

# OSBA Model ESD Sample Policy

Code:  
Adopted:

KBA

## Public Records Request\*\*

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the [ESD main office].

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the ESD regardless of physical form or characteristics, unless otherwise exempted by law.<sup>1</sup> “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.<sup>2</sup>

All such information will be made available to individuals with disabilities in an accessible format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make reasonable efforts to disseminate information. Each administrator is authorized to use available means to keep parents and others in the particular ESD’s community informed about the ESD’s program and activities.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the ESD for the actual cost of making public records available pursuant to law. The ESD will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for persons with disabilities.

Employee and volunteer personal residential addresses, personal electronic mail addresses, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the ESD are exempt from public disclosure pursuant to ORS 192.368-368 and ORS 192.355(3). ESD electronic mail addresses assigned by the ESD to ESD employees are not exempt. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member.

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<sup>1</sup> There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

<sup>2</sup> In accordance with Bialostosky v. Cummings, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

The ESD will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the ESD to identify ESD employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The ESD shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The ESD shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

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**Legal Reference(s):**

[ORS 180.805](#)

[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-005-0010](#)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL'S, *Public Records and Meetings Manual*.

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Bialostosky v. Cummings, 319 Or. App. 352 (2022).

# OSBA Model ESD Sample Policy

Code: KBA-AR  
Revised/Reviewed:

## Public Records Request

{Highly recommended administrative regulation}

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the ESD:

1. A public records request shall be submitted in writing through the [ESD's main office] at [address] to [{}<sup>1</sup>]name of superintendent or other designee].

2. Upon receipt of a written request, the ESD shall respond within five business days<sup>2</sup> acknowledging receipt of the request or completing<sup>3</sup> the ESD's response to the request.

If the ESD provides an acknowledgment of the request, it must:

- a. Confirm that the ESD is the custodian of the requested record;
  - b. Inform the requester that the ESD is not the custodian of the requested record; or
  - c. Notify the requester that the ESD is uncertain whether the ESD is the custodian of the requested record.
3. If the ESD is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the ESD is required to acknowledge receipt of the request as described above, the ESD shall:
- a. Complete its response to the public records request in accordance with ORS 192.329(2). If the ESD determines that a record is exempt from public disclosure, the ESD will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
  - b. Provide a written statement that the ESD is still processing the request and a reasonable estimated date by which the ESD expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the ESD if compliance would be impracticable because:

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<sup>1</sup> {ORS 192.324(7) requires the a public body to include the name of one or more individuals to whom a public records request may be sent, with addresses in written procedures. If the ESD does not have other written procedures which includes this required designation besides a KBA-AR, add the required name(s) here per ORS 192.324(7).}

<sup>2</sup> "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the ESD is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the ESD are closed.

<sup>3</sup> The ESD response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

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- a. The staff or volunteers<sup>4</sup> necessary to complete a response to the public records request are unavailable;
  - b. Compliance would demonstrably impede the ESD's ability to perform other necessary services; or
  - c. Of the volume of the public records request being simultaneously processed by the ESD.

In these situations, the ESD shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

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5. The ESD may request additional information or clarification from the requester for the purpose of expediting the ESD's response to the request as permitted by law. If the ESD requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the ESD for information or clarification, the ESD shall close the request.
  6. If a copy of a public record is requested, the ESD will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.
  7. If a person who is a party to a civil judicial proceeding to which the ESD is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of ESD records and at the same time to the ESD's attorney.
  8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
  9. Where the labor effort exceeds [30 minutes], labor, material and out-of-pocket charges will be charged to the requester.

[<sup>5</sup>] Costs will be as follows:

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- a. Clerical time: \$40 per hour;
  - b. Administrator time: \$90 per hour;
  - c. Attorney time: \$300 per hour;
  - d. Printing: \$0.25 per page.]

<sup>4</sup> Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

<sup>5</sup> {ORS 192.324(7) requires the public body to include "the amounts of and the manner of calculating fees that the public body charges for responding to requests of public records." If the ESD does not have other written procedures which include this required information besides a KBA-AR, add this information here. Dollar amounts should be reviewed to reflect actual ESD costs.}

Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the ESD has informed the requester of a permitted fee, the obligation of the ESD to complete its response to the request is suspended until the fee has been received by the ESD. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the ESD informed them of the denial of the fee waiver, the ESD shall close the request.

# Southern Oregon ESD

Code: KG  
Adopted: 5/16/99  
Orig. Code: 8200; 8201; 8202; 8203;  
8204

## Community Use of ESD Facilities

Education Service District meeting rooms shall be available for meetings of other educational agencies, governmental agencies, and non-profit agencies approved by the superintendent.

The Board authorizes the superintendent to charge a fee for operation and maintenance expenses when appropriate. A fee schedule shall be established when necessary.

Approved agencies shall schedule use of meeting rooms in advance.

ESD Board and staff meetings shall have priority if a conflict in scheduling occurs.

All persons who use District facilities or other property are responsible for proper maintenance. The superintendent shall charge for any damage done to the building or equipment.

END OF POLICY

### Legal Reference(s):

[ORS 334.125\(7\)](#)  
[ORS 334.175](#)

[ORS 334.185](#)

[OAR 581-024-0285](#)

# Southern Oregon ESD

Code: KGC\GBK  
Adopted: 3/19/03  
Orig. Code: 3430; 4430; 3431; 4431;  
3432; 4432

## Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems\*\*

~~Southern Oregon ESD is a tobacco-free organization.~~

~~In order to protect the health of students, staff, and the general public, provide a healthy working environment and promote good health for students, tobacco use shall be prohibited on all District property and in District-owned vehicles.~~

~~Tobacco use is defined as the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other smoking equipment or material or chewing or sniffing of a tobacco product.~~

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on ESD premises in any building or facility, on ESD grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the ESD, school or public charter school and at all ESD-sponsored activities.

For the purpose of this policy, “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Violation of this policy by staff **[may]** [will] result in discipline up to and including dismissal.

**[Violation of this policy by the public may result in the individuals removal from ESD property. The ESD reserves the right to restrict access to ESD property by individuals who are repeat offenders.]**

This policy shall be enforced at all times.

END OF POLICY

### Legal Reference(s):

[ORS 334](#).125  
[ORS 336](#).227  
[ORS 339](#).883  
[ORS 431A](#).175

[ORS 433](#).835 to -433.990  
  
[OAR 581-021](#)-0110  
[OAR 581-053](#)-0230(9)(s)

[OAR 581-053](#)-0330(1)(m)  
[OAR 581-053](#)-0430(12)  
[OAR 581-053](#)-0531(11)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).



# Southern Oregon ESD

Code: KGF/EDC  
Adopted: 7/17/78  
Orig. Code: 8210; 8211; 8212; 8213

## Authorized Use of ESD Equipment and Materials \*

The District shall allow limited borrowing of certain Technology and Media Services materials by qualified non-profit organizations upon adequate authorization.

Qualified non-profit organizations may request ESD materials through a local district.

Upon written authorization of the ~~local education agency's~~ **Local Education Agency's** (LEA) superintendent or ~~his~~ designee, borrowing shall be approved by the Technology and Media Services director **Chief Information Officer**, provided the request does not conflict with public schools' requests.

The ~~TECHNOLOGY AND MEDIA SERVICES~~ **Technology and Media Services** shall maintain detailed guidelines which shall be available for potential borrowers.

END OF POLICY

### Legal Reference(s):

[ORS Chapter 244](#)  
[ORS 334.125\(7\)](#)

[OAR 581-024](#)-0240  
[OAR 584-020](#)-0040

OREGON GOVERNMENT ETHICS COMMISSION, OREGON GOVERNMENT ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2010).

# Southern Oregon ESD

Code: KH  
Adopted: 4/16/08  
Orig. Code: 8600; 8601; 8602; 8603; 8604; 8605

## Public Gifts to the District

The Board authorizes the superintendent or his designee to accept or refuse bequests or gifts on behalf of the ~~District~~ **ESD**. Employees shall not accept gifts.

The ~~District~~ **ESD** may refuse to accept donations that do not appear to be in the best interest of ~~the District~~ **ESD**.

The Board considers cards, letters, or plaques as appropriate tokens of gratitude or appreciation for staff members.

This policy is not intended to discourage remembrances expressive of appreciation to employees from students or parents.

Staff members shall not accept gifts, entertainment, or other inducements from sales representatives who do business, or wish to, with the ~~District~~ **ESD**. If a gift is received, the superintendent must immediately be informed.

Employees are subject to ORS 244.

END OF POLICY

### Legal Reference(s):

ORS Chapter 244  
[ORS 294.338](#)

[ORS 334.125\(6\)\(e\), \(7\)](#)  
[ORS 334.215](#)

[OAR 581-024-0310](#)

# Southern Oregon ESD

Code: KI  
Adopted: 7/17/78  
Orig. Code: 8400

## Public Solicitation in ESD Facilities

~~Solicitations of employees and/or students shall be authorized only by the superintendent~~

Fund raising by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent **[ or designee].**

Demonstrations of services or materials and canvassing of students or employees for the purpose of selling products or services shall not be permitted in either the ESD **[, in schools or grounds,]** unless authorized by the superintendent **[ or designee].**

No non-school-sponsored organization or individual may solicit funds or sell tickets within the ESD without first securing permission through the superintendent **[ or designee].**

Whenever possible, solicitation should occur during non-classroom time.

The ESD will not participate in any fund-raising drive which is not consistent with Board policy.

END OF POLICY

### Legal Reference(s):

[ORS 334.125\(7\)](#)

[ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)

46 OR. ATTY. GEN. OP 239 (1989)

# Southern Oregon ESD

Code: KJA  
Adopted: 7/17/78  
Orig. Code: 8300; 8301

## Materials Distribution\*\*

The ~~District~~ **ESD** shall distribute approved printed materials from the Oregon Department of Education, other state agencies, local district and other agencies as approved by a local district superintendent.

Requests for distribution of any other materials shall require approval of the superintendent or **his** designee. The superintendent or designee shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process;
3. Inclusion of materials in a direct mailing; or
4. Solicitation of ESD-related groups such as parent organizations to disseminate materials.

END OF POLICY

### Legal Reference(s):

[ORS 334.125\(7\)](#)

46 OR. ATTY. GEN. OP. 239 (1989).

# Southern Oregon ESD

Code: KK  
Adopted:

## Visitors to ESD Facilities

Visitors are welcome in ESD facilities and at Board meetings. All visitors to ESD facilities will be required to report to the main office and will receive authorization to visit elsewhere in the building.

Employees shall report any unauthorized person on ESD property to a program supervisor or administrator.

END OF POLICY

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### Legal Reference(s):

[ORS 164.245](#)  
[ORS 164.255](#)

[ORS 166.025](#)  
[ORS 166.155](#) to -166.165

[ORS 334.125\(7\)](#)