures.}

Any person, including students, staff, visitors and third parties, may file a complaint.

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: ~~When~~ ⁽¹⁾ Complaints may be oral or in writing and must be filed with the principal. Any staff member that receives an oral or written complaint shall report the complaint to the principal or admin. The principal or admin. shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within 10 school days of receipt of the complaint.

Step 2: If the complainant wishes to appeal the decision of the principal or admin, the complainant may submit a written appeal to the superintendent or designee within five school days after receipt of the principal's response to the complaint. The superintendent or designee shall review the principal's or admin's decision within five school days and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the principal's or admin's decision. The superintendent or designee will respond in writing to the complainant within 10 school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five school days of receipt of the superintendent's or designee's response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at the next regular or special Board meeting [a Board meeting]. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within 5 days of this meeting receipt of the appeal by the Board.

If the principal or admin is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent or designee.

¹ For district information. The district's timeline established by each step of the district's complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. The district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)}

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair. ~~The Board may refer the investigation to a third party.~~

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted to the Board chair ~~and may be referred to district counsel.~~ Complaints against the Board chair may start at Step 3 and be referred directly to the ~~district counsel~~ Board vice chair.

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing but will not be longer than 30 days from the date of the submission of the complaint at any step. The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

The complainant, if a person who resides in the district ~~or~~ a parent or guardian of a student who attends school in the district ~~or~~ a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Charter Schools of which the District Board is a Sponsor

~~[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination). A complainant may appeal will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]~~

OR

~~[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will not review an appeal of a decision reached by the Board of the [name of public charter school] ^{charter school} on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), for which the district Board has jurisdiction, and recognizes a decision reached by the Board of ~~name of public charter school~~ as the district Board's final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]~~

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

OSBA Model Sample Policy

yes -
do
EHB
EHB-AR

Code: EHB
Adopted:

Cybersecurity

~~{Optional policy. OSBA recommends consulting with your IT professionals prior to adoption.}~~

The purpose of information security is to protect the confidentiality, integrity and availability of district data as well as any information systems that store, process, or transmit district data, and protect the information resources of the district from unauthorized access or damage.

The underlying principles followed to achieve that objective are:

1. Information Confidentiality: The ability to access or modify information is provided only to authorized users for authorized purposes;
2. Information Integrity: The information used in the pursuit of the district objectives can be trusted to correctly reflect the reality it represents; and
3. Information Availability: The information resources of the district, including the network, the hardware, the software, the facilities, the infrastructure, and any other such resources, are available to support the objectives for which they are designated.

The requirement to safeguard information resources must be balanced with the need to support the pursuit of legitimate district objectives. The value of information as a resource increases through its appropriate use; its value diminishes through misuse, misinterpretation, or unnecessary restrictions to its access.

This policy and accompanying administrative regulation applies to all staff and third-party agents of the district as well as any other district affiliate, including students, who are authorized to access district data and to all computer and communication devices and systems that store, process, or transmit district data.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)
[ORS 332.107](#)

[ORS 336.184](#)
[ORS 646A.600 - 646A.626](#)

Children’s Internet Protection Act, 47 U.S.C. §§ 254(h) and (l); 47 C.F.R. § 54.520.
Children’s Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501 to 6505; 16 C.F.R. § 312.
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. § 99.
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d; 45 C.F.R. §§ 160, 164.
Protection of Pupil Rights, 20 U.S.C. § 1232h; Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. § 98.

OSBA Model Sample Policy

Code: EHB-AR

Revised/Reviewed:

Cybersecurity

~~(Optional AR.)~~

Throughout its lifecycle, an information system that stores, processes or transmits district data shall be protected in a manner that is considered reasonable and appropriate, as defined in documentation approved and maintained by the Information Technology Department, given the level of sensitivity, value and criticality that the district data has to the district.

Individuals who are authorized to access district data shall adhere to the appropriate Roles and Responsibilities, as defined in this administrative regulation.

Roles and Responsibilities

“Designated Information Security Officer (ISO)” means an employee designated by the superintendent to oversee the information security program. The ISO will be a senior-level employee in the district. The responsibilities of the ISO include the following:

1. Developing and implementing a district-wide information security program;
2. Documenting and disseminating information security policies and procedures;
3. Coordinating the development and implementation of required information security training and awareness program for staff and administrators;
4. Coordinating a response to actual or suspected breaches in the confidentiality, integrity or availability of district data and following statutory requirements;
5. Implement Multi-Factor Authentication (MFA) for logins and ~~and~~
6. ~~Implementing~~ an IT security audit.

“Data owner” means a management-level employee of the district who oversees the lifecycle of one or more sets of district data. Responsibilities of a data owner include the following:

1. Assigning an appropriate classification to district data;
2. Determining the appropriate criteria for obtaining access to district data;
3. Ensuring that data custodians implement reasonable and appropriate security controls to protect the confidentiality, integrity and availability of district data;
4. Understanding and approving how district data is stored, processed, and transmitted by the district and by third-party agents of the district; and

5. Understanding how district data is governed by district policies, state and federal regulations, contracts and other legal binding agreements.

“Data custodian” means an employee of the ~~Information~~ Technology Department who has administrative and/or operational responsibility over district data. In many cases, there will be multiple data custodians. A data custodian is responsible for the following:

1. Understanding and reporting on how district data is stored, processed and transmitted by the district and by third-party agents of the district;
2. Implementing appropriate physical and technical safeguards to protect the confidentiality, integrity and availability of district data;
3. Documenting and disseminating administrative and operational procedures to ensure consistent storage, processing and transmission of district data;
4. Provisioning and deprovisioning access to district data as authorized by the data owner;
5. Understanding and reporting on security risks and how they impact the confidentiality, integrity and availability of district data;
6. Back up data daily; and
7. Force email and domain passwords to expire at least annually.

“User,” for the purpose of information security, means any employee, contractor or third-party agent of the district who is authorized to access District Information Systems and/or district data. A user is responsible for the following:

1. Adhering to policies, guidelines and procedures pertaining to the protection of district data;
2. Reporting actual or suspected vulnerabilities in the confidentiality, integrity or availability of district data to a manager or the ~~Information~~ Technology Department; and
3. Reporting actual or suspected breaches in the confidentiality, integrity or availability of district data to the ~~Information~~ Technology Department;

Classification of Information

Data classification, in the context of information security, is the classification of data based on its level of sensitivity and the impact to the district should that data be disclosed, altered or destroyed without authorization. The classification of data helps determine what baseline security controls are appropriate for safeguarding that data. All district data should be classified into one of three sensitivity levels or classifications: confidential, sensitive and public. In some cases, data could fall into multiple categories, i.e., salaries.

Data should be classified as confidential when the unauthorized disclosure, alteration, or destruction of that data could cause a significant level of risk to the district or its affiliates. Examples of confidential data include data protected by state or federal privacy regulations and data protected by confidentiality

agreements. The highest level of security controls should be applied to confidential data. Examples: student data, evaluation and disciplinary records.¹

Data should be classified as sensitive when the unauthorized disclosure, alteration or destruction of that data could result in a moderate level of risk to the district or its affiliates. By default, all district data that is not explicitly classified as confidential or public data should be treated as sensitive data. A reasonable level of security controls should be applied to private data. Examples: salaries and staff personal contact information.

Data classified as sensitive may be disclosable as public record under Oregon Revised Statute (ORS) Chapter 192. However, the sensitivity level of the data can warrant the assigned data classification and associated safeguard security controls.

Data should be classified as public when the unauthorized disclosure, alteration or destruction of that data would result in little or no risk to the district and its affiliates. Examples of public data include information intended for broad use within the district community at large or for public use. While little or no controls are required to protect the confidentiality of public data, some level of control is required to prevent unauthorized modification or destruction of public data. Examples: board minutes and policies.

~~{Examples may vary based on the needs of the district.}~~

Online Services and Applications

District employees are encouraged to research online services or applications to support the pursuit of district objectives. However, district employees are prohibited from installing or using applications, programs or other software, or online systems/websites that store, collect or share confidential or sensitive data, until the ISO approves the vendor and software or service. Before approving the use or purchase of any such software or online service, the ISO, or designee, shall verify that it meets the requirements of all applicable laws, regulations and board policies, and that it appropriately protects district data. This prior approval is required whether or not the software or online service is obtained or used without charge.

Implementation

The ~~Information~~ Technology Department is directed to develop operating policies, standards, baselines, guidelines and procedures for the implementation of this administrative regulations to include, but not limited to, addressing data encryption, logical access control, physical access control, vulnerability management, risk management and security logging and monitoring. *Employees have an obligation to learn about cybersecurity.*

Violations of Policy and Misuse of Information

Violations of this administrative regulation include, but are not limited to: accessing information to which the individual has no legitimate right; enabling unauthorized individuals to access information; disclosing information in a way that violates applicable policy, procedure or other relevant regulations or laws; inappropriately modifying or destroying information; inadequately protecting information; or ignoring the

¹ ~~These examples are for IT purposes and may not be consistent with record request and disclosure requirements.~~

explicit requirements of data owners for the proper management, use and protection of information resources.

Violations may result in disciplinary action in accordance with district policies, procedures and/or applicable laws. Sanctions may include one or more of the following:

1. Suspension or termination of access;
2. Disciplinary action up to and including dismissal; and
3. Civil or criminal penalties.

Employees are ~~encouraged~~ ^{will} report suspected violations of this administrative regulation to the ISO or to the appropriate data owner. Reports of violations are considered sensitive information until otherwise designated.

OSBA Model Sample Policy

Code: GCBDF/GDBDF

Adopted:

Paid Family Medical Leave Insurance *

(Version 2)

{Optional policy. This version is designed for districts providing an equivalent plan instead of using Paid Leave Oregon.}

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

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

END OF POLICY

Legal Reference(s):

[ORS 657B.210 – 657B.260](#)

[OAR 471-070-2200 - 2460](#)

¹ Deadlines for the district to file an exemption application can be found on OAR 471-070-2205. Application requirements can be found in OAR 471-070-2210.

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

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

DO

OSBA Model Sample Policy

Code: IGBHD

Adopted:

Program Exemptions**

{Highly recommended policy. The content comes primarily from OAR 581-021-0009. If the district would like to add language regarding procedure or authority, it could be added to this policy or an AR could be created.}

The district ~~Board~~ may ~~[shall]~~ excuse students from a state-required program or learning activity for reasons of religion, disability¹ or other reasons deemed appropriate by the district. Requests for excusal or accommodation must be in writing and must include the reasons for the request and a proposed alternative for an individualized learning activity which substitutes for the period of time exempt from the program and meets the goals of the learning activity or course being exempt. Requests may be filed by the student's parent or guardian, or by a student who is 18 years of age or older or who is an emancipated minor. Requests must be submitted to the ~~[teacher or principal]~~ teacher.

~~An alternative education program for credit [may] [may not] be provided.~~ The district will determine if credit will be granted for any alternative activity.

~~[The procedures to establish an alternative education program and alternative credit shall be developed by the superintendent.]~~

END OF POLICY

Legal Reference(s):

[ORS 336.035\(2\)](#)
[ORS 336.465](#)
[ORS 336.615](#)
[ORS 336.625](#)

[ORS 336.635](#)
[OAR 581-002-0035](#)
[OAR 581-021-0009](#)

[OAR 581-021-0071](#)
[OAR 581-022-2050](#)
[OAR 581-022-2110](#)
[OAR 581-022-2505](#)

¹ If the district receives a request for a disability accommodation, the district should consider its obligations under the Individuals with Disabilities in Education Act and Section 504 of the Rehabilitation Act.

DO

OSBA Model Sample Policy

Code: JGE
Adopted:

Expulsion**

{Required policy. ORS 339.250(2) and OAR 581-021-0070 require policies on expulsion.}

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

A student may only be expelled for the following circumstances:

1. When a student's conduct poses a threat to the health or safety of students or employees;
2. When other strategies to change the student's conduct ~~behavior~~ have been ineffective, except that expulsion may not be used to address truancy; or
3. When required by law.

The use of expulsion for discipline of a student in fifth grade or lower is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observations or upon a report from an employee, the student's conduct poses a direct threat to the health or safety of students or employees; or
3. When the expulsion is required by law.

The age of the student and the past pattern of behavior will be considered prior to imposing the expulsion.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. ~~By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.~~

{Choose one of the following two options.} The Board delegates the authority to decide on an expulsion to the superintendent. ~~The superintendent may designate another person to handle the potential expulsion, and the superintendent, a designee or another individual may act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will not be associated with the initial actions of the building administrators. The hearings officer will conduct the hearing and make a final decision regarding the expulsion. A decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review.~~

¹ The Board can retain authority for all expulsions. If the Board chooses not to delegate this authority, any recommendations for expulsion from administration would come to the Board for resolution. The Board would have to meet and determine next steps for all expulsions.

NO

If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the student's parents at the same time. At a future meeting, the Board will review the hearings officer's decision and will affirm, modify or reverse the decision.

OR

[When a recommendation for expulsion is made, the Board will meet and review the recommendation. The Board will hold or arrange for the expulsion hearing unless it has been waived.

If the Board is conducting the expulsion hearing, the Board may designate a Board member or a third party to run the hearing. The superintendent will provide relevant information to the Board, including the superintendent's recommendation and duration on disciplinary action.² This information will be available in identical form to the Board, the student if age 18 or over and the students' parents at the same time. The Board will make the final decision regarding the expulsion.]

When a recommendation for an expulsion is made and an ~~expulsion~~ hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service³ or by certified mail⁴ at least [five] days prior to the scheduled hearing. Notice shall include:

- a. The specific charge or charges and the specific facts that support the charge or charges;
- ~~b. The conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion;~~
- ~~e.b.~~ A ~~recommendation for expulsion~~ statement of intent to consider the charges as reason for expulsion;
- ~~e.c.~~ The student's right to a hearing;
- ~~e.d.~~ When and where the hearing will take place; and
- ~~f.e.~~ The student may be represented by counsel or other persons ~~right to representation~~.

~~The Board may expel, or may delegate the authority to decide on an expulsion to the superintendent or superintendent's designee, who may also act as the hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer designated by the Board will conduct the hearing and will not be associated with the initial actions of the building administrators;~~

~~2. Expulsion hearings will be conducted in private and will not be open to the general public unless the student or the student's parents request an open session;~~

~~3.2.~~ If ~~in case~~ the parent or student ~~has difficulty understanding~~ does not understand the English language or ~~has other serious communication disabilities~~, the district will provide an interpreter during the

² Evidence may include the relevant past history and student education records.

³ The person serving the notice shall file a return of service. (OAR 581-021-0070)

⁴ When "certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

hearing ~~translator~~. All communications will be in a manner that is understandable to the parents and student;

- 4.3. The student shall be permitted to have representation present at the hearing to advise and to present arguments. The representation may be an attorney, ~~and/or~~ parent or other person. The district's attorney may be present;
- 5.4. The student shall be afforded the right to present their version of the events underlying the expulsion recommendation and to introduce evidence by testimony, writings or other exhibits;
- 6.5. The student shall be permitted to be present and to hear the evidence presented by the district;
- 7.6. The hearings officer or the student may record the hearing;
- 8.7. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;

9. ~~If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. The hearings officer will provide to the Board, findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer's recommended decision on disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the Board, the student if age 18 or over and the students' parents at the same time. Following the review by the Board of the hearings officer's recommendation, the Board will make the final decision regarding the expulsion;~~

~~If the Board has delegated authority to the superintendent [or designee] to act as the hearings officer, the superintendent may designate themselves, or a third party, as the hearings officer. The hearings officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review. If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the student's parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision;~~

10.8. A Board-conducted hearing or a Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing held by the hearings officer, the following will not be made public:

- a. The name of the minor student;
- b. The issues involved, including a student's confidential records;
- c. The discussion;
- d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, ~~the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion~~ for reasons other than a weapons ~~policy~~ violation, the

district must notify the student and parents of alternative programs of instruction or instruction combined with counseling and document this notification. ~~The district must document to the parent of the student that proposals of alternative education programs have been made.~~

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.061](#)

[ORS 336.615 - 336.665](#)

[ORS 339.115](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 - 021-0075](#)

[House Bill 2514 \(2019\)](#)

we don't get complaints
yes

Fix this!

Lincoln County School District

Code: JB
Adopted: 7/09/02
Revised/Readopted: 6/14/16 (Effective 7/01/16); 1/12/21; 1/11/22
Orig. Code: JB

Equal Educational Opportunity[**]

Every student of the district will be given equal educational opportunities regardless of age, sex, sexual orientation, gender identity, race¹, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability or geographic location.

[The district shall develop and implement an Equal Educational Opportunity Plan that assures that [n]o student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district or denied access to facilities in the district.

A student or parent may also access and use the district's general complaint procedure through Board policy KL - Public Complaints.

All reports, complaints or information will be investigated.

The district will communicate the availability of policy and available complaint procedures to students and their parents through available district communication systems and handbooks and will be published to the district website and made available at the district office during regular business hours.

A student of the district may not be subjected to retaliation by the district for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

~~Notice of Discrimination~~

Legal Reference(s):

- | | | |
|-----------------------------|---|----------------------------------|
| ORS 174.100 | ORS 659.852 | ORS 659A.406 |
| ORS 192.630 | ORS 659A.001 | OAR 581-021-0045 |
| ORS 326.051 | ORS 659A.003 | OAR 581-021-0046 |
| ORS 329.025 | ORS 659A.006 | OAR 581-022-2310 |
| ORS 332.107 | ORS 659A.103 - 659A.145 | OAR 839-003-0000 |
| ORS 336.086 | ORS 659A.400 | |
| ORS 659.850 | ORS 659A.403 | |

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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)).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12333 (2018).

House Bill 2935 (2021).

House Bill 3041 (2021).