

OSBA Model Sample Policy

Code: AC
Adopted: 8/24/09

Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race, color, religion, sex, sexual orientation², national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status or veterans' status of any other persons with whom the individual associates.

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

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

The superintendent shall appoint and make known the individuals at the district to contact on issues concerning the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

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

END OF POLICY

~~Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047~~

² "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

³ Districts are required to notify students and employees of the name, office address and telephone number of the employee or employees appointed.

★ required update policy + AK

Legal Reference(s):

ORS 174.100
ORS 192.630
ORS 326.051(1)(e)
ORS 408.230
ORS 659.805
ORS 659.815
ORS 659.850 - 659.860
ORS 659.865
ORS 659.870
ORS 659A.003

ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
ORS 659A.040
ORS 659A.103 - 659A.145
ORS 659A.230 - 659A.233
ORS 659A.236
ORS 659A.309
ORS 659A.321

ORS 659A.409
~~ORAR 581-002-0001 - 002-0005~~
ORAR 581-021-0045
ORAR 581-021-0046
~~ORAR 581-021-0047~~
~~ORAR 581-021-0049~~
ORAR 581-022-2310
ORAR 581-022-2370
ORAR 839-003

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634~~3~~ (2012); 29 C.F.R Part 1626 (2017)~~8~~.

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-~~12131~~12112 (2012); 29 C.F.R. Part 1630 (2017)~~8~~; 28 C.F.R. Part 35 (2017)~~8~~.

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503-791, 793-794 (2012); ~~34 C.F.R. Part 104 (2018)~~.

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017)~~8~~.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012); ~~28 C.F.R. §§ 42.101-42.106 (2018)~~.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012); ~~29 C.F.R. § 1601 (2018)~~.

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

Americans with Disabilities Act Amendments Act of 2008, ~~42 U.S.C. §§ 12101-12133 (2012)~~.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, ~~as amended~~, 38 U.S.C. § 4212 (2012).

~~Title H of the~~ Genetic Information Nondiscrimination Act of 2008, ~~42 U.S.C. § 2000ff-1 (2012)~~.

OSBA Model Sample Policy

Code: AC-AR
Adopted: 10/04

Discrimination Complaint Procedure

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

Step 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].

The [principal] 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.

Any staff member that receives a written or oral complaint shall report the complaint to the [principal].

Step 2: If the complainant wishes to appeal the decision of the [principal], he/she 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~~ [may] review the [principal]'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 decision and ~~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. 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 [10] days of this meeting.

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

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

[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)]

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

The Timelines established in each step of this procedure may be extended based upon mutual consent of both parties 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.

If the complainant, is a person who resides in the district, or is a parent or guardian of a student who attends school in the district or is 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, whichever occurs first of the initialing filing of the complaint, he/she may appeal in writing to the Superintendent of Public Instruction under the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-021-0049 581-002-0001 – 002-0023.

unless

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

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint _____

Date _____

School or Activity _____

Student/Parent Employee Nonemployee Job applicant (Job applicant) Other _____

Type of discrimination:

- Race
- Color
- Religion
- Sex
- National or ethnic origin
- Mental or physical disability
- Marital status
- Familial status
- Economic status
- Veterans' status
- Age
- Sexual orientation
- Pregnancy
- Discriminatory use of a Native American mascot
- Other _____

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.) _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

This complaint form should be mailed or submitted to the [principal].

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

OSBA Model Sample Policy

Code: EFAA-AR
Adopted: 10/04

Reimbursable Meals and Milk Programs

(National School Lunch Program, School Breakfast Program, Special Milk Program and other meal programs)

The district's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The district may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the district will choose one of the following options:
 - a. Nonpricing (serve SMP milk at no charge to all students);
 - b. Pricing programs without a free option (charge all students for SMP milk); or
 - c. Pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Supplemental Nutrition Assistance Programs (SNAP)).
2. Reimbursable meals [~~and afterschool snacks~~] will be priced as a unit.
3. Reimbursable meals[,] [and] [milk] [~~afterschool snacks~~] will be served free or at a reduced price to all children who are determined by the district to be eligible for free or reduced-price meals [and free milk].
4. Annually, the district will establish prices for reimbursable student meals[,] [and] [~~afterschool snacks~~] [milk]. The price charged to students who do not qualify for free or reduced-price meals [or free milk] will be established annually by the district in compliance with state and federal laws.
5. The price charged to students who qualify for reduced-price meals will be established annually by the district in compliance with state and federal laws.
6. [The district will offer SMP [with the free option] [without the free option] [at no charge] to students who are not able to participate in the district's lunch or breakfast programs.]
7. [The district will implement claiming alternative Provision 2 at the following schools under its jurisdiction: (List schools) .]
8. [The district will implement claiming alternative Community Eligibility at the following schools under its jurisdiction: (List schools) .]

Application Procedures

1. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals[,] [and] [~~afterschool snacks~~] [milk], for the students listed on the official document. Districts must access this document at least three times per year.

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Adopted: 10/04

ORS requires district provide a reimbursable meal upon the students request regardless of students ability to pay pg. 6

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Meal Pricing Procedures

1. The district may operate the Special Milk Program (SMP) at schools where students do not have access to program meals. Under SMP, the district will choose one of the following options:

- a. Nonpricing (serve SMP milk at no charge to all students);
- b. Pricing programs without a free option (charge all students for SMP milk); or
- c. Pricing programs with a free option (distribute confidential applications for free milk and charge only those students for SMP milk who do not qualify for free milk based on the household's application or direct certification from Supplemental Nutrition Assistance Programs (SNAP)).

- 1 Reimbursable meals ~~[and afterschool snacks]~~ will be priced as a unit.
- 2 Reimbursable meals[,] ~~[and] [milk] [afterschool snacks]~~ will be served free or at a reduced price to all children who are determined by the district to be eligible for free or reduced-price meals ~~and free milk~~.
- 3 Annually, the district will establish prices for reimbursable student meals[,] ~~[and] [afterschool snacks] [milk]~~. The price charged to students who do not qualify for free or reduced-price meals ~~and free milk~~ will be established annually by the district in compliance with state and federal laws.
- 4 The price charged to students who qualify for reduced-price meals will be established annually by the district in compliance with state and federal laws.
- 6. ~~[The district will offer SMP [with the free option] [without the free option] [at no charge] to students who are not able to participate in the district's lunch or breakfast programs.]~~
- 7. ~~[The district will implement claiming alternative Provision 2 at the following schools under its jurisdiction: (List schools) .]~~
- 5 ^{has implemented} [The district will implement claiming alternative Community Eligibility at the following schools under its jurisdiction: (List schools) .] Prescott, Shaver + Mls.

Application Procedures

- 1 Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals[,] ~~[and] [afterschool snacks] [milk]~~, for the students listed on the official document. Districts must access this document at least three times per year.

42
10 9. Students receiving support through the migrant education program, Runaway and Homeless Youth Act, McKinney-Vento Homeless Assistance Act, federal Head Start and state-funded prekindergarten programs, with income eligibility criteria identical or more stringent than federal Head Start, or are in state or court placement foster care, will be automatically eligible for free meals ~~[,] [and] [afterschool snacks] [milk]~~, for the students listed on the official documents.

8 10. Households that submit a confidential application will be notified of their student's eligibility for free or reduced-price meals ~~[or free milk]~~. Households that are denied free or reduced-price benefits will be notified in writing using the ODE template letter distributed to the district annually.

9 11. On a case-by-case basis when a student is known to be eligible for free or reduced-price meal ~~[or free milk]~~ benefits, and the household fails to submit a confidential application, the superintendent or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced-price meal benefits. Parents of a student approved for free or reduced-price benefits, when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.

10 12. Students who do not qualify for free or reduced-price meals ~~[or free milk]~~ are eligible to participate in the ~~[SMP]~~ National School Lunch Program (NSLP) [and School Breakfast Program (SBP)] and will be charged "paid" prices set by the district. "Paid" category students will be treated equally to students receiving free or reduced-price benefits in every aspect of the district's NSLP ~~[,] [and] [SMP]~~ [SBP] [Child and Adult Care Food Program (CACFP)] [Summer Food Service Program (SFSP)].

11 13. The district has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.

12 14. In the event of major employers contemplating large layoffs in the attendance area of the district, the district will provide confidential applications and eligibility criteria for free and reduced-price meals ~~[or free milk]~~ to the employer for distribution to affected employees.

Financial Management of the Nonprofit School Food Service

15 1. The district will maintain a nonprofit school nutrition and food service operation.

16 2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP ~~[,] [and] [SMP]~~ [SBP] [CACFP] [SFSP].

17 3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal.¹

18 4. District nutrition and food services revenues will not be used to purchase land or buildings.

19 5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.

¹ For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

- 18/ 19. The district will maintain effective control and accountability for, and adequately safeguard, all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
- 19/ 20. The district will meet the requirements for allowable NSLP[,] ~~[and] [SMP]~~ [SBP] [CACFP] [SFSP] costs as described in 2 C.F.R. 200.
- 20/ 21. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.
- 21/ 22. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
- 21/ 23. In the operation of its nutrition and food services program, the district will purchase food products where at least 50 percent of the ingredients are produced or processed in the United States, whenever possible.
- ~~24. [The district may use facilities, equipment and personnel supported with nutrition and food services revenue to support a nonprofit nutrition program for the elderly.]~~

Civil Rights and Confidentiality Procedures

- 23/ 1 24. The district will not discriminate against any student because of his/her eligibility for free or reduced-price meals.
- 24/ 25. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, marital status, sex, sexual orientation, parental status, religion, age or disability.
- 25/ 26. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
- 26/ 27. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP[,] ~~[and] [SMP]~~ [SBP] [CACFP] [SFSP] benefits and services, and employment practices with regard to the operation of its NSLP[,] ~~[and] [SMP]~~ [SBP] [CACFP] [SFSP]. The district will forward any civil rights complaint regarding the district's nutrition and food services to ODE's director of Child Nutrition Programs within three days of receiving the complaint.
- 27/ 28. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
- 28/ 29. The district will maintain strict confidentiality of all information obtained through a confidential application for free and reduced-price meals ~~[or free milk]~~ or direct certification, including students' eligibility for free or reduced-price meals and all household information. The district's NSLP[,] ~~[and] [SMP]~~ [SBP] [CACFP] [SFSP] operators are not required to release any information from a student's confidential application for free or reduced-price meals ~~[or free milk]~~. No information may be released from a student's eligibility information without first obtaining written permission from

the student's parent or legal guardian/adult household member signing the application, except as follows:


- a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, ~~SMP~~, CACFP, SFSP or SNAP;
- b. Any other confidential information contained in the confidential application for free and reduced-price meals or ~~free milk~~ (e.g., family income, address, etc.) may be released without written consent only to persons who operate or administer the NSLP, SBP, ~~SMP~~, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

Nutrition and Menu Planning

- 29 4 Meals and afterschool snacks served for reimbursement will meet the nutrition standards established by the U.S. Department of Agriculture (USDA) and Oregon Smart Snacks Standards.
30. Meals [~~and afterschool snacks~~] served for reimbursement will meet at least the minimum NSLP[,] [and] [SBP] [CACFP] [SFSP] requirements for food items and quantities.
 31. Meals served for reimbursement will:
 - a. Meet all calorie range requirements by grade level;
 - b. Meet the maximum standards set for saturated fat;
 - c. Meet the maximum standards set for sodium by grade level; and
 - d. Meet the requirement for zero grams of trans fats.
 32. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items including one-half cup of fruit or vegetable offered in program lunches.
 33. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three of four food items, including one-half cup of fruit or vegetable offered in program breakfasts. ~~2~~
 34. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take three of the five food items, including one-half cup of fruit or vegetable offered in program lunches. ~~2~~
 35. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take three of the four food items, including one-half cup of fruit offered in program breakfasts. ~~2~~
 36. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the district for program breakfasts, as applicable, will be made available upon request. (Boards adoption of this AR)

R6/27/17 18/19 PH

Reimbursable Meals and Milk Programs – EFAA-AR


Arden Sec take sheet notes

Use and Control of Commodity Foods

- 37 ~~1~~ The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the NSLP[,] [and] [SBP] [SFSP].
- 38 ~~37~~. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
- 39 ~~38~~. The value of commodity foods used for any food production other than NSLP, SBP, SFSP, or ^{CACFP} ~~after school snacks~~ shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

- 40 ~~1~~ The district will claim reimbursement only for reimbursable meals[,] ~~[and] [after school snacks]~~ ~~[milk]~~ served to eligible children.
- 41 ~~37~~ All meals[,] ~~[and] [after school snacks]~~ ~~[milk]~~ claimed for reimbursement will be counted at each dining site at a "point of service" where it can be accurately determined that the meal[,] ~~[and]~~ ~~[after school snack]~~ ~~[milk]~~ meets NSLP[,] ~~[and] [SMP]~~ [SBP,] [CACFP] [and] [SFSP] requirements for reimbursement.
- 42 ~~37~~ The person responsible for determining if the meals ~~[and after school snacks]~~ are reimbursable will be trained to recognize a reimbursable meal.
- 43 ~~41~~. The district official signing the claim for reimbursement will review and analyze monthly meal[,] ~~[and]~~ ~~[after school snack]~~ ~~[milk]~~ counts to ensure accuracy of the claim, before submitting the claim to ODE.
- 44 ~~42~~. Annually, by November 15, the district will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the district in October each year.

Food Safety and Sanitation Inspections


- 45 ~~4~~ The district will maintain necessary facilities for storing, preparing and serving food and milk.
- 46 ~~43~~. Semiannually, the district will schedule food safety inspections with the county Environmental Health Department for each school or dining site under its jurisdiction.
- 47 ~~44~~. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.



General USDA NSLP/SBP/SMP Requirements

- 48 ~~4~~ The district will ensure that no student is denied a meal as a disciplinary action.
- 49 ~~45~~. Breakfast will be served in the morning hours, at or near the beginning of the student's school day.
- 50 ~~46~~ Lunch will be served between the hours of 10 a.m. and 2 p.m.
- 51 ~~47~~. The district will provide substitute foods for students with a disability² that restricts their diet when

supported by a written statement from a state-licensed health care professional, who is authorized to write medical prescriptions. Substitutions will be provided only when a medical statement from the licensed health care professional is on file at the school. The medical statement must state the nature of the child's impairment so its effect on the student's diet is understood, and what must be done to accommodate the impairment. The district will not charge more than the price of the school meal, as determined by the child's eligibility status, for meals with the accommodation.

52 ~~48~~ The district will control the sale of competitive foods.


53 ~~42~~ The district will ensure that potable [drinking] water will be available to students, free of charge for consumption in the place where meals are served during meal service. 

54 ~~50~~ The district will notify all households and appropriate staff of its meal charge requirements  at the beginning of each school year, upon enrollment of a student or the transfer of a student. The meal charging requirements will be ~~posted on the district website, published in the student/parent handbook~~ ~~and made available in the information on free and reduced-priced meals~~  ^{Board Resolution}

~~[The district's meal charging requirements are as follows:]~~

~~[The district allows no meal charges.] [Students will be given an alternative meal] [and a notice will be sent to the parent].]~~

~~[A charge account for students paying full or reduced price for meals may be established with the district. Students may charge no more than [two] meals. Any student failing to keep his/her account current as required by the district shall not be allowed to charge the price of further meals [or à la carte] until the account has been paid in full [but will be allowed to purchase a meal if the student pays for the meal when it is received]. At least one written warning shall be provided to a student and his/her parent prior to [the district providing the student an alternate meal] [denying meals] for exceeding the district's charge limit. Payment is due to the [district office] on the [—] of each month. [The district may choose to refer delinquent meal charges to third parties for collection.] Students or parents of students may prepay meal costs.]~~


New ORS
~~[Regardless of the ability to pay, a student shall be provided a reimbursable meal upon request. Parents or guardians may provide written permission to the district to withhold a meal from a student. After five meal charges the district will attempt to certify the student for free or reduced-price meals. At least two attempts to contact the student's parent or guardian for completing a meal application will be made by the district, including offering assistance filling out the application, if appropriate. Communications regarding student charges will be directed to parents or guardians.]~~

² To comply with Section 504 as it relates to a student's severe food allergy, such as milk, gluten, nut or soy, and including but not limited to diabetes, colitis, etc.

~~[Federal law requires the district to publish meal charging requirements. The district's charging requirements must identify how and when the information about account balances is communicated to staff, students and parents, and what collection methods will be used on delinquent balances.]~~

~~[The district is required by federal law to have meal charge requirements published. Revise this section to reflect the district's meal charging requirements. The requirements must identify how and when the information about account balances is communicated to staff, students and parents, and what collection methods will be used on delinquent balances.]~~

~~[Pursuant to ORS 327.535 the following language reflects required practice, but the language is not required to be in policy.]~~

only.] [The district may refer delinquent meal charges to third parties for collection. Collection fees will not be charged to the parent or guardian.]

55 52. The sale of foods in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.

56 52. Students [will] ~~[will not]~~ be charged for second servings of meals or portions of meals served.

Record Keeping

The following documents will be maintained by the district for three years after the current school year or longer, in the event of an unresolved audit(s), until the audit(s) has been completed:

57 53. All currently approved and denied confidential applications for free and reduced-price meals[, free milk,] all current direct certification documents, eligibility verification documents and school membership or enrollment lists;

58 53. Financial records that account for all revenues and expenditures of the district's nonprofit nutrition and food services programs, including procurement documents;

59 54. Records (i.e., recipes, ingredient lists and nutrition fact labels or product specifications) that document the compliance with nutrition standards for all program and competitive foods available for sale to students at a school campus;

60 58. Documents of participation data (i.e. meal counts) from each school in the district to support claims for reimbursement;

61 56. Production and menu records;

62 57. Records to document compliance with Paid Lunch Equity;

63 58. Records to document compliance with Revenue from Nonprogram Foods; and

64 59. Internal program monitoring documents for NSLP[, [and] [SBP,] [afterschool snacks] [CACFP] [SFSP].

OSBA Model Sample Policy

New gender neutral language

Code: *9/24/07* GBDA
Adopted:

Mother Friendly ~~Expression of Milk for Breast-feed~~ in the Workplace *

(This applies to a district that employs ~~25~~ 10 or more employees)

building Admin or Designee

The district recognizes that a normal and important role for mothers is to have the option and ability to express milk [or breast-feed] in the workplace. [1][**When possible an ~~E~~ employees must give reasonable notice of the intent to express milk [or breast-feed] to [see 2 below].]** Unless otherwise agreed upon by the district and the employee, the district shall provide the employee a 30-minute rest period to express milk [or breast-feed] during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period. The district shall provide the employee a reasonable rest period to express milk [or breast-feed] each time the employee has a need to express milk [or breast-feed]. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.

**The district will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk [or breast-feed] in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

The following locations have been identified in each facility for milk expression [or breast-feeding]:

small student services office

- 1. District office: [location, e.g., a private office in the district office building];
- 2. Name of elementary school^[4]: [location, e.g., classrooms with windows covered and door locked;] [staff room located [include location]]; *PR-counselors office RV-Kitchenette SA: closet off multi-purpose room SH: office behind reception*
- 3. Name of middle school^[5]: [location, e.g., classrooms with the windows covered and door locked;] [staff room located [include location]]; *Office in girls locker room*
- 4. Name of high school^[6]: [location, e.g., the locking file room in the main office]; *Kitchenette in L Region*

¹ [**The designated bracketed language identified in this model policy is a requirement of law, but language is not required to be in policy.]

² [List the name of the position of the person to whom an employee must give notice.]

³ [The list of designated locations and facilities is required to be in policy as per Oregon Revised Statute (ORS) 653.077(10)(b).]

⁴ [Must list all elementary schools if more than one within the district.]

⁵ [Must list all middle schools if more than one within the district.]

⁶ [Must list all high schools if more than one within the district.]

5. [Bus barn: [location, e.g., a private office in the transportation building];]
6. [Maintenance: [location, e.g., a private office];]
7. [List other facility locations and designated locations, e.g., room or office, if any.]

***An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

**This policy and the list of designated locations is published in the employee handbook. The list of designated locations is available upon request in the central office of each school facility and in the district's central office.

This policy only applies to employees who are expressing milk [or breast-feeding] for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 653.077

ORS 653.256
OAR 839-020-0051

Clarification of definitions related to conviction + other house keeping clean up policy + AR

OSBA Model Sample Policy

Code: GCDA/GDDA
Adopted: 11/27/95

Criminal Records Checks and Fingerprinting *

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees not requiring licensure under Oregon Revised Statute (ORS) 342.224 to undergo submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law.

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

As required by Pursuant to state law, a criminal records check and/or fingerprinting based criminal records checks shall be required of the following individuals²:

1. All district individuals employed as or by a contractors and their employees, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;
2. All district contractors and their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, Child Care Division;
3. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
4. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
5. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

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

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

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

³ [If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct background criminal records checks on these volunteers.]

The district shall require a nationwide fingerprint-based criminal records check based on fingerprinting for a volunteer with allowed direct, unsupervised contact with students in the following positions⁴:

1. Head coach
2. Assistant coach
3. Overnight chaperone
4. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity [;] [.]
5. [List of other positions subject to this fingerprinting, if any.]

The identity of a subject individual requiring fingerprinting will be provided by the district to the authorized fingerprinter for verification. The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting

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

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

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

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

The service of a volunteer allowed to have direct, unsupervised contact with students may [will not] begin [on a probationary basis pending] before the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a nationwide fingerprint-based criminal records check including fingerprinting may [will not] begin on a probationary basis.

⁴ If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the needs of positions in the district that require such fingerprinting.

pending) (before) the return and disposition of the nationwide ~~a state and national~~ criminal records check including based on fingerprintings.

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

Fees associated with a criminal records check and/or fingerprinting may be charged.

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

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be notified of such in writing by ODE under ORS 183.413 - 183.470.

A volunteer required to submit to a fingerprint based criminal records check may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE under ORS 183.413 - 183.470.

END OF POLICY

Legal Reference(s):

ORS 181A.180	ORS 336.631	OAR 581-021-0504
ORS 181A.230	ORS 342.143	OAR 581-022-2430
ORS 326.603	ORS 342.223	OAR 584-050-0012
ORS 326.607	OAR 414-061-0010 - 061-0030	
ORS 332.107	OAR 581-021-0500, 510 - 021-0512	

Field Code Changed

Field Code Changed

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000c, et. seq. (2012).

OSBA Model Sample Policy

Code: GCDA/GDDA-AR
Revised/Reviewed:

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall be required to undergo submit to a nationwide criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo submit to a nationwide criminal records check and fingerprinting with TSPC.
4. Any district individual hired as or by a contractor and its employees², whether part-time or full-time, hired into a position having direct, unsupervised contact with students as determined by the district shall be required to undergo submit to a nationwide criminal records check and fingerprinting.

The superintendent will identify district contractors who are present on district property and regularly interact with students and are subject to such requirements.

5. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Oregon Department of Education (ODE), Child Care Division.
- 6.5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a nationwide criminal records check and fingerprinting.
- 7.6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a nationwide criminal records check and fingerprinting.

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

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

8.7. ³ Any individual authorized ~~volunteer allowed~~ by the district for ~~volunteer service~~ into a position allowing ~~that has~~ direct, unsupervised contact with students shall ~~be required to undergo an Oregon in-state criminal records check.~~³

9.8. Any volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy⁴ by the district as requiring fingerprinting a fingerprint-based criminal records check, shall be required to undergo a nationwide state and national criminal records check and fingerprinting based on fingerprints.¹

10.9. Any individual authorized by the district for volunteer service that is not likely to have direct, unsupervised contact with students ~~[will] [will not]~~ be required to undergo an Oregon ~~in-state~~ criminal records check.² may

Exceptions

A newly hired employee⁵ is not subject to fingerprinting if the district has evidence on file that the newly hired employee was previously checked through an Oregon and a FBI ~~successfully completed a state and national criminal records check by for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment.~~

Evidence of the prior check will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer.

Furthermore:

1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available; and
2. The district shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district.

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks ~~completed by the Oregon Department of Education (ODE) that impact employment, contract or volunteering may be appealed as a contested case to ODE;~~
 - c. All employment or contract offers ~~for the ability to volunteer~~ are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment[,] [or] contract status, or the ability to volunteer in the district.¹

³ [If the district allows volunteers to have direct, unsupervised contact with students, districts are required to conduct criminal background records checks on these volunteers. Choose the bracketed language options in § 8, 9, and/or 10 of this policy that aligns with district practice. If the district allows volunteers to have direct, unsupervised contact with students the presented language is required. Align policy IICC – Volunteers with chosen language here.]

⁴ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

⁵ Any individual hired within the last three months.

- e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts[,] (or) ODE forms (written or electronic) [may] (will) result in immediate termination from employment or contract status;
- f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status[;]
- g. A volunteer candidate who knowingly made a false statement or has been convicted of any the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number [may] (will) result in immediate termination from the ability to volunteer in the district. The district [may] (will) remove the volunteer from the position allowing direct, unsupervised contact with students.

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

Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, Any an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms or requirements as approved by ODE (information available through the district) authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

2. All individuals subject to fingerprinting pursuant to state law are required to report to an authorized fingerprinter for fingerprinting as directed by the district.

3.2. Fingerprints may be collected by one of the following:

- a. Employing district staff;
- b. Contracted agent of employing district; or
- c. Local or state law enforcement agency.

The individual subject to fingerprinting, shall be subject only after acceptance of an offer of employment or contract.

4.3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

5.4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment[,] (or) contract [or volunteering].

6.5. A copy of the fingerprinting results will be kept by the district.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁶ and their employees, shall be paid by the individual [district].
2. [Fees are payable [prior to] [within [three] working days of] beginning employment, volunteer service or contract.]
- 3.2. An individual offered a contract or employment in by the district may, only upon request, request that the amount of the fee be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump-sum payment, the amount otherwise due the individual in accordance with Oregon law. The district may withhold such fees only upon the request of the individual.
- 4.3. Fees associated with required criminal records checks for volunteers shall be paid by the individual [district].
- 5.4. Fees associated with a required fingerprinting for volunteers shall be paid by the individual [district].

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

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

⁶ A person hired as or by a contractor's and their employee may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

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

342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual (will) [may] be denied the ability to volunteer.

6. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form (will) [may] be denied the ability to volunteer in the district.

Appeals

An subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be notified of such in writing by ODE under ORS 183.413 – 183.470.

A volunteer ~~required to submit to a fingerprint-based criminal records check~~ may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, ~~if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE~~ under ORS 183.413 – 183.470.

OSBA Model Sample Policy

Updated to match the OAR see pg. 2

Code: IGAI
Adopted: 3/8/10

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student’s understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional sessions annually; one instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grades 6 through 8 and at least twice during grades 9 through 12.

Parents, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in Oregon Revised Statute (ORS) 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources; and

19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

END OF POLICY

Legal Reference(s):

ORS 336.035
ORS 336.107
ORS 336.455 - 336.475

ORS 339.370 - 339.400
OAR 581-021-0009

OAR 581-022-2030
OAR 581-022-2050
OAR 581-022-2220

OSBA Model Sample Policy

revised complaint and appeal process policy → AR

Code: IGBBA
Adopted: 3/8/2010

Talented and Gifted Students - Identification**

In order to serve academically talented and intellectually gifted students in grades K through 12, the district directs the superintendent ~~[after due consideration of the input of staff, parents and the community]~~ to establish a written identification process.

This process of identification shall include as a minimum:

1. Use of research based best practices to identify talented and gifted students from under-represented populations such as ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse or economically disadvantaged.
2. Behavioral, learning and/or performance information.
3. A nationally standardized mental ability test for assistance in the identification of intellectually gifted students.
4. A nationally standardized academic achievement test of reading or mathematics ~~or~~ a test of total English Language Arts/Literacy or total mathematics ~~on~~ the Smarter Balanced Assessment ~~[Consortium]~~ for assistance in identifying academically talented students.

Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.

If a parent is dissatisfied with the identification process or placement of their student, they may appeal the decision through ~~[Board policy KL - Public Complaints]~~ [the accompanying administrative regulation, IGBBA-AR].

After exhausting the district's appeal procedure and receiving ~~the district's~~ final decision, a parent may appeal the decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

END OF POLICY

Legal Reference(s):

ORS 343.395
ORS 343.407
ORS 343.411

OAR 581-021-0030
OAR 581-022-2325
OAR 581-022-2330

OAR 581-022-2370
OAR 581-022-2500

Adopted 9.26.16

OSBA Model Sample Policy

Code: IGBBA-AR

Revised/Reviewed:

Appeal Procedure for Talented and Gifted Student Identification and Placement**

The Board has established an appeal process for a parent to utilize if they are dissatisfied with the identification process and/or placement of their student in the district program for talented and gifted (TAG) students, and wish to request reconsideration. The district's desire and intent is to reach satisfactory solutions during the informal process:

Informal Process

1. A parent will contact the district's TAG coordinator/teacher to request reconsideration.
2. The TAG coordinator/teacher will confer or meet with the parent and may include any additional appropriate persons (e.g., principal, counselor, teacher, etc.) within five [working][school] days of the request. At this time, information pertinent to the selection or placement will be shared.
3. If an agreement cannot be reached, the parent may initiate the Formal Process.

Formal Process

1. A parent shall submit a written request for reconsideration of the identification and/or placement to the program supervisor within five working days of the conference identified above.
2. The program supervisor shall acknowledge in writing the receipt of the request within five working days and shall forward copies of the request and acknowledgment to the TAG coordinator/teacher.
3. The program supervisor, TAG coordinator/teacher and other appropriate administrator shall review the student's file and earlier decisions within 10 working days of the original request presented in the previous step. Additional data may be gathered to support or change the earlier decision. 4-The parent may be provided an opportunity to present additional evidence.

If deemed necessary, a formal hearing will be conducted by the district hearings officer utilizing the appropriate procedures.

4. A decision will be made by the program supervisor within 20 working days after receipt of the written request for reconsideration from the parent. The parent shall be notified of the decision in writing and the decision shall be forwarded to the superintendent.
5. The decision may be appealed to the Board using through procedures found in IGBBC-AR - Complaints Regarding the Talented and Gifted Program.

6. If the parent is still dissatisfied, the parent may file an appeal to the State Deputy Superintendent of Public Instruction following the procedures outlined in the under Oregon Administrative Rules (OAR) 581-002-00400001 – 581-002-0023 may be used. The district shall provide a copy of the appropriate OARs upon request.

OSBA Model Sample Policy

*revised complaint
+ appeal process
policy + AR*

Code: IGBBC

Adopted: 2/8/2010

Talented and Gifted – Programs and Services**

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student's access to appropriate services and will develop program and service options. These options may include, but are not limited to, the following:

1. ✓ [Early Entrance;]
2. ✓ [Grade Skipping;]
3. [~~Ungraded/Multi-age Classes;~~]
4. ✓ [Cluster Grouping in Regular Classes;]
5. ✓ [Continuous Progress;]
6. [~~Gross Grade Grouping;~~]
7. ✓ [Compacted/Fast-Paced Curriculum;]
8. [~~Special Full- or Part-Time Classes;~~]
9. ✓ [Advanced Placement Classes;]
10. ✓ [Honors Classes;]
11. [~~Block Classes;~~]
12. ✓ [Independent Study;]
13. ✓ [Credit by Examination;]
14. ✓ [Concurrent Enrollment;]
15. ✓ [Mentorship/Internship;]
16. [~~Academic Competitions;~~]
17. [~~Magnet Programs/Schools;~~]

The Board has established an appeal process for a parent or guardian to utilize if he/she is they are dissatisfied with the programs and services recommended for their student that has been identified as talented and gifted, and wish to request reconsideration. The appeal process is identified in [Board policy

~~KL~~ ~~Public Complaints**~~ administrative regulation IGBBA-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement.

The Board has established a complaint procedure to utilize if a person who resides in the district or a parent or guardian of a student attending school in the district has a complaint regarding the appropriateness of programs and services provided for a student identified as talented and gifted. This complaint procedure, IGBBC-AR - Complaints Regarding the Talented and Gifted Program, is available at the district's administrative office and on the home page of the district's website. The complainant may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of these OARs upon request.

END OF POLICY

Legal Reference(s):

~~OAR 581-002-0040~~
~~OAR 581-022-2325~~

OAR 581-022-2330
OAR 581-022-2370

OAR 581-022-2500

OSBA Model Sample Policy

Code: IGBBC-AR

Revised/Reviewed:

Complaints Regarding the Talented and Gifted Program

The following procedure will be utilized when complaints arise regarding the district's talented and gifted programs and services ("TAG").

All complaints regarding TAG will be reported to the superintendent. The complainant will be given the Talented and Gifted Standards Complaint Form which must be filled out and submitted to the superintendent's office before further consideration can be given to the complaint.

1. Upon receipt of a TAG complaint, the superintendent shall arrange for a review committee consisting of the TAG coordinator/teacher, the program supervisor, a counselor and a school psychologist.
2. The review committee shall meet within [two] working days of when the superintendent received the written complaint and review all pertinent information. A recommendation from the review committee will be submitted to the superintendent within [10] working days of receiving the original complaint.

The review committee may recommend that:

- a. The programs or services are appropriate; or
- b. The programs or services are not appropriate.

The superintendent shall report the recommendations of the review committee to the Board at the next regularly scheduled Board meeting.

3. After consideration of the recommendations, if any, issued by the review committee, the Board will make a decision, and issue a decision within [20] days of the 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. The Board's final decision will be issued in writing or electronic form.

If the complainant, who is a student, is a parent or guardian of a student who attends school in the district, or is a person who resides in the district, remains dissatisfied and has exhausted local procedures, an appeal may be filed with the district's final decision to the Deputy Superintendent of Public Instruction and is subject to the appeal procedure identified in under Oregon Administrative Rules (OAR) 581-002-0040, 581-002-0001 – 581-002-0023. The district shall provide a copy of the appropriate OARs upon request.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the superintendent or designee. Timelines may be extended upon written agreement between the district and the complainant.

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

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. However, 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)

²The timelines may be extended upon written agreement between both parties.

0/28/17 7/18/19 | PH

[Name of District]
[Address]

TALENTED AND GIFTED STANDARDS COMPLAINT FORM

Name _____

Address _____

Phone (Daytime) _____ (Evenings) _____

Date of Complaint _____

1. What is the nature of your complaint? _____

2. What is the district currently doing? _____

3. In your opinion, in what way is this situation a violation of state standards?

4. What do you feel the district should be doing? _____

5. Other pertinent comments _____

Signature: _____

OSBA Model Sample Policy

*repealed language
& housekeeping*

Code: IICC
Adopted: 2/06

Volunteers *

Community patrons who voluntarily contribute their time and talents to the improvement and enrichment of the public schools' instructional and other programs are valuable assets. The Board encourages constructive participation of groups and individuals in the school to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

~~§~~ Any person ~~volunteer~~ authorized by the district for ~~volunteer service~~ into a position that allows direct, unsupervised contact with students shall be ~~required to undergo an Oregon in-state criminal records check.~~ [Any volunteer allowed to have direct, unsupervised contact with students, in a position identified by the district as requiring a fingerprinting-based criminal records check, shall be required to undergo a nationwide state and national criminal records check and fingerprinting based on fingerprints.] (See Board policy GCDA/GDDA – Criminal Records Checks and Fingerprinting and its accompanying administrative regulation.) ~~§~~ ~~Any person authorized by the district for volunteer service that will not likely have direct, unsupervised contact with students [will] [will not] be required to undergo an Oregon in-state criminal records check.~~ *may*

~~§~~ Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form [will] [may] be denied the ability to volunteer in the district. ~~§~~

~~§~~ Nonexempt employees² may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services³ as the employee's regularly assigned duties. In the event a nonexempt employee volunteers to perform services for the district that are the same or similar as the employee's regularly assigned duties, the Board recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided. ~~§~~

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

END OF POLICY

¹ [The district must make a determination on whether volunteer positions will or will not be allowed direct, unsupervised contact with students, and also decide if any of these volunteer positions will be identified by the district to require a nationwide criminal records check through and fingerprinting. If the district allows volunteers direct, unsupervised contact with students, this language is required. Choose the appropriate bracketed options and align with bracketed language selections made in GCDA/GDDA and GCDA/GDDA-AR.]

² [There are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50 percent of the employee's time.]

³ [Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.]

⁴ [Districts should review the use of non-exempt employees in extracurricular activity positions such as coaching, cheerleading advisors and other district-sponsored activities with legal counsel for FLSA district impact.]

Legal Reference(s):

ORS Chapter 243
ORS 326.607

ORS 332.107

OAR 581-021-0502 ~~0510-021-0512~~
OAR 839-020-0005

Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206-207 (2012).

OSBA Model Sample Policy

*Changes to
Essential Skills
assessment*

Code: *6/28/10* IKF
Adopted:

Graduation Requirements**

(This version does not require an administrative regulation.)
(Version 1)

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child¹;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that district or public charter school.

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Three credits of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits of English language arts (shall include the equivalent of one unit in written composition);
3. Three credits of science;

¹ As defined in ORS 30.297.

4. Three credits of social sciences (including history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and technical education, the arts or world languages (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined in OAR 581-022-2000, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence;
4. Participate in career-related learning experiences.

Essential Skills

The district [will] [will not] allow English Language Learner (ELL) students to demonstrate proficiency in the ~~all required~~ Essential Skill ~~of applying mathematics in a variety of settings in the student's language of origin for those ELL students who by the end of high school:~~

- ~~1. Are on track to meet all other graduation requirements; and~~
- ~~2. Are unable to demonstrate proficiency in the Essential Skills in English.~~

The district [will] [will not] allow ELL students to demonstrate proficiency in Essential Skills other than applying mathematics in a variety of settings in the student's language of origin for those ELL students who by the end of high school:

- ~~1. Are on track to meet all other graduation requirements;~~
- ~~2. Are unable to demonstrate proficiency in the Essential Skills in English;~~
- ~~3. Have been enrolled in a U.S. school for five years or less; and~~
- ~~4. Have demonstrated sufficient English language skills using the English Language Proficiency Assessment for the 21st Century (ELPA21)²;~~

² This criteria does not apply to students seeking a diploma in 2017-2018 or 2018-2019.

³The district will develop procedures to provide assessment options as described in the *Essential Skills and Local Performance Assessment Manual* ~~Test Administration Manual~~, in the ELL student's language of origin for those ELL students who meet the criteria above, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will ~~[establish an appeal process]~~ [follow Board policy KL - Public Complaints] in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below:

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in English language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and

³ [This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skill ~~of applying mathematics in a variety of settings and other courses~~ in their language of origin.]

2. Demonstrate extended application through a collection of evidence.

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;

- f. One credit of physical education; and
 - g. One credit of the arts or a world language.
2. Have a documented history of:
- a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the students meet minimum requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

Other District Responsibilities

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma, or an alternative certificate at each high school. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

The district may not deny a student the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history listed under the above modified diploma or extended diploma requirements.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is emancipated or who has reached the age of 18 at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either 4 years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which

clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or an alternative certificate shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student and when added together provide a total number of hours of instruction and services that equals at least the total number of instructional hours that are required to be provided to students who are attending a public high school.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

[The district will review graduation requirements biennially in conjunction with the secondary school improvement plan. Graduation requirements may be revised to address student performance.]

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option. Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form⁴ and submitting the form to the district.

The district will issue a high school diploma pursuant to Oregon law (ORS 332.114) to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

⁴ www.ode.state.or.us: Educator Resources > Student Assessment > Test Administration > Forms > 2018-2019 30-day notice and opt-out form

END OF POLICY

Legal Reference(s):

ORS 329.045
ORS 329.451
ORS 329.479
ORS 332.107
ORS 332.114
ORS 339.115
ORS 339.505

ORS 343.295

OAR 581-021-0009
OAR 581-022-2000
OAR 581-022-2005
OAR 581-022-2010
OAR 581-022-2015

OAR 581-022-2020
OAR 581-022-2025
OAR 581-022-2030
OAR 581-022-2115
OAR 581-022-2120
OAR 581-022-2505

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

Essential Skills and Local Performance Assessment Manual, published by the OREGON DEPARTMENT OF EDUCATION.
~~OREGON DEPARTMENT OF EDUCATION Executive Numbered Memo 003-2015-16.~~

Parkrose School District 3

Code: JECB
Adopted: 10/23/95
Revised: 5.28.19

*Housekeeping
old Open Enrollment
language*

Admission of Nonresident Students

The district may enroll nonresident students as follows:

1. **Interdistrict Transfer Agreement.** By written consent of the affected school boards, the student becomes a resident student of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. **Tuition Paying Student.** By admitting nonresident student with tuition, whereby neither affected districts are eligible for State School Fund moneys;
3. **Court Placement.** If a juvenile court determines it is in the student's best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board may, based on district criteria, deny admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Consent for Admission of a Nonresident Student by Interdistrict Transfer or Consent for Admission of a Tuition Paying Student

Annually, by April 1st, the Board shall establish the number of student transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year.

The Board may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program (IEP) or the terms of that IEP, identified as talented and gifted, income level, residence, proficiency in English, athletic ability, or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent.

The Board may ask for the student's name, contact information, date of birth, grade level, whether the student may be given priority on consent for admission (see the following paragraph for priorities), information about which schools the student prefers to attend, and whether the student is currently expelled.

If the number of students seeking consent exceeds the number of spaces, the Board will use an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in the district; who previously received consent for admission because of a change in legal residence; or who

attended a public charter school located in the same district in which the student seeks to attend, for three consecutive years, completed the highest grade offered by the public charter school, and did not enroll and attend school in another district following completion of that highest grade in the public charter school.

The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student the Board must provide a written explanation to the student.

The district may require minimum standards of behavior and/or attendance once the student has been accepted. The minimum standards must be the same for all students that are given consent. The district is not allowed to establish minimum standards for academics as a criteria for the student to remain in the district. Students whose consent is revoked for violation of set attendance and/or behavior standards will not be allowed to apply for consent to return to this district in the same or the following school year.

The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. ~~The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.~~ (ex. homeless, school choice, iep/504, etc)

unless

The attending district is responsible for a free appropriate public education for those students on an IEP.

→ (old open enrollment language)

END OF POLICY

Legal Reference(s):

ORS 327.006
ORS 329.485
ORS 335.090

ORS 339.115 - 339.133
ORS 339.141
ORS 339.250

ORS 343.221
ORS 433.267
OAR 581-021-0019

OSBA Model Sample Policy

Code: JED

Adopted: 10/31/2011

Student Absences and Excuses**

It is the student's responsibility to maintain regular attendance in all assigned classes. A student's absence from school or class will be excused under the following circumstances:

★ New Bill

1. Illness of the student, including mental and behavioral health of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Student is a dependent of a member of the U.S. Armed Forces¹ who is on active duty or who is called to active duty. The student may be excused for up to seven days during the school year;
5. Field trips and school-approved activities;
6. Medical (dental) appointments. Confirmation of appointments may be required;
7. Other reasons deemed appropriate by the school administrator when satisfactory arrangements have been made in advance of the absence.

Each school shall notify a parents or guardians by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the superintendent will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension² and/or ineligibility to participate in athletics or other activities.

END OF POLICY

U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard.

² The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, 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 observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.

Legal Reference(s):

ORS 109.056
ORS 332.107
ORS 339.030
ORS 339.055

ORS 339.065
ORS 339.071
ORS 339.250
ORS 339.420

OAR 581-021-0046
OAR 581-021-0050
OAR 581-023-0006(11)

OSBA Model Sample Policy

ORS repealed

Code: JFCF
Adopted: 4/26/10

Hazing, Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student** (Version 2)

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

~~Hazing, harassment, intimidation or bullying, menacing,~~ and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of ~~hazing, harassment, intimidation or bullying, menacing,~~ an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

ORS repealed

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion. ~~The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for assaulting or menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment, or coercion against a district employee or another student.~~

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The principal and the superintendent ~~[are] [is]~~ responsible for ensuring that this policy is implemented.

Definitions

“District” includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student), requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; or assignment of pranks to be performed or other such activities intended to degrade or humiliate. It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse between family and/or household members, as those terms are described in ORS 107.705.

¹ “Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, ~~hazing,~~ ~~harassment,~~ intimidation or bullying, ~~menacing,~~ or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation in the investigation of, ~~hazing,~~ ~~harassment,~~ intimidation or bullying, ~~menacing,~~ teen dating violence, acts of cyberbullying, or retaliation.

“Menacing” includes, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

Reporting

The [Principal² employee position title] will take reports and conduct a prompt investigation of any reported acts of ~~hazing,~~ ~~harassment,~~ intimidation or bullying, ~~menacing,~~ cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the [Principal² employee position title] who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the [Principal² employee position title]. Failure of an employee to report any act of ~~hazing,~~ ~~harassment,~~ intimidation or bullying, ~~menacing,~~ cyberbullying, or teen dating violence to the [Principal² employee position title] may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been subjected to an act of ~~hazing,~~ ~~harassment,~~ intimidation or bullying, ~~menacing,~~ or cyberbullying or feel they have been a victim of teen dating violence in violation of this policy, is encouraged to immediately report concerns to the [Principal² employee position title] who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the [Principal² employee position title]. A report made by a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the ~~superintendent~~ review the actions taken in the initial investigation, in accordance with ~~administrative regulations~~ ~~district complaint procedures~~.

² [Required by ORS 339.356(2)(g). Other bracketed language regarding hazing and menacing exceeds the requirements of ORS 339.356 and is under Board authority ORS 332.107.]

Training and Education

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school and district's website, and school and district offices and the development of administrative regulations, including reporting and investigative procedures. ~~[Complaint procedures, as established by the district, shall be followed.]~~

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

Legal Reference(s):

[ORS 163.190]

[ORS 163.197]

ORS 107.705

ORS 166.065

ORS 166.155 - 166.165

ORS 174.100(7)

ORS 332.072

ORS 332.107

ORS 339.240

ORS 339.250

ORS 339.254

ORS 339.351 - 339.368

OAR 581-021-0045

OAR 581-021-0046

OAR 581-021-0055

OAR 581-022-2310

OAR 581-022-2370

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

OSBA Model Sample Policy

ORS repealed
pg. 2

Code: JFCJ
Adopted: 3/13/00

Weapons in the Schools**

Students shall not bring, possess, conceal or use a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization.

For purposes of this policy, and as defined by state and federal law, “weapon” includes:

1. A “dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. A “firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any destructive device;
4. A “destructive device” means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

Weapons may also include, but are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the district’s replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been

expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are age appropriate, and shall provide such information in writing to the student and the parent in accordance with law. ~~The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law.~~ Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation.

Weapons under the control of law enforcement personnel for a person who has a valid license under ORS 166.291 and 166.292 are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The district [will] [may] post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

“Gun-Free School Zone” signs [will] [may] be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

END OF POLICY

Legal Reference(s):

ORS 161.015
ORS 166.210 - 166.370
ORS 166.382
ORS 332.107
ORS 339.115
ORS 339.240
ORS 339.250

ORS 339.315
ORS 339.327
ORS 809.135
ORS 809.260

OAR 581-021-0050 – 021-0075
OAR 581-053-0010(5)

OAR 581-053-0230(9)(k)
OAR 581-053-0330(1)(r)
OAR 581-053-0430(17)
OAR 581-053-0531(16)
OAR 581-053-0630

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2012).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (2012).

OSBA Model Sample Policy

SB 963
amended
the ORS
policy + AR

Code: JGAB
Adopted: 8/27/07

Use of Restraint and/or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. It is the intent of the Board to establish this policy and its administrative regulation that defines the circumstances that must exist and the requirements that must be met prior to, during, and after the use of physical restraint and/or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint
2. Mechanical restraint
3. Prone restraint
4. Supine restraint
5. Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon
6. Any restraint that places, or creates a risk of placing, pressure on a student's neck or throat
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite
8. Any restraint that impedes, or creates a risk of impeding, breathing
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone
11. Any action designed for the primary purpose of inflicting pain

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator[, or volunteer], it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Physical restraint" means the restriction of a student's actions or movements by one or more persons holding the student or applying physical pressure upon the student or other means.

"Physical restraint" does not include:

- a. touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of "physical restraint" does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law, hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting a student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control, if the student is in a setting from which the student is not physically prevented from leaving.

3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
- b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

5. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that ~~has is not been~~ prescribed by a licensed health professional ~~physician~~ or other qualified health care professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
6. “Prone restraint” means a restraint in which a student is held face down on the floor.

7. “Supine restraint” means a restraint in which a student is held face up on the floor.

~~The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to the student or others.~~

~~Except in the case of an emergency, only staff current in the required training in accordance with the district designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher or other school employee [or volunteer] as necessary when the student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint or seclusion under these circumstances is only allowed so long as the student’s behavior poses a threat of imminent, serious physical harm to themselves or to others.~~

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The district shall utilize the [¹] training program of physical restraints and or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include; but not limited to, positive behavioral support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion during the preceding school year shall be completed and submitted to the Superintendent of Public Instruction~~ODE~~ to ensure compliance with district policies and procedures.

The results of the ~~review and~~ annual review ~~report~~ shall be documented and shall include at a minimum:

1. The total number of incidents of physical ~~involving~~ restraint;
2. The total number of incidents of ~~involving~~ seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or personnel ~~staff~~ as a result of the use of physical restraint or seclusion;

¹ [The district must identify the program utilized for training.]

7. The total number of students placed in physical-restraint and/or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of physical-restraint and seclusion for each student;
8. The total number of physical-restraint and/or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom physical-restraint and/or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the Board and to the public at the district's main office and on the district's website and to the Board.

At least once each school year the public parents and guardians of students of the district shall be notified as to about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

A The complainant, who is a student, is a parent or guardian of a student attending school in the district or is a person who resides in the district, may appeal a district's final decision by the Board to the Deputy Superintendent of Public Instruction as provided in pursuant to OAR 581-002-0040 581-022-2370. [This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.]

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting and written documentation of the use of physical-restraint or seclusion by district personnel staff.

END OF POLICY

Legal Reference(s):

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

ORS 161.205
ORS 339.250
ORS 339.285
ORS 339.288
ORS 339.291
ORS 339.294
ORS 339.297

ORS 339.300
ORS 339.303

OAR 581-021-0061
OAR 581-021-0550
OAR 581-021-0553
OAR 581-021-0556

OAR 581-021-0559
OAR 581-021-0563
OAR 581-021-0566
OAR 581-021-0568
OAR 581-021-0569
OAR 581-021-0570
OAR 581-022-2370

Adopted
8/27/07

See the
policy

OSBA Model Sample Policy

Code: JGAB-AR
Revised/Reviewed:

Use of Restraint and/or Seclusion

General Guidelines Procedure

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically when physical restraint or seclusion was used on their student, by the end of the day on which the incident occurred.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
 - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b. Parents will be provided with written documentation of the incident within 24 hours that provides:
 - (1) a. A description of the physical restraint and/or seclusion, including:
 - (a) b. The date of the physical restraint or seclusion;
 - (b) e. The times the physical restraint or seclusion began and ended; and
 - (c) f. The location of the incident;
 - (2) d. A description of the student's activity that prompted the use of physical restraint or seclusion;
 - (3) e. The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;
 - (4) f. The names of personnel staff of the public education program district who administered the physical restraint or seclusion;
 - (5) g. A description of the training status of the personnel staff of the district who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - (6) h. Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
3. If the physical restraint or seclusion was administered by a person without training, the administrator district will provide that information ensure written notice is issued to the parent or guardian of the student that includes the lack of training, along with and the reason why a person without training administered the physical restraint or seclusion. The administrator will ensure written notice of the same to the superintendent.
4. An administrator will be notified as soon as practicable whenever physical restraint and/or seclusion has been used.
5. If physical restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If physical restraint or seclusion

continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the public education program district must provide written authorization for the continuation of the physical-restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued. Whenever physical-restraint or seclusion extends beyond 30 minutes, personnel staff of the district will immediately attempt to verbally or electronically notify a parent or guardian.

6. A district Physical-Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:

- a. Name of the student;
- b. Name of staff member(s) administering the restraint or seclusion;
- c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
- d. Location of the restraint or seclusion;
- e. A description of the restraint or seclusion;
- f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
- g. A description of the behavior that prompted the use of restraint or seclusion;
- h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
- i. Information documenting parent or guardian contact and notification.

7. A documented debriefing meeting must be held within two school days after the use of physical restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, or to the union representative for the affected person, if applicable.

10. The district will maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

The completed Physical-Restraint and/or Seclusion Incident Report Form shall include the following:

1. Name of the student;
2. Name of staff member(s) administering the physical-restraint or seclusion;
3. Date of the physical restraint or seclusion and the time the physical-restraint or seclusion began and ended;
4. Location of the physical restraint or seclusion;

5. — A description of the physical restraint or seclusion;
6. — A description of the student's activity immediately preceding the behavior that prompted the use of physical restraint or seclusion;
7. — A description of the behavior that prompted the use of physical restraint or seclusion;
8. — Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted;
9. — Information documenting parent contact and notification; and
10. — A summary of the debriefing meeting held.

Physical r[] Restraint and/or seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or Section 504 plan.

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained personnel staff, including a behavioral specialist and a district representative who is familiar with the physical-restraint and seclusion training practices adopted by the district.
3. Prior to the implementation of any behavioral support plan that includes physical-restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. [When a behavior support plan includes physical-restraint or seclusion the parents [will] [may] be provided a copy of the district Use of Restraint and or Seclusion policy at the time the plan is developed.]
5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan.

Use of physical-restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming his/herself themselves, other students or school staff.

Use of physical-restraint and/or seclusion under these circumstances with a student who does not have physical-restraint and/or seclusion as a part of their IEP or Section 504 plan, is subject to all of the requirements established by Board policy and this administrative regulation with the exception of those specific to plans developed in an IEP or 504 plan.

OSBA Model Sample Policy

Code: JHFDA
Adopted: **D**

repealed

Suspension of a Student's Driving Privileges**

(Policy required if the district may utilize this process under ORS 339.254.)

~~DELETE. ORS 339.254 and 339.257 Repealed.~~

Conduct

The superintendent [or Board] may, under Oregon Revised Statute (ORS) 339.254, make a request to the Oregon Department of Transportation (ODOT) for the suspension of a student's driving privilege or the right to apply for a driving privilege on the basis of conduct as provided below.

If a request is made, the following requirements will be met:

1. The superintendent will meet with parent or guardian before submitting a request to ODOT;
2. The request to ODOT will be in writing;
3. The student involved is at least 15 years of age;
4. The student has been expelled for bringing a weapon on school property; or
5. The student has been suspended or expelled at least twice for any of the following reasons:
 - a. Assaulting or menacing a school employee or another student;
 - b. Willful damage or injury to district property;
 - c. Use of threats, intimidation, harassment or coercion against a school employee or another student;
 - d. Possessing, using or delivering any controlled substance or being under the influence of any controlled substance at a school or on school property or at a school-sponsored activity, function or event.
6. The request to suspend a student's driving privilege or the right to apply for a driving privilege shall not be for more than one year unless the superintendent [or Board] is filing a second written request. A second request may state suspension of driving privilege until the student reaches 21 years of age;
7. If a driving privilege is suspended the student may apply to ODOT for a hardship permit.

Withdrawal

The superintendent [or Board] may, under ORS 339.257, notify ODOT of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age.

Upon receipt of the district's notice that a student has withdrawn from school, ODOT shall notify the student that driving privileges will be suspended on the 30th day following the date of notice unless the student presents documentation that complies with ORS 807.066. For purposes of this policy, a student shall be considered to have withdrawn from school if the student has:

1. More than 10 consecutive school days of unexcused absences; or
2. Fifteen school days total of unexcused absences during a single semester.

D

Appeals

The student has a right to appeal the superintendent's [or Board's] decision through district suspension/expulsion due process procedures.

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 332.061
ORS 336.615 to -336.665
ORS 339.240

ORS 339.250
ORS 339.254
ORS 339.257
ORS 807.065

ORS 807.066
ORS 807.240
OAR 581-021-0065
OAR 581-021-0070

L

E

T

E

OSBA Model Sample Policy

Code: JHFDA-AR(1)
Revised/Reviewed:

D

Request for Suspended Driving Privileges - Conduct

~~DELETE. ORS 339.254 and 339.257 Repealed.~~

Name of Student _____

Address of Student _____

Date of Birth **E** _____ ODL Number (if applicable) _____

Number of requests to suspend driving privileges on this student: one two or more

Type of privilege requested for suspension:

- Driving privileges
- Application for driving privileges

Length of suspension requested: **L**

- No more than one year
- Six months
- Six weeks
- Other _____

If two or more requests for suspension have been made on this student: **E**

- [Two years]
- [Other _____]
- Until student is 21 years of age

[Type of infraction:

- Expelled for bringing a weapon on school property.
- Suspended or expelled at least twice for assaulting or menacing a school employee or another student; for willful damage or injury to district property; for use of threats, intimidation, harassment or coercion against a district employee or another student; or possessing, using or delivering any controlled substance or for being under the influence of any controlled substance at a school or on school property or at a school-sponsored activity, function or event.] **T**

This written request is submitted on _____ by:

Name: _____ Title: **E** _____

District: _____ Date: _____

OSBA Model Sample Policy

Code: JHFDA-AR(2)
 Revised/Reviewed:

D

Notice of Student Withdrawal from School¹

DELETE. ORS 339.254 and 339.257 Repealed.

Student Name (Print Last, First, Middle)		
Student Address	City, State	Zip Code
Date of Birth (MM/DD/YYYY)	Oregon Driver License/ID Number (if known)	Last Day of Attendance (MM/DD/YYYY)
<p>This is a notification that the above named student has withdrawn from school per ORS 339.257. We have established a policy that complies with ORS 339.257 which includes a provision allowing the student to appeal our decision to notify the Department of Transportation of their withdrawal from school.</p>		
Name of School District or Private School		Telephone Number ()
Address	City, State	Zip Code
Title: <input type="checkbox"/> School District Superintendent <input type="checkbox"/> School Board Member/Supervisor <input type="checkbox"/> Authorized Representative of Private School		
Name of Authorized Person (Please Print)		
Signature		Date

735-7186 (4-15)

White copy – DMV, Yellow copy – School

Form STK# 300161

Send to: DMV Driver Suspension
 1905 Lana Ave NE
 Salem OR 97314

¹ Request required form from DMV.

OSBA Model Sample Policy

See
Version 2

Code: KL
Adopted:

Public Complaints ** (Version 1)

No staff member, student, a parent or guardian of a student attending a school in the district, or a person that who resides in the district, a staff member, or a student will be denied the right to may petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the superintendent or one that involves Board actions or Board operations.

The complaint procedure is available at the district's administrative office and on the home page of the district's website.

The Board advises that there is a process available for resolving complaints, including but not limited to a complaints in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student or a student's parent who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR(1) - Public Complaint Procedure.

[The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.]

Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

Complaints against the principal may start at step 3 and may should be filed with the superintendent. (See KL-AR(1) - Public Complaint Procedure)

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. (See KL-AR(1) - Public Complaint Procedure)

HR9/28/17/18/19 PH

OSBA Model Sample Policy

*revised
complaint + appeal
process
policy + AR*

Code: **KL**
Adopted: *10/23/95*

Public Complaints ***/**** (Version 4)

we want the AR

(This version of sample policy KL does not need an accompanying administrative regulation, it is a stand-alone policy. If this policy is chosen by the Board, recommend delete any other existing complaint procedure.)

Board members recognize that complaints about schools may be voiced by ~~employees, students,~~ parents of students who attend a school in the district, and community members from time to time persons who reside in the district. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual board member has no authority to do so.

A complaint of retaliation against a student or a student's parent or guardian who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation, should be made to the superintendent.

*KL-AR(s) required
supervisor*

A person may initiate a complaint by discussing the matter with the appropriate administrator/principal. That administrator/principal shall attempt to resolve the complaint or identify the reasons for not resolving the issue. In the event a complaint is not resolved within 10 working days at the building level, of initiation by the complainant in discussion with the administrator/principal. If the complainant is dissatisfied, the complainant may file a written complaint with the superintendent within 10 working days of the decision from the administrator/principal. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved after 10 working days of receipt of the complaint by the superintendent, the complainant may request to place the complaint on appeal to the Board agenda. A written complaint referred to the Board may be considered at the next regularly scheduled or special Board meeting. Any written complaint bearing the signature of a complainant, and which is presented to the Board, may be considered by the entire Board. A final written decision regarding the complaint shall be made by the Board within 20 working days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board chooses not to hear the complaint, the superintendent's decision is final. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

*KL-AR(s)
required*

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the administrator/principal. The timelines may be extended upon written agreement between the district the complainant.

[†]The timelines may be extended upon written agreement between both parties.

[For district information. The district's timeline established by each step of the district's complaint procedure for alleging a violation found in OAR 581-002-0003 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. However, 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)]

§ The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Complaints against the principal ~~may~~ **should** be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within **(10)** working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. ~~The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within (20) days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.~~

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board ~~in a Board meeting. A final written decision regarding the complaint shall be made by the Board within (20) working days from receipt of the complaint. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. After receiving the results of the investigation,~~ **the Board shall decide, within (20) days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.**

Complaints against the Board as a whole or against an individual Board member should be made ~~referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. A final written decision regarding the complaint shall be made by the Board within (20) working days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation,~~ **the Board shall decide, within (20) days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.**

Complaints against the Board chair ~~may~~ **should** be made directly to the ~~(district counsel) (the Board vice chair)~~ on behalf of the Board. The ~~(district counsel) (Board vice chair)~~ shall present the complaint to the Board ~~in a Board meeting. A final written decision regarding the complaint shall be made by the Board within (20) working days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. Once~~ **When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within (20) days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.**

§ A complainant must file a complaint within the later of either time limit set below, in accordance with State law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

The district's final decision for a complaint processed under this Board policy that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and the complaint is not resolved through the complaint process above, the complainant may have file an appeal rights with to the Deputy Superintendent of Public Instruction as outlined in under OAR 581-0021-00400001 - 581-001-0023 (See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction).

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through administrative regulation AC AR Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049.

END OF POLICY

Legal Reference(s):

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

| ORS 192.610 ~~192.690~~ ~~660~~
ORS 332.107

ORS 659.852
~~OAR 581-002-0001 - 002-0005~~

OAR 581-022-2370

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

OSBA Model Sample Policy

Code: KL-AR[(1)]

Revised/Reviewed:

Public Complaint Procedure

Step One

Any member of the public parent or guardian of a student attending a school in the district, ~~or a person who resides in the district,~~ a staff member, or a student who wishes to express a concern should discuss the matter with the school employee involved. The employee shall respond within [five] working days.

~~The Administrator~~ Supervisor: Step ~~Two~~ One

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the [administrator] [supervisor] within ~~five~~ working days of the employee's response. The [administrator] [supervisor] shall evaluate the complaint and render a decision within ~~five~~ working days after receiving the complaint. (A form is available, but is not required.)

The Superintendent: Step ~~Three~~ Two

If Step ~~Two~~ One does not resolve the complaint, within ~~10~~ working days of the rewritten response from the [administrator] [supervisor], the complainant, if he/she wishes to pursue the action, shall ~~may~~ file a ~~signed, written,~~ signed complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, and prepare a report of his/her/their findings and conclusion, and provide the report ~~in writing or in an electronic form~~ to the complainant within ~~10~~ working days after receiving the written complaint.

The Board: Step ~~Four~~ Three

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within ~~five~~ working days of receiving the superintendent's decision. The Board ~~may hold a hearing to~~ will review the findings and conclusion of the superintendent, ~~to hear the complaint and to hear and evaluate any other evidence as it deems~~ in a public meeting to determine what action is appropriate. The Board may use executive session if

[For district information. The district's timeline established by each step of the district's complaint procedure for alleging a violation found in OAR 581-002-0003 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. However, 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 Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the district's final decision. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If the Board chooses not to hear the complaint, the superintendent's decision in Step Two is final³.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The complainant shall be informed in writing or in electronic form of the Board's decision within 20 working days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

~~The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the [administrator][supervisor].~~ The timelines may be extended upon written agreement between the district and the complainant.

The district's final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant, who is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and this complaint is not resolved through the complaint process, the complainant may have appeal rights with the district's final decision to the Deputy Superintendent of Public Instruction as outlined in under Oregon Administrative Rule (OAR) 581-002-0040⁴ – 581-002-0023.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through the Board's administrative regulation AC-AR – Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Deputy Superintendent of Public Instruction as outlined in OAR 581-021-0049.

Complaints against the principal may should be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

³ [If the Board choose to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

⁴ The timelines may be extended upon written agreement between both parties. This also applies to complaints filed against the superintendent or any Board member.

⁵ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board ~~in a Board meeting~~. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. ~~After receiving the results of the investigation, the Board shall decide, within (20) days, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.~~

Complaints against the Board as a whole or against an individual Board member should be ~~made referred~~ to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board ~~in a Board meeting~~. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. ~~After receiving the results of the investigation, the Board shall decide, within (20) days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.~~

Complaints against the Board chair may be ~~made referred~~ directly to the ~~[district counsel]~~ Board vice chair on behalf of the Board. The ~~[district counsel]~~ Board vice chair shall present the complaint to the Board ~~in a Board meeting~~. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. ~~After receiving the results of the investigation, the Board shall decide, within (20) days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within (10) days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.~~

[Name of District]

COMPLAINT FORM

To: District Office _____ (Name of School) Employee* Administrator/Supervisor* Superintendent Board chair Board vice chair * Form available but is not required

Person Making Complaint _____

Telephone Number _____ Date _____ Email _____

Nature of Complaint _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

Signature of Complainant: _____ Date: _____

Office Use

Disposition of Complaint: _____

Signature: _____ Date: _____

cc: District Office

OSBA Model Sample Policy

Code: KL-AR(2)

Revised/Reviewed:

Appeal to the Deputy Superintendent of Public Instruction

For complaints that allege violation of Oregon Division 22 Standards, restraint and seclusion or retaliation as defined in Oregon Revised State (ORS) 659.852, An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023 for complaints that allege violation of OAR Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 – 339.303 or OAR 581-021-0550 – 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation).

The complainant may have appeal rights for a the district's final decision for a complaint with to the Deputy Superintendent of Public Instruction, if:

1. if the complainant has exhausted the local district's complaint procedures and one of the following occurred: except as otherwise allowed by statute;
2. The district failed to render a written decision within 30 days of the submission of the complaint at each any step identified in the district's complaint process unless the district and complainant have agreed in writing to a longer time period for that step; or
3. The district failed to resolve the complaint within 90 days of the initial filing of the written complaint with the district, regardless of the number of steps in the district complaint process, unless the district and the complainant have agreed in writing to a longer time period.

The appeal may include a complaint alleging a violation of ORS 659.852 if the complainant alleges that retaliation occurred in response to a complaint for which the complainant received the district's final decision for a complaint.

The appeal must be received by the Oregon Department of Education (ODE) no later than:

1. One year after the date of the final decision of by the district or
 2. If the district fails to issue a final decision resolve the complaint, no later than two years after the date on which the complainant first filed the underlying complaint with the district.
- The complaint upon which the appeal is based, must have been initially filed with the district by the later of the either stated below following two dates:
1. a. Filed the complaint within The date occurring two years after the date on which the alleged violation or unlawful incident occurred or after on which the complainant discovered the alleged violation or unlawful incident. If the alleged violation or unlawful incident is of a continuing nature,

The following is not a representation of the complete rules. See complete rules available on the Oregon Administrative Rules.

If the alleged violation or unlawful incident is of a continuing nature, the date on which the alleged violation or unlawful incident occurred is the most recent date on which the alleged violation or unlawful incident occurred.

the right to file an appeal exists so long as the complaint was filed within two years of the most recent incident; or

2. ~~b. The date occurring~~ ~~One year after the date on which the~~ affected student has graduated from, moved away from or otherwise left the district.

~~2. The appeal shall~~

1. ~~b. Be in writing~~
2. ~~Be submitted in person, by mail, in person or electronically, and~~

~~The appeal must~~ contain:

1. ~~a. The name and address of the person bringing filing~~ the appeal;
2. ~~The phone number, address, or email address, if available, of the person filing the appeal;~~
3. ~~The name of the student if the person filing the appeal is filing on behalf of the student~~

~~b. The name and address of the district which is alleged to have violated the statute or administrative rule; and~~

4. ~~e. A statement of the facts on which the appeal is based; and~~
5. ~~Other information requested by ODE.~~

~~3. Upon receipt of the an appeal, the Deputy Superintendent ODE will determine whether the appeal alleges a violation of a statute or administrative rule for which the Deputy Superintendent has jurisdiction and whether the requirements contained in section 2. of OAR 581-002-0040 have been satisfied the requirements of OAR 581-002-0003 and OAR 581-002-0003.~~

~~After these determinations, the Deputy Superintendent ODE will either, not accept the appeal and will notify the complainant and the district, or will accept the appeal and notify the complainant and the district that the appeal has been accepted give written notice to the complainant and the district whether the appeal has been accepted.~~

~~4. If the Deputy Superintendent ODE has accepted an appeal and made notification gave notice to the complainant and the district involved as described in OAR 581-002-0040, the district shall submit a written report response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice, which~~

~~The district's written response shall include:~~

1. ~~a. A statement of facts;~~
2. ~~b. A statement description of district action, if any, taken in response to the complaint; or if none was taken, an explanation of the reason(s) why no action was taken;~~
3. ~~e. Any stipulation, if one was reached, of the concerning settlement of the complaint; and~~

4. ~~d. A list of any complaints filed with another agency by the party complainant concerning the subject of the appeal to the extent that the district is aware of such complaints.~~

5. ~~The Deputy Superintendent Director of ODE may for good cause extend the time for the filing of a report by the district by which a district must make a submission described above.~~

6. ~~Upon receipt of the district's report written response, the Deputy Superintendent ODE will conduct an investigation that will include a review of the written materials submitted by the complainant and district and may also include, but not be limited to: to determine whether the district violated a rule or law described in OAR 581-002-0003.~~

- a. ~~Onsite investigations;~~
- b. ~~Interviews;~~
- c. ~~Surveys; and~~
- d. ~~Reviewing documents.~~

7. ~~The Deputy Superintendent ODE will shall issue a written final order that addresses each allegation in the complaint that was accepted for appeal and contains the reasons for the Deputy Superintendent's decision on whether or not the district is deficient. The final order will be issued within 90 days of the date the Deputy Superintendent receives the district's report,³ or the Deputy Superintendent may extend the time period for issuing a final order pursuant to OAR 581-002-0040(7)(b),(c) pursuant to OAR 581-002-0017.~~

8. ~~If a violation is found, the Deputy Superintendent's final order will include any necessary corrective action to be taken by the district as well as any documentation to be supplied by the district to ensure that the corrective action has occurred.~~

9. ~~Corrective action ordered by the Deputy Superintendent must be completed within the timelines established in the final order.~~

³ If the 90 day period for issuing the final order would conclude during the time when the schools of the district are closed for the summer, the final order will be issued within 90 days of the date the Deputy Superintendent received the district's report exclusive of the time the schools are closed for the summer. The Deputy Superintendent of Public Instruction may extend the time period with agreement from the complainant. The Deputy Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and the district within two weeks of receiving the district's report.

