

Equity, Diversity & Inclusion Policy: A Roadmap for Closing the Gap

The vision of the Parkrose School District is for each student to reach high levels of reading and critical thinking; graduating college and career ready and become contributing members of society. Our vision is that our students' successful future **is not determined by their race, gender expression, gender identity, sexual orientation, socio-economic status, ethnicity, culture, linguistic difference, religion, immigration status or disability**. We believe that every student has the potential to achieve, and it is our responsibility to give each student the access, opportunity and support to meet their highest potential. We believe that equity of opportunity and equity of access to all of our educational programs, services, and resources are critical to the achievement of successful outcomes for all of the children whom we serve which will lead to positive, lasting change.

The Board of Education acknowledges that some groups in the Parkrose community are treated inequitably because of individual and systemic biases based on race, gender expression, gender identity, sexual orientation, socio-economic status, ethnicity, culture, linguistic difference, religion, immigration status or disability. The Board further recognizes that such inequitable treatment leads to limiting educational, social, and career outcomes that do not accurately reflect abilities, experiences and contributions of our students. This inequitable treatment, based on consistent educational data, has led to a persistent, pervasive, institutional and systemic achievement gap between white students and Asian students when compared to other students of color in our school district.* The responsibility for these disparities rests with us, the adults, and not the students.

For the district to meet its vision, we must close the opportunity and achievement gap. Race, gender, socio-economic status, sexual orientation, ethnicity, culture, linguistic difference, religion, immigration status or disability cannot continue to be the predictor of student academic success in our district. In order to close this persistent gap, students, teachers, staff and families need to work together to nurture and support each student's individual determination to reach high levels of academic, social emotional and extra-curricular achievement. Furthermore, the Parkrose School District will work actively to remove any barriers to achievement that prevent students from reaching their fullest potential, specifically, barriers of institutional racism.

The Board of Education will reach out to engage, welcomes and empowers all of our families, in particular underrepresented families, as essential partners in their students' education, school planning and district decision-making. We believe that families, communities, teachers and community-based organizations have unique and important solutions to improving outcomes for all of our students. Our work will only be successful if we are able to truly partner with the community, engage with respect, authentically listen and have the courage to share decision-making, control and resources.

The Board of Education of the Parkrose School District directs the superintendent to convene, on a monthly basis, an Equity, Diversity & Inclusion Team composed of a broad variety of membership. The superintendent will, in conjunction with the Equity Team, create Administrative Regulations corresponding to this policy that provide actionable steps to reaching the Board's vision of closing the achievement gap. The superintendent will present measurable indicators of success in this endeavor to the school board three times per year. Finally, the superintendent is directed to continue to provide staff training on culturally appropriate responsive educational practices such as restorative justice, culturally responsive teaching practice, AVID (Advancement Via Individual Determination) and Academic Language for All. This policy will be reviewed annually by the District's Equity, Diversity & Inclusion Team, revised as needed and presented to the Board for approval each May.

END OF POLICY

**Asian and White are terms used by the State of Oregon's Assessment System. Parkrose School District realizes that the terms "Asian" and "White" are used broadly as there are many ethnicities involved in each designation, as is true for all racial designations.*

Legal References: ORS 329.025

Required in student/parent and staff handbooks.

Racial Equity Policy: A Roadmap for Closing the Gap – AA

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Equity, Diversity & Inclusion Lens

What it is

- An Equity, Diversity & Inclusion Lens is a set of questions we ask ourselves to ensure equitable outcomes

When to use it

- When we are planning, developing, implementing or evaluating a policy, program or decision
Examples: *professional development *budgeting *hiring practices *curriculum adoption *SUN offerings *athletic fees *course offerings *time resources *discipline practices *contracting *classroom practices *time *resources *extracurricular *instructional strategies *event planning (field trips, holiday celebrations, school dances, etc.) *gain community partnerships *outreach (parent, family & community)

How to use it

For any policy, program, practice or decision, consider the following questions:

- PEOPLE-How are people affected positively or negatively in terms of barriers they experience?
- PLACE-What kind of positive or negative environment are we creating?
- POWER-How is the power of decision-making shared with those it affects?
- PROCESS-Does the policy, program or decision improve, worsen or make no change to existing disparities?
- PLAN-How will you reduce the negative impacts and address the barriers?

❖ *This Equity, Diversity & Inclusion Lens is based on research and Parkrose School District academic and behavioral data. Race is our number one priority based on our data.*

Equity is the action that we as the Parkrose School District Community and Partners take to ensure that every student has the opportunity to achieve their dreams. It is the responsibility of all of us to provide each student the access, opportunity and support they need to meet their highest academic and social potential regardless of race, gender, socio-economic status, sexual orientation, gender identity, ethnicity, culture, linguistic difference, religion, immigration status or disability.



END OF POLICY

Parkrose School District 3

Code: AC-AR
Adopted: 10/04
Revised: 12.13.21

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: [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.

Step 2: If the complainant wishes to appeal the decision of the principal, the complainant may submit a written appeal to the superintendent or designee within 10 school days after receipt of the principal's response to the complaint.

The superintendent or designee shall 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. 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 10 school days of receipt of the superintendent's or designee's response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative 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 Step 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 Step 3 and should be referred to the Board chair. The Board may refer the investigation to a third party.

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

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

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

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

² 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 ☐ Job applicant ☐ Other ☐ _____

Type of discrimination:

- | | | |
|--|--|--|
| <input type="checkbox"/> Race
<input type="checkbox"/> Color
<input type="checkbox"/> Religion
<input type="checkbox"/> Sex
<input type="checkbox"/> National or ethnic origin
<input type="checkbox"/> Gender identity | <input type="checkbox"/> Mental or physical disability
<input type="checkbox"/> Marital status
<input type="checkbox"/> Familial status
<input type="checkbox"/> Economic status
<input type="checkbox"/> Veterans' status | <input type="checkbox"/> Age
<input type="checkbox"/> Sexual orientation
<input type="checkbox"/> Pregnancy
<input type="checkbox"/> Discriminatory use of a Native American mascot
<input type="checkbox"/> 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.



Parkrose School District 3

Code: AC
Adopted: 8/24/09
Revised: 12.13.21

Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex, sexual orientation, gender identity, 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, gender identity, 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 individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, 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

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.409
ORS 192.630	ORS 659A.009	OAR 581-002-0001 – 002-0005
ORS 326.051(1)(e)	ORS 659A.029	OAR 581-021-0045
ORS 408.230	ORS 659A.030	OAR 581-021-0046
ORS 659.805	ORS 659A.040	OAR 581-021-0047
ORS 659.815	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 659.850 - 659.860	ORS 659A.230 - 659A.233	OAR 581-022-2370
ORS 659.865	ORS 659A.236	OAR 839-003
ORS 659A.001	ORS 659A.309	
ORS 659A.003	ORS 659A.321	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R. Part 1626 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

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 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 3041 (2021).

Americans with Disabilities Act (Version 2)

The district is committed to maintaining equitable employment practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

The Board directs the superintendent to develop and implement an appropriate plan that provides for district compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA).

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002).
Americans with Disabilities Act Amendments Act of 2008.

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), the following procedures shall be followed:

Compliance Officer

1. The student services department shall be designated as the district's ADA compliance officer. The compliance officer will:
 - a. Coordinate the district's ADA responsibilities and compliance efforts;
 - b. Make available to all interested individuals the name, office address and telephone number of the district ADA compliance officer;
 - c. Investigate any complaint alleging noncompliance or actions prohibited under the ADA;
 - d. Administer the district's ADA grievance procedure to provide for the prompt investigation and equitable resolution of complaints.

Self Evaluation

2. A self-evaluation study¹ shall be completed by the district to include:
 - a. An evaluation of all current Board policies and practices to ensure district compliance with the requirements of the ADA;
 - b. A description of areas examined and identification of any barriers to accessibility and usability by qualified individuals with disabilities;
 - c. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the self-evaluation study by submitting comments;
 - d. A plan(s) for the removal of any identified barrier and/or modification of Board policies and practices necessary to ensure ADA compliance;
 - e. A description of any modification made.

Self-evaluation records will be maintained and available for public inspection at the district office. The records will include a list of interested persons consulted, a description of the areas examined and the problems identified and a description of any modifications made.

Transition Plan

¹If self-evaluation and/or transition plan requirements of Section 504 of the Rehabilitation Act of 1973 have been completed, these requirements apply only to the employment practices, services, programs and activities not included in the previous self-evaluation and/or transition plan. It is recommended that districts review their self-evaluation study and transition plan periodically for progress and continue to maintain and make available each document to interested individuals, organizations or agencies for verification purposes, as needed.

3. A transition plan¹ shall be developed by the district to address any structural changes required to achieve employment practices, services, programs and activities accessibility to include:
 - a. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the development of the transition plan by submitting comments;
 - b. An identification of physical obstacles in facilities that limit accessibility to individuals with disabilities;
 - c. A description in detail of the methods that will be used in removing barriers and making facilities accessible and/or steps and schedule necessary to complete the identified changes;
 - d. An identification of the official responsible for implementation of the plan;
 - e. An identification of steps that will be taken during each year of the transition period if longer than one year.

Services, Programs, Activities Accessibility

4. All district services, programs and activities shall be readily accessible to and usable by individuals with disabilities. In order to achieve accessibility, structural and nonstructural methods such as the acquisition or redesign of equipment, assignment of aides to beneficiaries and the provision of services at alternate accessible sites will be considered. Final decision of an appropriate method of providing program accessibility will be determined by the district in accordance with the provisions of the ADA:
 - a. Physical changes to an existing building, acquisition or construction of additional facilities will be required only when there is no other feasible way to make the services, programs or activities accessible;
 - b. Priority will be given to the method that results in the most integrated setting to encourage interaction among all users of the services, programs or activities, including individuals with disabilities;
 - c. No action will be taken that would fundamentally alter the services, programs or activities or result in undue financial or administrative burden to the district. Any such determination will take place as follows:
 - (1) The decision will be made by the superintendent or his/her designee;
 - (2) All resources available for use in the funding and operation of the services, programs or activities will be considered;
 - (3) A written statement of the reasons for reaching such decision will be maintained on file;
 - (4) The district will take other action appropriate to ensure that individuals with disabilities receive the benefits of such services, programs and activities that would not result in such alteration or burden as determined by the district.

Job Descriptions

5. Job descriptions shall be maintained and provided in oral, written and/or videotaped form, reviewed and revised annually as needed to include:

- a. All essential job functions. Essential job functions are those job duties that include, but are not limited to, the following:
 - (1) The function is essential because the reason the position exists is to perform that function;
 - (2) The function is essential because of the limited number of employees available among whom the performance of that job function can be distributed;
 - (3) The function is so specialized that the incumbent is hired for his/her expertise or ability to perform the particular function.
- b. Physical, mental and emotional skills for each position as appropriate, and only to the extent such skills are in fact required and in practice;
- c. Vocational and/or educational preparation requirements;
- d. Attendance standards;
- e. A statement that new job descriptions supersede prior descriptions for the position. All past and present job descriptions that do not reflect current requirements of the position are rescinded;
- f. A statement on job descriptions, "I have read this job description and agree with its contents.";
- g. A provision for current employee signature and the date the job description was signed.

Job Posting

6. Job postings shall be reviewed to ensure:

- a. All postings contain appropriate notice of the district's responsibilities under the ADA. For example:

"The Parkrose District, in support of employment practices free of barriers to individuals with disabilities and in compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), provides reasonable accommodations necessary upon request and appropriate notice. For further information or assistance, contact [name] at [phone]. Speech/Hearing impaired persons may reach the district through the Oregon Telecommunications Relay Service by dialing 1-800-735-2900 or 711."

OR

"Reasonable accommodations for the application and interview process will be provided upon request and as required in accordance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA). Individuals with disabilities may contact the district offices at 503-408-2100 for additional information or assistance. Speech/Hearing impaired persons may contact the district for assistance through the Oregon Telecommunication Relay Service at 1-800-735-2900 or 711."

- b. All postings eliminate any discriminatory references;
- c. All job advertisements provide, in addition to a telephone number to which applicants may apply for additional information, an address and/or TDD (telecommunications device for the deaf) or Oregon Telecommunication Relay Service phone number for the hearing impaired.

Job Application Forms

- 7. Job application forms shall be reviewed and revised as appropriate to include:
 - a. Notice of the district's responsibilities under the ADA (see job posting notice);
 - b. A statement asking applicant whether he/she requires any reasonable accommodation for the hiring process. The hiring process may include, for example, an interview, a timed written test or job demonstration;
 - c. A request for applicant to provide documentation verifying the need for a reasonable accommodation, if deemed necessary by the district;
 - d. The elimination of any health questions such as:
 - (1) Have you ever had or been treated for any of the following conditions or diseases (followed by a checklist)?
 - (2) Please list any conditions or diseases for which you have been treated in the past three years.
 - (3) Have you ever been hospitalized? If so, for what condition?
 - (4) Have you ever been treated by a psychiatrist or a psychologist? If so, for what condition?
 - (5) Have you ever been treated for any mental or emotional condition?
 - (6) Is there any health-related reason that may prevent you from performing the job for which you are applying?
 - (7) Have you had a major illness in the past five years?
 - (8) Do you have any physical defects which prevent you from performing certain kinds of work? If yes, describe such defects and specific work limitations.
 - (9) Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?
 - (10) Are you taking any prescribed drugs?
 - (11) Have you ever been treated for drug addiction or alcoholism?
 - (12) Have you ever filed for workers' compensation benefits or had a work-related injury?

Reasonable Accommodations - General

- 8. The district will provide reasonable accommodations to qualified individuals with disabilities who are part-time, full-time or probationary employees or applicants for employment, unless to do so would cause undue hardship. Reasonable accommodations include:
 - a. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
 - b. Modifications or adjustments to the work environment or to the manner or circumstances under which the position held is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or

- c. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated district employees without disabilities.

Reasonable Accommodations - Requests

- 9. A qualified individual with a disability should request a reasonable accommodation when he/she knows there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing a job or gaining equal access to a benefit of employment. Reasonable accommodation requests will be guided by the following provisions:
 - a. To request a reasonable accommodation, an individual may use “plain English” and need not mention the ADA or use the phrase “reasonable accommodation”;
 - b. A request for a reasonable accommodation may be made on behalf of an individual with a disability by a family member, friend, health-care professional or other representative;
 - c. Requests will not be required to be in writing;
 - d. When the disability and/or the need for an accommodation is not obvious, the district may request reasonable documentation from a health-care or rehabilitation professional. The documentation requested shall be related to the particular disability for which an accommodation is requested. In requesting documentation, the district will specify what types of information it is seeking regarding the disability, its functional limitations and the need for reasonable accommodation. The district recognizes it may not request an individual’s complete medical record;
 - e. Documentation shall not be requested when both the disability and the need for the accommodation are obvious or the individual has already provided the district with sufficient information to substantiate that he/she has an ADA disability and needs the reasonable accommodation requested;
 - f. The district may send an individual to a health-care professional of the district’s choosing, at district expense, for the purpose of documenting a disability and/or the need for accommodation, only if the individual has provided insufficient information from his/her treating provider to substantiate that the disability exists or an accommodation is needed.

Job Interview Procedures

- 10. Job interview procedures shall be reviewed to ensure:
 - a. Physical and/or other barriers in the interview setting have been eliminated. The availability of accessible locations and accessible formats, such as a reader, Braille, audio recordings, written materials, sign language and interpreters for individuals with vision and hearing impairments and personal assistance for individuals with manual impairments have been considered as appropriate;
 - b. Questions relating to the health of the applicant, the applicant’s disabilities and work-related injuries and benefits have been eliminated;
 - c. Applicant’s previous work history will be ascertained without reference to the applicant’s disability. The specifics of prior job functions and the applicant’s ability to perform those specific functions may be discussed;
 - d. Requirements that an applicant describe or demonstrate how he/she would perform any or all job functions are required for all applicants in that job category. A particular applicant may be

- asked to describe or demonstrate how he/she would perform the job only when the district reasonably believes the applicant will not be able to perform a job function because of a known disability. The applicant's disability would be "known" either because it is obvious or because the applicant has voluntarily disclosed that he/she has a hidden disability;
- e. Questions related to the applicant's need to leave work to receive treatment or how often leave may be necessary as a result of a disability have been eliminated. Regular work hours, leave policies and attendance requirements may be explained and applicant asked if he/she will be able to meet those requirements. The district may ask about an applicant's prior attendance record (for example, how many days the applicant was absent from his/her last job). The district may also ask questions designed to detect whether an applicant abused his/her leave (for example, "How many Mondays or Fridays were you absent last year on leave other than approved vacation leave?") At the pre-offer stage, the district may not ask how many days an applicant was sick;
 - f. Questions relating to applicant's current illegal use of drugs are not likely to elicit information about an applicant's lawful drug use, unless the district administers a test for illegal use of drugs and the applicant tests positive for illegal drug use. In such cases, the district may validate the test results by asking about lawful drug use or possible explanations for the positive result other than the illegal use of drugs;
 - g. Questions relating to an applicant's prior illegal drug use are not likely to elicit information about a disability. The district may ask, for example, whether the applicant has ever used illegal drugs, when was the last time he/she used illegal drugs or if he/she has used illegal drugs in the last six months. The district will not ask questions about whether the applicant was a past drug addict. These questions are impermissible at the pre-offer stage;
 - h. Questions relating to an applicant's drinking habits are not likely to elicit information related to how much alcohol an applicant drinks or whether he/she has participated in an alcohol rehabilitation program. The district may ask, for example, whether the applicant drinks alcohol or whether he/she has been arrested for driving under the influence;
 - i. Questions relating to an applicant's arrest or conviction record have been included;
 - j. Selection and administration of employment tests will take place in a manner that leads to test results that accurately reflect the skills, aptitudes and whatever factors the tests purport to measure, rather than the impaired sensory, manual or speaking skills of the test subjects. Performance of any nonessential skills during any testing will not be allowed;
 - k. Physical agility/Physical fitness tests if required, will be specifically job related and administered to all applicants in a job category selected for interviews;
 - l. Applicant provides medical certification that he/she can safely perform a physical agility or physical fitness test when required by the district;
 - m. Applicant assumes responsibility and releases the district of liability for injuries incurred in performing physical agility/physical fitness test required by the district;
 - n. Applicant requests for reasonable accommodations in testing will be allowed for qualified individuals with a disability:
 - (1) Tests or exercises will be postponed as needed so that a reasonable accommodation can be provided;
 - (2) Modified tests or exercises will be provided unless such accommodation would change the measurement of the essential job function being tested (i.e., provide reader to assist with written test unless ability to read is essential job skill).

- o. Drug screening tests, if required, will be administered to **all** applicants in a job category selected for interviews;
- p. Pre-employment offer medical examinations shall not be conducted.

Reference Check Procedures

11. Reference check procedures shall be reviewed to ensure:
 - a. Reference checks will be conducted on all applicants in a job category who meet the job requirements and are selected for interviews. Careful and complete notes will be taken and maintained. District officials conducting reference checks:
 - (1) Before making a conditional offer of employment, may not ask previous employers or other sources about an applicant's:
 - (a) Disability;
 - (b) Illness;
 - (c) Workers' compensation history;
 - (d) Other questions that the district itself may not ask of the applicant.
 - (2) May ask a previous employer or other sources about the applicant's:
 - (a) Job functions and tasks performed;
 - (b) The quality and quantity of work performed;
 - (c) How the job functions were performed;
 - (d) Other job-related issues that do not relate to disability.

Job Offers

12. The process for all job offers shall be reviewed to ensure:
 - a. Job offers will be made to the most qualified applicant who with or without a reasonable accommodation can perform the essential functions of the job. The district will adhere to the following job offer procedures:
 - (1) After a conditional offer of employment is extended, the district may inquire as to whether the successful applicant will need a reasonable accommodation related to anything connected with the job (i.e., job performance or access to benefits/privileges of the job, etc.). If the district makes such an inquiry, it will consistently seek similar information from all other successful applicants in the same job category;
 - (2) The successful applicant will be informed of medical examination and/or medical history requirements after an offer of employment has been made and before the applicant begins his/her employment duties. All entering employees in the same job category will be subjected to such medical examination and/or medical history requirements. An individual's workers' compensation history will be included in all such medical history inquiries;
 - (3) The successful applicant will be informed that the job offer may be contingent upon disability-related questions, medical examination and/or medical history inquiries;

- (4) A completed medical history form and release for medical records with the successful applicant's signature and date may be required;
- (5) Information obtained from medical examinations and/or medical history inquiries may be used for such purposes as:
 - (a) The verification of employment history;
 - (b) To screen out applicants with a history of fraudulent workers' compensation claims;
 - (c) To provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds;
 - (d) To screen out individuals who would pose a direct threat to the health and safety of self or others in the workplace, which could not be reduced to an acceptable level or eliminated by a reasonable accommodation.
- (6) Reasonable accommodations will be provided if the medical examination or medical history inquiry discloses the successful applicant is a qualified individual with a disability as defined by the ADA. Reasonable accommodations will be provided by the district if such accommodation would enable the individual with a disability to perform the essential functions of the job or otherwise meet eligibility requirements. The reasonable accommodation will be established by the district. In determining the appropriate reasonable accommodation the district will:
 - (a) Determine the essential functions of the job;
 - (b) Consult with the individual who has the disability to determine his/her precise limitations and how they may be overcome;
 - (c) Identify, with assistance of the individual with the disability, potential reasonable accommodations and assess their effectiveness;
 - (d) Consider the preference of the individual with the disability, and then implement the reasonable accommodation that is most appropriate for the employee and the employer. (In order to be reasonable, an accommodation must be effective. It is not required that the best accommodation be selected as long as the selected accommodation provides an equal opportunity to perform the job.).
- (7) Reasonable accommodations considered may include:
 - (a) Job restructuring;
 - (b) Modified work schedules;
 - (c) Job reassignment;
 - (d) Making existing facilities used by employees accessible to and usable by individuals with disabilities;
 - (e) Acquisitions and/or modification of work policies including:
 - i) Modification of leave or attendance procedures or other such policies related to working conditions (i.e., modification of a policy prohibiting employees from eating or drinking for an employee with insulin-dependent diabetes, etc.);
 - ii) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed

- captioning, telecommunications devices for deaf persons (TDD's), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - iii) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - iv) Acquisition or modification of equipment or devices;
 - v) Other similar services and actions for individuals with hearing, visual and/or manual impairments.
- (8) A determination will be made whether an accommodation is reasonable or an undue burden by considering:
- (a) Nature and cost of accommodation;
 - (b) Overall financial resources of facility;
 - (c) Number of persons employed;
 - (d) Impact on operation of facility;
 - (e) Effect on expenses and resources;
 - (f) Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.
- (9) The successful applicant who has been offered employment contingent on medical examination results and/or medical history inquiries will be rejected if the medical condition poses a direct threat to the health or safety of others in the workplace. The district shall consider whether the risk can be eliminated or reduced by a reasonable accommodation by considering the following:
- (a) The nature and severity of the potential harm to applicant or others in the workplace;
 - (b) The likelihood that the potential harm will occur;
 - (c) Specific risk is identified and documented;
 - (d) Risk is current and not speculative or remote;
 - (e) Assessment of risk is based on objective medical or factual evidence;
 - (f) Medical condition is a direct threat.
- (10) Should an offer of employment be withdrawn because of medical examination or medical history inquiry results, the exclusionary criteria must be job related and consistent with business necessity;
- (11) Documentation will also include any determination that no reasonable accommodation was available that would enable the individual to perform the essential job functions or that accommodation would impose an undue hardship on the district;
- (12) Medical information will be kept confidential:
- (a) Medical information must not be maintained in personnel file;
 - (b) Medical information will be released only to those with "need to know" and/or "need to reach in emergency situations" (i.e., immediate supervisors, etc.);
 - (c) Medical information records will be maintained a minimum of one year.

Public Notice, Communications

13. Notice of the district's compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA) shall be displayed at each district facility and provided, as necessary, in appropriate accessible formats to applicants, participants, beneficiaries, professional organizations and other interested persons to include:
 - a. Pertinent provisions, duties and requirements of the ADA and its applicability to the district's employment practices, services, programs and activities, including the duty to reasonably accommodate upon request and with advance notice. In its effort to provide communications with individuals with disabilities that are as effective as communications with others, the district will also provide the following:
 - (1) Individual to contact for services or questions, including office location and phone number;
 - (2) Notice of Equal Employment Opportunity Commission (EEOC) requirements displayed in conspicuous places for all job applicants and employees;
 - (3) Signage displayed at all inaccessible entrances to each of the district's facilities directing users to accessible entrances or to location at which information can be obtained about accessible facilities;
 - (4) Signage displayed at all accessible entrances to the district's facilities. The international symbol for accessibility shall be used;
 - (5) Appropriate auxiliary aids and services that may include:
 - (a) Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDD's), videotext displays and/or exchange of written notes for individuals with hearing impairments;
 - (b) TDD's, computer terminals and/or communications boards for individuals with speech impairments;
 - (c) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials and assistance in locating items for individuals with vision impairments;
 - (d) Telephone accessibility to enable individuals to seek immediate assistance from police, fire, ambulance and other emergency services;
 - (e) Other equally effective communications devices, services and actions.
 - (6) Consultation with the individual with a disability to determine the most appropriate auxiliary aid or service. Priority will be given to the auxiliary aid or service that results in the most integrated setting to encourage interaction among all users, including those with disabilities. Primary consideration will be given to the expressed request of the individual with a disability. The district may select an alternative auxiliary aid or service should it determine that another equally effective means of communication is available or that the means chosen by the individual with a disability would result in a fundamental alteration in the services, programs or activities or in undue financial and administrative burden to the district;
 - (7) Training to employees as needed on the acceptance and handling of telephone relay services for individuals with disabilities;

- (8) Information to employees through different means, including computers, bulletin boards, mailboxes, posters and public address systems. The district will ensure that employees with disabilities have access to information that is provided to other similarly situated employees without disabilities, regardless of whether they need such information to perform their jobs.

New Construction/Alterations

14. All facilities designed, constructed or altered after January 26, 1992 shall be readily accessible and usable by individuals with disabilities. The district will ensure:
 - a. Alterations to existing facilities will take place in a manner that results in the altered portion of the facility being readily accessible to persons with disabilities. Alterations must not decrease accessibility;
 - b. Alterations deemed necessary to the path of travel in existing facilities requiring extensive restructuring or burdensome expense will be made in a timely fashion. Priority will be given to the following (in order):
 - (1) Entrances and routes to the altered area;
 - (2) One accessible restroom;
 - (3) Accessible drinking fountains;
 - (4) Additional, accessible parking.
 - c. Appropriate requirements of either the Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be met, including accessibility requirements related to work areas, parking, signs, entrances, water fountains, storage and shelves, telephones, assembly areas, bathrooms, detectable warnings, carpet and carpet tile, curb ramps and visual alarms.

Post hires/Current Employees

15. All post hire and current employee Board policies and practices shall be reviewed to ensure:
 - a. Medical examinations and/or medical history inquiries required by the district will be job related and consistent with business necessity. This will not prohibit the district from requiring proof of illness to substantiate a request for sick leave. Medical examinations and/or medical history inquiries may be administered by the district when:
 - (1) An employee is having difficulty performing his/her job effectively. The medical examination may be necessary to determine if the employee can perform essential job functions with or without a reasonable accommodation;
 - (2) An employee becomes disabled. An employee injured on or off the job, who becomes ill or otherwise suffers any other condition that meets the requirements of a disability as defined by the ADA is protected by the Act if he/she can perform the essential functions of the job with or without a reasonable accommodation. Such an examination or inquiry may also be required when the employee wishes to return to work after an illness or injury. The district will:

- (a) Determine if the employee meets the ADA definition of an individual with a disability if a reasonable accommodation has been requested;
 - (b) Determine if the employee can perform the essential functions of the job currently held (or held before the injury or illness), with or without reasonable accommodation, and without posing a direct threat to the health or safety of others which could not be reduced or eliminated by a reasonable accommodation;
 - (c) Identify an effective accommodation that would enable the employee to perform the essential job functions in the current (previous) job or in a vacant job for which the person is qualified with or without a reasonable accommodation.
- (3) An employee requests a reasonable accommodation on the basis of disability;
- (4) Administered as part of a voluntary employee “wellness” and health screening program.
- b. Procedures for reporting and investigating employee on-the-job injury or illness will be implemented. The district will:
 - (1) Require employees complete workers’ compensation form;
 - (2) Investigate, as necessary, documenting circumstances that led to injury and review all employee work-related injury or illness on a case-by-case basis.
- c. Procedures for communicating with health-care providers regarding employees off-work due to any injury or illness will be implemented. The district, as necessary, and at its discretion will:
 - (1) Provide health-care provider with detailed description of regular job activities, physical movement, duration of physical exertions and job description;
 - (2) Write detailed questions for the health-care provider to answer that may assist the district in determining any reasonable accommodation that may be necessary;
 - (3) Ask for employee written release authorizing district representative to consult with the employee’s own health-care provider.
- d. Procedures for employees not able to perform essential job functions completely after illness or injury will be implemented. The district will:
 - (1) Determine whether temporary light duty assignment is possible. In accordance with the ADA, the district is not required to create a “light duty” position unless the “heavy duty” tasks an injured employee can no longer perform are marginal job functions which may be reallocated to co-workers as part of a reasonable accommodation;
 - (2) Determine whether job can be restructured, shifting or trading duties with other workers. Job restructuring as a reasonable accommodation may involve reallocating or redistributing the marginal functions of the job, altering when and/or how an essential or marginal function is performed. Marginal functions of a job that cannot be performed by an individual with a disability may be exchanged for marginal job functions performed by one or more other employees. The district is not required to reallocate essential functions of a job as a reasonable accommodation. The district may switch the marginal functions of two or more employees in order to restructure a job as a reasonable accommodation;

- (3) Determine whether a modified or part-time work schedule may be selected as a reasonable accommodation unless modifications would cause an undue hardship. A modified schedule may involve adjusting arrival or departure times, providing periodic breaks, altering the time when certain functions are performed, allowing the employee to use accrued paid leave or providing additional unpaid leave. If modifying an employee's work schedule poses an undue hardship, the district shall consider reassignment to a vacant position that would enable the employee to work the hours requested. Requests for modified or part-time work schedules for an employee covered under both the ADA and Oregon Family Leave Act (OFLA) or Family Medical Leave Act (FMLA) will be considered separately. The district will determine the employee's rights under each statute to determine the appropriate actions to take;
- (4) Determine whether reassignment to a vacant position is possible. "Vacant" means that the position is available after the employee asks for a reasonable accommodation or that the district knows that it will become available within a reasonable amount of time. Reassignment is the reasonable accommodation of last resort and required only after it has been determined that there are no effective accommodations that will enable the employee to perform the essential functions of his/her current position or all other reasonable accommodations would impose undue hardship.
 - (a) The employee must be qualified for the position — satisfy the requisite skill, experience, education and other job-related requirements of the position — but need not be the best qualified person to fill the position.
 - (b) The employee must be able to perform the essential functions of the position with or without a reasonable accommodation.
 - (c) The district is not required to bump an employee from a job in order to create a vacancy, nor does it have to create a new position.
- (5) Gather information from employee, health-care provider(s), consultants, etc. as to needed modifications in policies, facilities, equipment, special aids and services that may be provided as a reasonable accommodation;
- (6) Document all district efforts to provide reasonable accommodations.

- e. Qualified individuals with a disability not fully recovered from injury will not be returned to work when:
 - (1) The employee cannot perform the essential functions of the job he/she holds or desires with or without a reasonable accommodation;
 - (2) The return of the employee to work would pose a significant risk of substantial harm to self or others in the workplace and that could not be reduced to an acceptable level with a reasonable accommodation;
 - (3) The return of the employee to a light duty position involves a totally different job from the job that the employee performed before the injury. A vacant light duty position already available for which an injured employee is qualified may be a reasonable accommodation;
 - (4) It is demonstrated that the accommodation will cause an undue hardship or result in excessive financial and administrative burden as defined by the ADA, and as evidenced by the district.
- f. Unpaid leaves will be provided to qualified individuals with a disability when a reasonable accommodation cannot be made in the employee's current job. The district will comply with all workers' compensation reinstatement rights to available and suitable employment;
- g. Leave of absence or attendance policies will not discriminate against qualified individuals with disabilities. (Uniformly applied leave policies are not subject to challenge because they have a more severe effect on individuals due to their disability. "No leave" policies, such as those forbidding leave during the first six months of employment are also not subject to challenge because they may have a more severe impact upon individuals with disabilities. An employer with a "no-leave" policy, however, may have to consider providing leave as a reasonable accommodation unless doing so would impose an undue hardship on its operation.) The district will not provide additional paid leave, but accommodations may include leave flexibility and unpaid leave;
- h. Drug and alcohol policies will meet the requirements of the ADA. Policies will state:
 - (1) Illegal use of drugs and the use of alcohol at the workplace is prohibited by all employees;
 - (2) Employees will be required to behave in conformance with the requirements of the Drug-Free Workplace Act of 1988;
 - (3) Employees who engage in the illegal use of drugs or alcohol will be held to the same qualification standards for employment or job performance and behavior to which all other employees are held, even if unsatisfactory performance or behavior is related to employee's drug use or alcoholism;
 - (4) Employees taking drugs under the supervision of licensed health-care professionals will be protected by the provisions of the ADA;
 - (5) Employees who are no longer illegally using drugs and who have been either rehabilitated successfully or are in the process of completing a rehabilitation program will be protected by the provisions of the ADA (i.e., in-patient or out-patient programs, employee assistance programs, professionally recognized self-help programs, such as Narcotics Anonymous, or other programs that provide professional assistance and counseling for individuals).

- i. Health, life insurance, pension plans and other benefit plans offered by the district will not discriminate against qualified individuals with a disability (The ADA does not affect preexisting condition clauses in health insurance plans as long as the clauses are not used as a means to avoid complying with the ADA, and such clauses do not require that additional coverage be purchased to cover expenses related to a disability.). Employees will not be denied coverage for illness or injuries unrelated to the preexisting condition;
- j. Contractual or other business arrangements and relationships entered into by the district will not discriminate against qualified individuals with a disability. The district will:
 - (1) Not do indirectly what it is prohibited by the ADA from doing directly;
 - (2) Provide reasonable accommodations to enable access by employees with disabilities to training programs provided by the district and/or third parties, on district premises or elsewhere;
 - (3) Specify in contracts with outside entities providing training on behalf of the district, who have responsibility to fulfill the obligations of providing reasonable accommodations, as needed.

Parkrose School District 3

Code: **ACB**
Adopted: 10.26.20
Revised: 12.13.21

Every Student Belongs

The vision of the Parkrose School District is for each student to reach high levels of reading and critical thinking; graduating college and career ready and become contributing members of society. Our vision is that our students' successful future is not determined by their race, gender expression, gender identity, sexual orientation, socio-economic status, ethnicity, culture, linguistic difference, religion, immigration status or disability. We believe that every student has the potential to achieve, and it is our responsibility to give each student the access, opportunity and support to meet their highest potential. We believe that equity of opportunity and equity of access to all of our educational programs, services, and resources are critical to the achievement of successful outcomes for all of the children whom we serve which will lead to positive, lasting change. (policyAA)

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin. All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in a school or educational environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, nooses¹, swastika, other symbols of neo-Nazi ideology, the battle flag of the Confederacy and whose display:

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

¹ The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).

The district prohibits the use or display of any symbols of hate on school property² or in an education program³ except where used in teaching curriculum that is aligned with state standards of education for public schools.

In responding to the use of any symbols of hate or bias incidents, the district will use non-disciplinary remedial action whenever appropriate.

The district prohibits retaliation against an individual^{4} because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Legal Reference(s):

[ORS 659.850](#)

[ORS 659.852](#)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

House Bill 2697 (2021)

House Bill 3041 (2021)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).

State v. Robertson, 293 Or. 402 (1982).

² “School property” means any property under the control of the district.

³ “Education program” includes any program, service, school or activity sponsored by the district.

⁴ {ORS 659.852 prohibits retaliation only against students. Other statutes (and other complaint procedures) prohibit retaliation against staff and others for reporting or providing information regarding a complaint or investigation.}

Parkrose School District 3

Code: ACB-AR
Adopted: 10.26.20
Revised: 12.13.21

Bias Incident Complaint Procedure

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.¹

Step 1: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the building or program administrator.

Step 2: The administrator or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

- Address the history and impact of bias and hate;
- Advance the safety and healing of those impacted by bias and hate;
- Promote accountability and transformation for people who cause harm; and
- Promote transformation of the conditions that perpetuated the harm. {²}

The administrator or designee must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly³.

The administrator or designee will determine responsibility within 10 days of receiving the complaint.

All persons impacted by the act will be provided with information⁴ relating to the investigation and outcome of the investigation, including:

- Notice that an investigation has been initiated;

¹ The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

² {Additional guidance from ODE can be found [here](#).}

³ The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual’s right to appeal to the Oregon Department of Education or the U.S. Department of Education.

⁴ For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E).

- Notice when an investigation has been completed;
- Findings of the investigation and the final determination based on those findings;
- Actions taken to remedy a person's behavior and prevent reoccurrence; and
- When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the superintendent within five school days after receipt of the administrator or designee's response to the complaint.

The superintendent or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the administrator or designee's decision. The superintendent or designee will respond in writing to the complainant within 10 school days.

The superintendent or designee will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent 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 or designee's response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at 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 within 10 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the administrator or designee, in which case Step 1 will be skipped. Complaints against the administrator can be directed to the superintendent or designee and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district, or a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal⁵ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

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

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁶

District administration will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

⁶ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

District Goals (Version 2)

The district shall maintain a coordinated K-12 program that supports the physical and cognitive growth and development of students, is designed to improve student achievement, supports the academic growth beyond proficiency in academic content standards and encourages the attainment of individual goals.

The following practices contribute to achieving this goal.

The district will develop a partnership with staff, parents and community members through 21st Century Schools Councils, local school committees and advisory committees] to identify and revise goals consistent with the goals adopted by the State Board of Education. To successfully prepare students to function effectively in a rapidly changing world and for the futures they choose to pursue, goals adopted by the district will:

1. Ensure that all students, regardless of linguistic background, culture, race, sex, capability or geographic location, have access to a quality education in a safe, motivating environment;
2. Hold all students to rigorous academic standards and expect them to succeed;
3. Provide students with opportunities to demonstrate their achievement in knowledge and skills;
4. Encourage parental and community involvement in their student's education;
5. Develop in students lifelong academic skills to prepare them for an ever-changing world;
6. Develop in students the core ethical values that our diverse society shares and holds important, including but not limited to: respect, responsibility, caring, trustworthiness, justice, fairness, civic virtue and citizenship; ~~and~~
7. Equip students with the knowledge and skills necessary to pursue the future of their choice and to prepare students to function effectively in various life roles; and
8. Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.

END OF POLICY

Legal Reference(s):

[ORS 174](#).100
[ORS 192](#).630
[ORS 329](#).025
[ORS 329](#).035

[ORS 332](#).107
[ORS 659](#).850
[ORS 659A](#).003
[ORS 659A](#).006

[ORS 659A](#).030
[OAR 581-022](#)-1020
[OAR 581-022](#)-1030
[OAR 839-003](#)-0000

HB 2362 (2009)
HB 2693 (2009)

Parkrose School District 3

Code: BB
Adopted: 10/22/07

BOARD LEGAL STATUS

The Constitution of the state of Oregon charges the Legislature with providing by statute for a uniform and general system of common schools. The Legislature enacts laws to delegate the immediate control of the schools to locally elected boards of directors; thus, the Board is the governing body of the Parkrose School District.

Federal and state statutes and State Board of Education rules define and outline the general powers and duties of the Board. The Oregon statutes authorize the Board to transact all business within the jurisdiction of the district, control the district schools, and educate the children residing in the district. Oregon Administrative Rules establish further requirements and guidelines for districts. The Board's duty is to carry out those statutes and rules that are mandatory, e.g., "The Board shall...;" where the laws are permissive, e.g., "The Board may...," the Board is empowered to exercise judgment and discretion.

This district will be known as the Parkrose School District.

The regular term of office for Board members will be four years. The terms of office will commence on the first day of July following regular district elections. The term of office for members appointed to fill a vacancy will be until June 30 following the next regular district election. The term of office for members elected to fill a vacancy will be the time remaining in the vacated Board position.

END OF POLICY

Legal Reference(s):

ORS 255.335	ORS 332.075
ORS 332.018(1)	ORS 332.105
ORS 332.030(4)	ORS 332.107
ORS 332.072	ORS 335.505

OR. CONST., art. VIII, § 3.

Parkrose School District 3

Code: BBA
Adopted: 10/22/07

BOARD POWERS AND DUTIES

The Legislature of the state of Oregon delegates to the Board responsibility for the conduct and governance of programs and services in the district. The general powers granted to the Board are:

1. Legislative or Rule-Making Authority

In regular or special public meetings, after open discussion and after members' votes are recorded, the Board will establish rules or policy to govern the conduct of its members and the proceedings of the Board.

The Board shall establish policies and regulations for governing the programs and services of the district consistent with State Board of Education rules and with local, state and federal laws.

The Board is responsible for providing adequate and direct means for keeping informed about the needs and wishes of the public and for keeping local citizens informed about the schools.

2. Judicial Authority

As provided by law, policy or contract, the Board acts as a fact-finding body or a court of appeal for staff members, students and the public when issues involve Board policies or agreements and their implementation, and when the Board must determine the rights, duties or obligations of those who address the Board.

3. Executive/Administrative Authority

The Board will appoint a superintendent delegated to establish administrative regulations to implement Board policy and goals. The Board will evaluate the superintendent's performance.

The Board may establish academic and financial goals for the district and evaluate the superintendent's implementation of those goals.

The Board will oversee the district's financial affairs by authorizing, appropriating and adopting budgets and by proposing local option or bond elections, when appropriate and as allowed by law, to provide for program operation and maintenance or acquisition of district property.

The Board will authorize the superintendent to approve payment on all contracts and business transactions of the district in accordance with Board policies on purchasing and budget requirements. The Board will provide for an annual audit of the district's assets.

The Board will employ the staff necessary to carry out the educational program and will provide for regular evaluation of staff.

The Board will direct the collective bargaining process to establish collective bargaining agreements with the district's personnel. The Board will establish, through the collective bargaining process where appropriate, salaries and salary schedules, other terms and conditions of employment, and personnel policies for districtwide application.

The Board will establish the days of the year and the hours of the day when school will be in session.

END OF POLICY

Legal Reference(s):

ORS 192.630	OAR 581-024-0205
ORS 243.656	OAR 581-024-0206
ORS Chapters 279A, 279B and 279C	OAR 581-024-0208
ORS 294.305 - 294.565	OAR 581-024-0210
ORS 328.205-328.304	OAR 581-024-0225
ORS 330.080-330.310	OAR 581-024-0226
ORS 334.005	OAR 581-024-0228
ORS 334.125	OAR 581-024-0235
ORS 334.145	OAR 581-024-0250
ORS 334.175	OAR 581-024-0252
ORS 334.185	OAR 581-024-0260
ORS 334.215	OAR 581-024-0265
ORS 334.225	OAR 581-024-0280
ORS 334.240	OAR 581-024-0288
ORS Chapter 339	
ORS 342.805-342.937	
ORS Chapter 343	

Parkrose School District 3

Code: BBAA
Adopted: 10/22/07
Revised: 12.13.21

Individual Board Member's Authority and Responsibilities

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

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

When expressing personal opinions in public, the Board member should clearly identify the opinions as their own.

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

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

1. Request for Information

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

2. Requests for Legal Opinions

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

3. Action on Complaints or Requests Made to Board Members

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

appropriate complaint policy Board policy KL – Public Complaints. Such information will be conveyed to the superintendent.

4. Board Member’s Relationship to Administration

Individual Board members will be informed about the district’s educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements

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

END OF POLICY

Legal Reference(s):

[ORS 332.045](#)

[ORS 332.057](#)

[ORS 332.055](#)

[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass’n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

Parkrose School District 3

Code: BBB
Adopted: unknown
Revised: 5.9.22

Board Elections

1. Number of Directors

The Board will consist of five members elected at large and will be known as the district school board. The term of office shall be four years.

2. Designation of Board Positions

Board members' positions and their respective successors in office will be designated by numbers as Position No. 1, No. 2, No. 3, No. 4, and No. 5. In all proceedings for the nomination or election of candidates for or to the office of Board member, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or election will state the position number to which the candidate aspires.

Individuals may seek more than one elected position such as school board and education service district board.

Reelections for Board positions will occur in the Spring of their expired term and every four years thereafter.

END OF POLICY

Legal Reference(s):

[ORS 249.013](#)
[ORS 255.235](#)

[ORS 255.245](#)
[ORS 332.011](#)

[ORS 332.018](#)
[ORS 332.118 to -332.138](#)

Parkrose School District 3

Code: BBBA
Adopted: 11/13/01
Revised: 5.9.22

Board Member Qualifications

A person is eligible to serve as a Board member if he/she is an elector of the district. An “elector” means an individual qualified to vote under Section 2, Article II of the Oregon Constitution. The individual must be 18 years of age or older, registered to vote at least 20 calendar days immediately preceding any election in the manner provided by law and must have been a resident within the district for one year immediately preceding the election or appointment. Additionally, if the district is zoned, the individual must meet the requirements of Oregon Revised Statute (ORS) 332.124 to -332.126.

No person who is an employee of the district is eligible to serve as a Board member while so employed. A person who is an employee of a public charter school may not serve as a member of the Board of the district in which the public charter school that employs the person is located.

END OF POLICY

Legal Reference(s):

[ORS 247.002](#)
[ORS 247.035](#)
[ORS 249.013](#)

[ORS 332.016](#)
[ORS 332.018](#)
[ORS 332.030](#)

[ORS 332.124](#)
[ORS 332.126](#)

Oregon Constitution, Article II, Section 2.

BOARD MEMBER REMOVAL FROM OFFICE

The Board shall declare the office of a director vacant upon any of the following:

1. The death or resignation of an incumbent;
2. When an incumbent ceases to be a resident of the district;
3. When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented by sickness or unavoidable cause;
4. When an incumbent ceases to discharge the duties of office for four consecutive months for any reason;
5. When an incumbent is removed from office by judgment or decree of any competent court;
6. When an incumbent has been recalled from office by district voters.

Vacancies will be filled through appointment by the Board unless a majority of the positions are vacant at the same time. In that case, vacancies will be filled by the Multnomah Education Service District.

END OF POLICY

Legal Reference(s):

[ORS 249.865 - 249.877](#)

[ORS 332.030](#)

[ORS 408.240](#)

Parkrose School District 3

Code: BBE
Adopted: 01/14/91
Revised: 5.9.22

Vacancies on the Board

Vacancies will be filled through Board appointment. The Board appointee must be a legally registered voter, a resident within the district for one year immediately preceding the appointment and may not be an employee of the district. Announcements of a vacancy will be published in district newsletters, area news media (via FlashAlert or other) and district social media. Notifications announcing the vacancy will be sent to all members of the District Equity Committee, culturally specific partners and community organizations. The announcements will invite individuals to submit applications for nominations to the Board within a reasonable period of at least two weeks or more. Any member of the Board may recommend additional qualified candidates. The Board will interview potential appointees in open session.

The Board will select the appointee by utilizing the following procedures:

- a. When there are three or more candidates the Board will continue to vote until two candidates each have a greater number of votes than any other candidate. In such voting procedure, each member will vote for two candidates;
- b. When there are only two candidates, either because there are only two or because the Board has reduced the list to two, the Board will select the new member by majority vote of Board membership.

All candidates will be notified by the Board Chair by phone of the Board's decision at the most immediate and appropriate time.

Upon appointment by the Board, the newly appointed Board member(s) will be sworn and seated at the July Organizational meeting or within a reasonable period of time.

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

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

The appointee will:

1. Serve until June 30 following the next election, at which time the individual elected in May of that year will fill the remaining portion of an unexpired term or serve a full four-year term; or
2. Serve until June 30 of a subsequent election year if the vacancy occurs after the filing date in an election year.

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

END OF POLICY

Legal Reference(s):

[ORS 249](#).865 to -249.877
[ORS 255](#).245

[ORS 255](#).335
[ORS 332](#).030

[ORS 332](#).122
[ORS 332](#).124

Parkrose School District No. 3

Code: BBF
Adopted: 11/8/76
Revised: 2.24.20

Board Member Standards of Conduct

(Version 1)

Individual Board members and the Board as a public entity must comply with ethics laws for public officials.

Board members will treat other Board members, the superintendent, staff and the public with dignity and courtesy and will provide an opportunity for all parties to be heard **with** due respect for their opinions.

Board members will recognize the superintendent as the chief executive officer to whom the Board has delegated administrative authority to establish regulations and oversee the implementation of Board policy.

When a Board member expresses personal opinions in public, the Board member should clearly identify the opinions as personal.

A Board member will respect the privacy rights of individuals when dealing with confidential information gained through association with the district.

A Board member will keep information and documents discussed in executive session confidential.

A Board member will not post confidential information or documents about students, staff or district business online, including but not limited to, on social media.

Board members will treat fellow Board members, staff, students and the public with respect while posting online or to social media and will adhere to Oregon Public Meetings Laws, including when communicating with other Board members via websites or other electronic means.

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make an oral report by telephone or otherwise to the local Department of Human Services (DHS), to the designee of the department or to a local law enforcement within the county where the person making the report is located at the time of contact.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.610 - 192.710](#)
[ORS 244.040](#)

[ORS Chapter 244](#)
[ORS 332.055](#)
[ORS 419B.005](#)
[ORS 419B.010](#)

[ORS 419B.015](#)
[Senate Bill 415 \(2019\)](#)

Board Member Ethics and Conflicts of Interest

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relatives, household members or for any business with which the Board member, household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the annual \$50 gift limit from one who has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. District-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a non-remunerative capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

“Relative” in the *conflict of interest context* is defined as a Board member’s spouse¹; any children of the Board member or of the Board member’s spouse; brothers, sisters, half-brothers, half-sisters, spouses of siblings, parents of a Board member or of spouse, aunts, uncles, nieces, nephews and step-parents.

“Member of the household” means any person who resides with the public official.

¹The term spouse includes domestic partners.

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member's vote, official action or judgment would be thereby influenced.

No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the district. A Board member will respect individuals' privacy rights when dealing with confidential information gained through association with the district.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the Code of Ethics for public officials as stated in Oregon law.

Potential Conflict of Interest

"Potential conflict of interest" means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring his/her potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

"Actual conflict of interest" means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board

member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

II. Gifts

Board members are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. All gift related provisions apply to the Board member, their relatives, and members of their household. The \$50 gift limit applies separately to the Board member, and to the Board member's relatives or members of household, meaning that the Board member and each member of their household and relative can accept up to \$50 each from the same source/gift giver. "Gift" means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

1. "Relative" *in the gift context* means the spouse of the Board member; any children of the Board member or of the Board member's spouse; siblings, spouses of siblings or parents of the Board member or of the Board member's spouse; any individual for whom the Board member has a legal support obligation; or any individual for whom the Board member provides benefits arising from the Board member's public employment or from whom the Board member receives benefits arising from that individual's employment.
2. "Member of the household" means any person who resides with the Board member.

Determining the Source of Gifts

Board members should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the Board member's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative/administrative interest in the fire department that is distinct from the general public.

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the Board member does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the Board member’s admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the Board member is \$25. This example requires that the Board member does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the Board member’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the Board member.
3. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Board members may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Board members may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or

2. The Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an appearance by a Board member at an entertainment event for a ceremonial purpose include throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts.

3. Campaign contributions are not considered gifts under the ethics rules.
4. Gifts from “relatives” and “members of the household” are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
5. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties.
6. Contributions made to a legal expense trust fund if certain requirements are met.
7. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Board members are permitted to accept payment for travel conducted in the Board member’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit corporation ~~that receives less than 5 percent of its funding from a for-profit entity.~~
 - (b) The Board member is representing the district:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the Board.*

- (2) The purpose of this exception is to allow Board members to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
8. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the district. Again, this exception does not authorize private meals where the participants engage in discussion.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
9. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i).
10. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement.
11. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.

Honoraria

A Board member may not solicit or receive, whether directly or indirectly, honoraria for the Board member or any member of the household of the Board member if the honoraria are solicited or received in connection with the official duties of the Board member. The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the Board member or candidate.

END OF POLICY

Legal Reference(s):

[ORS 162.015](#) to-162.035

[OAR 199-005](#)-0003 to-199-020-0020

[ORS 162.405](#) to-162.425

[ORS 244.010](#) to-244.400

[ORS 332.055](#)

[ORS 659A.006](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

HR5/27/10 | RC

Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative or member of the household is seeking and/or holds a position with the district:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244;
2. This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position);
3. A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy, a "member of the household" means any person who resides with the Board member and "relative" means:

1. The Board member's spouse¹;
2. Any children of the Board member, or his/her spouse and
3. Brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the Board member, or the parents of his/her spouse.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential

¹The term spouse includes domestic partners.

for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

Legal Reference(s):

[ORS 244](#).010 to-244.400

[ORS 332](#).016

[ORS 659A](#).309

[OAR 199-005](#)-0003 to-199-020-0020

[OAR 584-020](#)-0040

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Parkrose School District No. 3

Code: BBFC
Adopted: 2.24.20

Reporting of Suspected Abuse of a Child

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately notify the Oregon Department of Human Services (DHS) or local law enforcement pursuant to Oregon Revised Statute (ORS) 419B.015.

The Board member making a report of child abuse, as required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

The report shall contain, if known: the names and addresses of the child and the parents of the child or other persons responsible for the care of the child; the child's age; the nature and extent of the abuse, including any evidence of previous abuse; the explanation given for the abuse; and any other information that the Board member making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 419B.005](#)

[ORS 419B.010](#)
[ORS 419B.015](#)

[Senate Bill 415 \(2019\)](#)

Parkrose School District 3

Code: BC/BCA
Adopted: 10/23/95
Reviewed: 03/13/00

BOARD ORGANIZATION/BOARD ORGANIZATIONAL MEETING

No later than the next regular meeting following July 1, the Board of Education will organize itself for the year. In accordance with law, the Board's annual organizational meeting will be held at any time during the month of July deemed appropriate by the Board, and in no circumstance earlier than July 1.

The organizational meeting will consist of, but not be limited to, the following actions:

1. Election of a Board chair;
2. Election of a vice chair;
3. Provision for a time and place for regular meetings;
4. Other organizational actions prescribed by law or by Board practice.

The incumbent Board chair will preside until a successor is elected, whereupon the successor will assume the chair. In the event no incumbent chair or vice chair remains on the Board, or neither is able to continue to serve as an officer, the Board will select a temporary chair to conduct the election.

END OF POLICY

Legal References:

[ORS 255.335](#)
[ORS 332.040 - 332.045](#)
[ORS 332.057](#)

Cross Reference:

Policy BCB - Board Officers

Parkrose School District 3

Code: BCB
Adopted: 11/08/76
Revised: 03/13/00
Reviewed: 11/13/01

BOARD OFFICERS

At its first scheduled meeting after July 1, the Board will elect one of its members to serve as Chair and one to serve as vice Chair. No member of the Board may serve as Chair more than four years in succession. If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.

The Board Chair will:

1. Assist the superintendent in establishing the agenda for regular Board meetings;
2. Call special meetings when required;
3. Preside at all meetings of the Board and enforce the rules of order;
4. Sign the minutes and other official documents that require the signature of the Chair;
5. Represent the district and the Board at official functions, unless this duty is delegated by the Board Chair to another Board member;
6. Appoint all committees [and will be an ex-officio member of all such committees] unless otherwise ordered by the Board;
7. Have the right to discuss issues and vote.

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

The superintendent will designate a staff member to serve as Board secretary and will directly supervise and evaluate the secretary. The secretary to the Board will take notes at Board meetings, compile minutes and perform related work as assigned by the superintendent or requested by the Board Chair. These duties will include, but not be limited to, the following:

1. Record the disposition of all matters on which the Board considered action;
2. Prepare and distribute minutes in advance for approval at the next Board meeting;
3. Maintain properly authenticated official copies of the minutes;

4. Maintain the official record of Board policies.

Board or District Spokesman

The Board may appoint one of its members, usually the Chair, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position should be articulated by a single voice. The spokesman serves at the Board's direction and may be removed or replaced at any time by action of the entire Board.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)

[ORS 332.040](#)

[ORS 332.045](#)

[ORS 332.057](#)

Parkrose School District 3

Code: BCD

Adopted: 6/23/86

Readopted: 10/23/95

Reviewed: 03/13/00

BOARD-SUPERINTENDENT RELATIONSHIP

The Board of Education of the Parkrose Public Schools believes that the legislation of policies is a function of the Board and that the execution of the policies should be the function of the superintendent. While the Board reserves to itself the ultimate decision of all matters concerning policy and expenditures of funds, the delegation by the Board of its executive powers to the superintendent provides flexibility for that official to manage the school system according to the Board's policies and decisions, and allows Board members to devote their time to policy making and appraisal functions.

Only the actions of the Board, determined and taken in legally held meetings, have any validity or authority. Individual Board members shall have no authority to make decisions or act in the name of the Board except in the performance of specific responsibilities given to the chair in the performance of certain legal duties.

The Board holds the superintendent responsible for the administration of its policies and regulations, the execution of Board actions and decisions, the operation of school and auxiliary services and for keeping the Board informed about school system activities, operations and concerns.

The Board as a whole, and individual members, will:

1. Give the superintendent complete administrative authority for properly discharging all professional and legal responsibilities and duties;
2. Hold all meetings of the Board in the presence of the superintendent, except when his/her contract and salary are under consideration.
3. Refer all concerns and complaints to the superintendent for appropriate investigation and actions;
4. Provide adequate safeguards for the superintendent/designee and his/her staff members so they can discharge their professional and legal responsibilities and duties.

The superintendent will assist the Board in making decisions and establishing policies by giving Board members relevant facts, information and reports. The superintendent may not perform, cause or allow to be performed any act that is unlawful, in violation of commonly accepted business and professional ethics, in violation of any contracts into which the Board has entered or in violation of policies and regulations adopted by the Board.

END OF POLICY

Legal Reference: [ORS 332.505](#) [ORS 332.515](#)

Parkrose School District 3

Code: **BCE**
Adopted: 10/28/13

Board Committees

The Board shall have no standing committees. Special committees may be appointed by the Board for specific purposes to serve until their assignment is completed. The entire Board may meet as a committee-of-the-whole.

The function of special committees will be fact-finding, deliberative and advisory rather than legislative or administrative. The committee will make recommendations directly to the Board as a whole, which alone may take action. Committee meetings may be called by the Board chair, the committee chair or any committee member.

Committee-of-the-whole meetings, called “work sessions,” may be held. Committee-of-the-whole meetings may be called by the chair.

All meetings of special committees and of committees-of-the-whole will follow public meeting laws. The Board and its committees may sit in executive sessions to discuss matters when such sessions are required or permitted by law.

All matters referred to a committee will be thoroughly investigated. A committee will not have the power to act for the Board except as the Board has specifically authorized, but will make recommendations to the Board. Committee recommendations and reports will become an official part of Board minutes.

A Board committee may appoint, subject to Board approval, advisory members from the staff, student body or community. Advisory members will be instructed in the committee’s functions and their status. These members may not be included in considering whether a quorum of the committee is present, nor may they vote on recommendations to be made to the Board. Either an advisory member or an ex-officio member may present a written minority report to the Board.

END OF POLICY

Legal Reference(s):

[ORS 192](#).610 - 192.690
[ORS 332](#).045

[ORS 332](#).105

Advisory Committees to the Board

In an ongoing effort to increase communication with the public and to provide for citizen involvement, the Board may appoint advisory committees which include community members to consider matters of districtwide importance.

Recommendations of such committees will be given careful consideration by the Board, but such recommendations will not relieve the Board of its legal responsibility to make final decisions about such matters.

All meetings of advisory committees shall follow all public meeting laws. The press may attend and report proceedings. Visitors shall sit apart from the committee members and shall speak only when invited to do so by the committee chair.

The composition of advisory committees to the Board will be broadly representative and will take into consideration the specific tasks assigned to the committee. The process for the appointment of community members to an advisory committee will be determined by the Board. When requested by the Board, appointment of staff members, when appropriate, will be made by the superintendent.

The Board will adopt guidelines for each committee as appropriate, which will include, but not be limited to, the following:

1. The committee's written charge which shall include, but not be limited to, a statement of purpose and responsibility;
2. The resources the Board will provide;
3. The length of time the committee is asked to serve and the approximate date(s) on which the Board wishes to receive committee report(s).

Except as specifically provided by the Board, citizen advisory committees will cease to function when their reports have been received by the Board or when the purposes for which they were established have been accomplished.

The Board may be represented on lay and professional committees that serve the Board in an advisory capacity, with specific Board members appointed by the chair, but normally such Board members will function as ex-officio members of the committees.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#) [ORS 329.704](#)
[ORS 192.630](#) [ORS 332.107](#)
[ORS 294.414](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL (2003).
6/01/10 | JW

Parkrose School District 3

Code: BCG
Adopted: 10/23/95
Revised: 03/13/00

DISTRICT'S ATTORNEY

The Board of Education shall appoint its own legal counsel. Every three years the Board will review the services and determine whether to issue a request for proposal.

Legal counsel shall advise the Board on emerging legal issues affecting school governance and shall advise the Board on specific legal problems requested by the Board and/or superintendent. A decision to seek legal advice or assistance on behalf of the district may be made by the Board chairman or the superintendent. It may also take place as a consequence of formal Board action.

END OF POLICY

Legal References:

[ORS 332.072](#)

[ORS 332.505](#)

Parkrose School District 3

Code: BD/BDA
Adopted: 9/13/93
Revised: 12.13.21

Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the district’s governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of the majority of members of the Board is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings¹ and posted on the district’s website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law². The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

¹When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting, at the designated portion of the agenda, by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.

² ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

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

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.

1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of a meeting. At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

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

2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Electronic communications **may** contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;

- d. One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law.

4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. The Board may make official decisions during a work session. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

5. Executive Sessions

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS Chapter 193	ORS 433.835 - 433.875
ORS 174.104	ORS 255.335	
ORS Chapter 192	ORS 332.040 - 332.061	

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

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

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

Oregon House Bill 2560 (2021).

Oregon House Bill 3041 (2021).

Parkrose School District 3

Code: BD/BDA-AR

Adopted: 10/23/95

Revised: 03/13/00

Revised: 10/04

BOARD MEETINGS/REGULAR BOARD MEETINGS

1. Regular Meetings

Regular meetings of the Board shall be held on the second Monday of every month and the fourth Monday of all months except July, August and December or in those instances when the regular meeting dates fall on either of the following legal holidays: Memorial Day (4th Monday in May), Veterans' Day (November 11).

In these specified instances, the regular meeting shall be held on the Tuesday following the legal holiday.

Meetings of the Board shall be held in the Parkrose High School Community Center Rm. L-13-14 unless Board action is taken to move meeting(s) to one of the district school buildings to accommodate attendance from a specified area of the district. When the Board meeting is scheduled in an alternate site, the published notices of the meeting and the advance agenda of the meeting will specify the meeting place and a notice of the change will be posted on the door of the administration building.

2. Special Meetings

Special meetings may be called from time to time as circumstances may demand at the call of the chair, on request of three (3) members of the Board or by common consent of the Board members.

No special meeting shall be held without at least 24 hours notice to the Board members and the general public. Whenever possible, the dates for special meetings will be planned and announced at regular meetings preceding the special meetings. When this procedure is not feasible, the agenda for the special meeting shall be posted on the door of the administration building at least 24 hours before the date of the meeting.

3. Emergency Meetings

Emergency meetings of the Board may be called by the chair of the Board without 24 hours notice required for other meetings, but the minutes of the emergency meeting must include an explanation of the emergency. No business other than that related to the emergency will be discussed at these meetings.

4. Time of Meetings

All regular and special meetings of the Board shall convene at 7:00 p.m., unless

otherwise specified in the notice of the meeting.

5. Executive Sessions

Nothing contained in Oregon Revised Statutes or in this policy shall be construed to prevent the Board from holding executive session during a regular, special or emergency meeting, after the chair has identified the authorization under Oregon Revised Statutes for the holding of such executive session.

Executive session may be held:

- a. To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:
 - (1) The filling of a vacancy on the Board;
 - (2) The filling of a vacancy on any committee, commission or other advisory group;
 - (3) The consideration of general employment policies;
 - (4) The employment of the superintendent, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the Board and there has been opportunity for public input into the employment of the officer. The standards, criteria and policy directives to be used in hiring or evaluating the superintendent shall be adopted by the Board in meetings open to the public in which there has been opportunity for public input.
- b. To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing;
- c. To conduct deliberations with persons designated by the Board to carry on labor negotiations;
- d. To conduct deliberations with persons designated by the Board to negotiate real property transactions;
- e. To consider records that are exempt by law from public inspection;
- f. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
- g. To review and evaluate, pursuant to standards, criteria and policy directives adopted by the Board, the employment-related performance of the superintendent, a public officer, employee or staff member, unless the person whose performance

is being reviewed and evaluated requests an open hearing;

- h. To carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

Labor negotiations shall be conducted in open meetings unless both sides of the negotiators request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

Representatives of the news media shall be allowed to attend executive sessions of the Board other than those held under paragraph c. above (deliberations concerning labor negotiations) or held pursuant to subsection 7 below, but the Board may require that specified information subject of the executive session be undisclosed.

When the Board meets in executive session pursuant to paragraph f. above relating to conferring with counsel on current litigation or litigation likely to be filed, the Board shall bar any member of the news media from attending the executive session if the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

6. Meetings by Telephone or Electronic Communication

Any meeting, including an executive session, of the Board which is held through the use of telephone or other electronic communication shall be conducted in accordance with this policy statement and the Public Meetings Law.

When telephone or other electronic means of communication is used and the meeting is not an executive session, the Board shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. Special accommodations may be necessary to ensure accessibility for persons with disabilities. The place provided may be a place where no member of the Board is present.

Communications between and among a quorum of members of the Board convening on electronically linked personal computers are subject to the Public Meetings Law if the communications constitute a decision or deliberation toward a decision for which a quorum is required or the gathering of information on which to deliberate.

7. Hearing to Expel Minor Student

The provisions of ORS 332.061 are quoted as follows:

"Notwithstanding ORS 192.610 to 192.690 governing public meetings:

- (1) Any hearing held by a district school board or its hearings officer on any of the

following matters shall be conducted in executive session of the Board or privately by the hearings officer unless the student or the student's parents or guardian requests a public hearing:

- a. Expulsion of a minor student from a public elementary or secondary school;
- b. Matters pertaining to or examination of the confidential medical records of a student, including that student's educational program.

(2) If an executive session is held by a district school board or a private hearing is held by its hearings officer under this section, the following shall not be made public:

- a. the name of the minor student,
- b. the issue, including a student's confidential medical records and that student's educational program,
- c. the discussion,
- d. the school board members' vote on the issue.

(3) The school board members may vote in an executive session conducted pursuant to this section."

Parkrose School District 3

Code: **BDDC**
Adopted: 4/09/01
Revised: 6.22.15

Board Meeting Agenda

The Board chair, with the assistance of the superintendent will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or citizen of the district by notifying the superintendent at least 10 working days prior to the meeting.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard will be included during regular meetings. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least two full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted at the district office on or before the day of the meeting. Members of the public may request a copy of the agenda at the superintendent's office.

The district will ensure equally effective communications are provided to qualified persons with disabilities upon request as required by the Americans with Disabilities Act. Appropriate auxiliary aids and services may include large print, Braille, audio recordings and readers. Primary consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternate, equally effective communications will be used. Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

6/01/10 | JW

Parkrose School District 3

Code: BDDH
Adopted: 11/08/76
Revised: 12.13.21

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak card to the Board secretary prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner. If a person has more comments than time allows or is unable to comment due to time constraints, the

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

person is encouraged to submit additional written comments to the Board through the district office as directed.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board or Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.

Procedures for Electronic (Virtual) Public Comment (in place of Oral Public Comment)

Electronic public comments along with your name will be read aloud during the next Board meeting, if an opportunity is provided by the Board during a meeting open to the public. Comments that do not comply with this policy or BDDH-AR, or by the discretion of the Board Chair, will instead be referred to the Superintendent for review. Please visit the Parkrose webpage or the public notice on FlashNews: <http://www.flashalert.net/news.html?id=68>, for the electronic public comment link.

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to question@parkrose.k12.or.us. Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, but may not be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)

[ORS 192.610 - 192.690](#)

[ORS 332.107](#)

[ORS 165.540](#)

[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

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

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

Parkrose School District 3

Code: BDDH-AR
Adopted: 10/23/95
Revised: 9.9.22

Public Comment at Board Meetings Procedure

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point. Comments that do not comply with this policy AR or policy BDDH, or by the discretion of the Board Chair, will instead be referred to the Superintendent for review.

To provide oral public comment in person, *if the opportunity is available on the Board agenda*, please complete and submit an Intent to Speak card to the Board secretary prior to “Public Comment” posted on the agenda.

Electronic/virtual public comments may be offered by the Board in place of oral public comments. Your comment along with your name will be read aloud during the next Board meeting, *if the opportunity is available on the Board agenda*. Please visit the Parkrose webpage or the public notice on FlashNews: <http://www.flashalert.net/news.html?id=68>, for the electronic/virtual public comment link.

A person speaking during the oral public comment portion of the meeting or via the electronic/virtual public comment form may comment on a topic not on the published agenda. A person providing public comment will be allowed three minutes. Submitting an Intent to Speak card or an electronic/virtual public comment does not guarantee time will be available.

Any person, who is allowed to speak to the Board during a meeting, should state their name, whether they are a resident of the district and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee’s rights will be followed. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.”

SEE FORM ON REVERSE

INTENT TO SPEAK

The Board welcomes input. To provide in-person public comment please submit this completed card to the Board secretary prior to “Public Comment” posted on the agenda.

Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board or Board chair, and may be referred to the superintendent for reply at a later date. (BDDH)

Name: _____ Phone: _____

Are you a resident of the Parkrose School District? (circle one) YES NO

Name of organization (if you are speaking on behalf of an organization): _____

Address (optional): _____

Email (optional): _____

Topic or comment to be presented (brief description): _____

When the Board Chair calls on you for your comment, please be sure to state your name, whether you are a resident of the district and, if speaking for an organization, the name of the organization

The Board requests that a topic or comment is limited to three minutes or less.

Your name, topic and comments will be recorded in the Board Minutes for the public record. We will not include your address, email or phone number in the minutes.

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure. A hearing conducted by the Board regarding personnel may take place in an executive session.

Parkrose School District 3

Code: BF

Adopted: 01/14/91

Re-Adopted: 10/23/95

Orig. Code: 2.12

Reviewed: 03/13/00

POLICY DEVELOPMENT

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Board of Education.

Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the Board when such action has been scheduled on the agenda of a regular or special meeting.

The Board will adhere to the following procedure in considering and adopting policy proposals to ensure that they are well examined before final action:

1. First meeting - the proposal will be presented for a first reading and discussion;
2. Second meeting - the proposal will be presented for a second reading and final vote for adoption.

During discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by Board members. An amendment will not require that the policy go through an additional reading except as the Board determines that the amendment needs further study and that an additional reading would be desirable.

Under unusual circumstances, the Board may temporarily approve a policy to meet emergency conditions; however, the above procedure is required before the policy will be considered permanent.

Policies will be effective upon the adoption date unless otherwise specified. The date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.

END OF POLICY

Legal References:

[ORS 332.107](#)
[ORS 332.505](#)
[OAR 581-022](#)-1610
[OAR 581-022](#)-1720

Cross References:

Policy BFD - Board Policy Implementation
Policy BFG/BFGA - Policy Review and
Evaluation/Manual Accuracy Check

Parkrose School District 3

Code: BFCA

Adopted: 01/14/91

Re-Adopted: 10/23/95

Orig. Code: 2.12

Reviewed: 03/13/00

ADMINISTRATIVE REGULATIONS

Administrative regulations are detailed directions governing the operation of the district.

The superintendent is authorized to formulate such administrative regulations appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the district.

The Board may review any administrative regulation and may direct its revision if, in the Board's judgment, such regulation is not consistent with adopted policies.

END OF POLICY

Legal References:

[ORS 332](#).107

[OAR 581-022](#)-1610

[OAR 581-022](#)-1720

Cross Reference:

Policy BFG/BFGA - Policy Review and Evaluation/Manual Accuracy Check

Board Policy Implementation

Effective Date of Policies

All new or amended policies will become effective on the day after adoption by the Board, unless a specific date is included in the motion for adoption.

Policy Implementation

The superintendent and administrative staff will implement Board policies. The superintendent may formulate administrative regulations and procedures to assist policy implementation.

It will be the Board's duty to evaluate the effectiveness of the policy and the effectiveness of the administration's implementation of the policy.

Policy Dissemination

The written policies that govern the district will be maintained in an online policy listing to be updated by district staff as new policies are developed or existing policies are revised or repealed.

Each Board member will be provided access to the policies online.

The Board's online policy listing will be considered a public record and will be open for inspection at all times online. One hard policy manual copy will be updated and kept in the office of the superintendent.

The superintendent will provide channels for disseminating appropriate policies to the community.

END OF POLICY

Legal Reference(s):

[ORS 192.410\(4\)](#)
[ORS 332.107](#)

[ORS 332.505](#)

[OAR 581-022-1610](#)
[OAR 581-022-1720](#)

Parkrose School District 3

Code: BFG/BFGA

Adopted: 10/23/95

Reviewed: 03/13/00

POLICY REVIEW AND EVALUATION/MANUAL ACCURACY CHECK

In an effort to keep its written policies current so they may be consistently used as a basis for Board of Education action and administrative decision, the Board will continually review its policies through consent agendas at Board meetings.

The Board will evaluate the execution and results of its policies. It will rely on the school staff, students and community to provide evidence of the adopted policies' effects.

The superintendent has continuing responsibility to alert the Board of all policies that may need revision.

The Board directs the superintendent to recall all policy and regulations manuals periodically for purposes of administrative updating and Board review.

END OF POLICY

Legal References:

[ORS 332.107](#)

[OAR 581-022-1610](#)

[OAR 581-022-1720](#)

Parkrose School District 3

Code: BG
Adopted: 10/23/95
Reviewed: 03/13/00

BOARD-STAFF COMMUNICATIONS

The Board of Education desires to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the superintendent.

Staff Communications to the Board

All formal communications or reports to the Board or any Board committee from principals, teachers or other staff members will be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district. Staff members are invited to Board meetings, which provide an opportunity to observe the Board's deliberations on matters of staff concern.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent/designee. The superintendent will provide appropriate communication to keep staff fully informed of the Board's priorities, concerns and actions.

Visits to Schools

School visits by Board members will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of staff, including the superintendent, principals and other supervisors.

END OF POLICY

Legal References:

[OAR 581-022](#)-1720

Anderson v. Central Point School District
No. 6, 554 F. Supp. 600 (D. Oregon
1982); aff'd in part, 746 F. 2d 505
(9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Cross Reference:

Policy GBD - Board-Staff Communication

Parkrose School District 3

Code: BHD
Adopted: 04/24/00

BOARD MEMBER COMPENSATION AND EXPENSE REIMBURSEMENT

No Board member will receive any compensation for services other than reimbursement for approved expenses actually incurred on District business. Such expenses may include the cost of attendance at meetings, conferences or visitations when such attendance has been approved by the Board.

Reimbursement includes, but is not limited to, transportation, meals, lodging and miscellaneous expenses.

Reimbursement for Board members will be consistent with District practice for regular employees and in accordance with Board policy.

END OF POLICY

Legal Reference(s):

[ORS 244.020](#) (15)

[ORS 244.040](#) (1)(a)

[ORS 332.018](#) (3)

Oregon Government Standards and Practices Commission Advisory Opinion 93A-1007 (November 18, 1993).

Parkrose School District 3

Code: **KL**
Adopted: 10/23/95
Revised: 10.28.19

Public Complaints */**

(Version 4)

Complaint form KL-AR Required

Board members recognize that complaints about schools may be voiced by employees, students, parents of students who attend a school in the district, and 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 who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation, should be made to the superintendent.

A person may initiate a complaint by discussing the matter with the administrator/supervisor. That administrator/supervisor shall attempt to resolve the complaint within 10 working days of initiation by the complainant in discussion with the administrator/supervisor. 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/supervisor. 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 appeal to the Board. A written complaint referred to the Board may be considered at the next regularly scheduled or special Board meeting. A final written decision regarding the complaint shall be made by the Board within 20 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.

The timelines may be extended upon written agreement between the district the complainant.

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 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. 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. 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 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. 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 should be made directly to the Board vice chair on behalf of the Board. The 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. 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 file an appeal¹ to the Deputy Superintendent of Public Instruction under OAR 581-001-0001 – 581-001-0023 (See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction).

END OF POLICY

Legal Reference(s): [ORS 192.660](#) [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).

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

Parkrose School District 3

Code: **KL-AR(1)**

Revised/Reviewed: 10.28.19

Public Complaint Procedure

A 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 Administrator/Supervisor: Step 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. (Attached form is available, but is not required.)

The Superintendent: Step Two

If Step One does not resolve the complaint, within 10 working days of the written response from the administrator/supervisor, the complainant may file a written, signed complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy. (Attached form is required)

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, prepare a report of 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 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. (Attached form is required) The Board will review the findings and conclusion of the superintendent in a public meeting to determine what action is appropriate. The Board may use executive session if 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 final.

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 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 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 appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon OARs 581-002-0001 – 581-002-0023.

Complaints against the principal 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. 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 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 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. 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 referred directly to the Board vice chair on behalf of the Board. The 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. 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.

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

COMPLAINT FORM

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There are no vertical margin lines, text, or other markings on the page.

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: Superintendent's Office

Parkrose School District No. 3

Code: **KL-AR(2)**
Revised/Reviewed: 10.28.19

Appeal to the Deputy Superintendent of Public Instruction

An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023¹ 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 appeal the district's final decision for a complaint to the Deputy Superintendent of Public Instruction if:

1. The complainant has exhausted the district's complaint procedures 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 any step 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 complaint, 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 ODE no later than:

1. One year after the date of the final decision by the district; or
2. If the district fails to resolve the complaint, no later than two years after the date on which the complainant first filed the 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 following two dates:

1. The date occurring two years after the date on which the alleged violation or unlawful incident occurred or on which the complainant discovered the alleged violation or unlawful incident²; or
2. The date occurring one year after the date on which the affected student graduated from, moved away from or otherwise left the district.

¹ The following is not a representation of the complete rules. See complete rules available on the Oregon Administrative Rules.

² 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 appeal shall:

1. Be in writing;
2. Be submitted in person, by mail, or electronically.

The appeal must contain:

1. The name of the person 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;
4. A statement of the facts on which the appeal is based; and
5. Other information requested by ODE.

Upon receipt of an appeal, ODE will determine whether the appeal satisfies the requirements of OAR 581-002-0003 and OAR 581-002-0005.

After these determinations, ODE will give written notice to the complainant and the district whether the appeal has been accepted.

If ODE has accepted an appeal and gave notice to the complainant and the district involved, the district shall submit a written response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice.

The district's written response shall include:

1. A statement of facts;
2. A description of district action taken in response to the complaint; or if none was taken, an explanation of the reason(s) why no action was taken;
3. Any stipulation reached concerning settlement of the complaint; and
4. A list of any complaints filed with another agency by the complainant concerning the subject of the appeal to the extent that the district is aware of such complaints.

The Director of ODE may for good cause extend the time by which a district must make a submission described above.

Upon receipt of the district's written response, ODE will conduct an investigation to determine whether the district violated a rule or law described in OAR 581-002-0003.

ODE shall issue a final order pursuant to OAR 581-002-0017.