

Southern Oregon ESD

Code:
Adopted:

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Bidding Requirements (Version 2)

{Highly recommended policy. The Board serves as the Local Contract Review Board (LCRB) and has the ability to adopt its own procurement rules. Many ESDs choose to use the *Oregon Attorney General's Model Public Contracting Rules* in OAR Chapter 137, Divisions 045 - 049. If the LCRB does not adopt rules, the Attorney General's Model Public Contracting Rules apply. This policy is based on those rules. The LCRB may also include as part of its rules portions of the Oregon Department of Administrative Services administrative rules in OAR Chapter 125, Divisions 269 - 249. If the LCRB adopts its own rules, delete portions of this policy that are inconsistent with those rules.}

[The Board is the Local Contract Review Board (LCRB) for the ESD. [The LCRB has not adopted its own rules of procurement. Consequently, the *Oregon Attorney General's Model Public Contracting Rules*¹ shall apply to the ESD.²]]

OR

[The Board is the Local Contract Review Board (LCRB) for the ESD. The LCRB has adopted its own rules of procedure that will govern ESD purchasing.³ Consequently, the model rules⁴ adopted by the Attorney General shall not apply to the ESD. The ESD shall review its rules each time the Attorney General adopts a modification of the model rules to determine whether any modifications need to be made to ESD rules, as required by ORS 279A.065(6)(b). New rules, as necessary, shall be adopted by the LCRB. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.]

Additionally, the ESD may include as part of its procedures portions of the Oregon Department of Administrative Services administrative rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 - 249.

The LCRB may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the ESD and made available on request.

The ESD may not artificially divide or fragment a procurement to reduce the procurement requirements.

The superintendent may develop administrative regulations or procedures to assist with the implementation of this policy and applicable procurement rules.

Goods and Services

¹ Oregon Administrative Rules (OAR) 137-045 - 049

² See ORS 279A.065(5). {The LCRB can formally adopt the AG rules. If the LCRB formally adopts the rules, the ESD is required to review the AG rules each time there is a modification.}

³ [The ESD should insert date of adoption of such rules and their location here and remove brackets.]

⁴ Oregon Administrative Rules (OAR) 137-045 - 049

The ESD will purchase goods and services through the following procedures, unless an exception applies:

1. **Small Procurement.** For purchases of goods and services with a contract price not exceeding \$25,000, the ESD can use any manner deemed practical or convenient, including direct selection or award. Amendments to a contract awarded through small procurement must be in accordance with OAR 137-047-0800.
2. **Intermediate Procurement.** For purchases of goods and services with a contract price exceeding \$25,000, but not exceeding \$250,000, the ESD shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The ESD will keep record of the request and quotes. If three quotes are not reasonably available, fewer will suffice, but the ESD will make a written record of the effort made. The ESD may negotiate with a prospective contractor to clarify the quote or offer, or to effect modifications. Amendments to a contract awarded through intermediate procurement must be in accordance with OAR 137-047-0800.
3. **Regular Procurement.** For purchases exceeding \$250,000, the ESD will use competitive sealed bids (OAR 137-047-0255) or competitive sealed proposals (OAR 137-047-0260). Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-047-0800.
4. **Emergency Procurements.** In situations of emergency⁵, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the ESD is not required to follow general procurement requirements. The ESD must ensure competition for the contract that is reasonable and appropriate under the circumstances. The ESD must document the nature of the emergency and the method used for the selection of the contractor.
5. **Sole-source Procurements.** If the LCRB or designee determines that the goods or services are available from only one source, the ESD may award a contract without competition. To the extent reasonably practicable, the ESD shall negotiate with the sole source to obtain contract terms that are advantageous to the ESD. The determination of sole source must be based on written findings and may include:
 - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
 - b. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.⁶
6. **Special Procurements.** “Special procurement” means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small procurement or intermediate procurement. Special procurements require LCRB approval and will be conducted in accordance with ORS 279B.085, OAR 137-047-0285, and this policy [and

⁵ “Emergency” means circumstances that:

1. Could not have been foreseen;
2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
3. Require prompt execution of a contract to remedy the condition.

⁶ If the contract does not exceed \$250,000, using intermediate procurement is likely less burdensome than sole source.

administrative regulation DJC-AR - Exemptions from Competitive Bidding and Special Procurement].^{ 7}

7. **Personal Services Contracts.** “Personal services contract,” as used in this policy, means a contract whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.⁸ Unless otherwise designated by the LCRB, personal services contracts will be procured in accordance with applicable procurement laws. The LCRB may designate certain service contracts or classes of service contracts as personal services contracts and exempt them from competitive bidding.^{ 9} All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price. Personal service contractors may be required to qualify as independent contractors in accordance with applicable laws.¹⁰

Procurements for services estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process in accordance with ORS 279B.030.

Public Improvements

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the ESD.¹¹ The ESD will contract for public improvements using the following procedures, unless an exception applies.

1. Public improvements contracts with a value of less than \$25,000 are exempt from competitive bidding.
2. **Intermediate Procurements.** For public improvement contracts not exceeding \$100,000, the ESD may utilize three quotes¹²:

⁷ {If the LCRB has designated contracts or classes of contracts as special procurements, include this information along with reference to the LCRB action.}

⁸ This includes, but is not limited to, contracts for the services of an accountant, physician or dentist, educator, consultant (including a provider under an Architectural and Engineering Service Contract), broadcaster, or artist (including a photographer, filmmaker, painter, weaver or sculptor (OAR 137-045-0010(19)). Also includes architectural, engineering, photogrammatic mapping, transportation planning or land surveying services procured under ORS 279C.105 (ORS 279C.100) and related services procured under ORS 279C.120 (ORS 279C.100(5)).

⁹ {If the LCRB has designated contracts or classes of contracts as personal services contracts, include this information along with reference to the LCRB action.}

¹⁰ See ORS 670.600 and OAR 459-005-0020.

¹¹ Public improvement does not include:

1. Projects for which no funds of the ESD are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
2. Emergency work, minor alternation, ordinary repair or maintenance necessary to preserve a public improvement.

¹² If three quotes are not reasonably available, the ESD shall make a written record of the effort made to obtain these quotes.

- a. The request for the quotes shall be in writing (unless not reasonably practicable)¹³;
- b. The request for quotes shall include the selection criteria and if the criteria are not of equal value, their relative value or ranking.

The ESD shall award the contract to the prospective contractor whose quote will best serve the interest of the ESD, based on the selection criteria. If the award is not made to the offeror and quote with the lowest price, the ESD will make a written record of the basis for the award. Amendments to a contract awarded via intermediate procurement may be increased in accordance with OAR 137-049-0160(6)-(7).

3. Regular Procurements. For purchases exceeding \$100,000, the ESD will use invitation to bid or request for proposals except as otherwise allowed by law. See OAR 137-049-0130 and OAR 137-049-0640. Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-049-0910.
4. Emergency Procurements. Emergency contracts for construction services are not considered public improvement contracts and will be procured in accordance with OAR 137-049-0140 and OAR 137-049-0150.
5. Community Benefit Contracts. “Community benefit contract” means a public improvement contract that includes, but is not limited to, terms and conditions that require the contractor to:
 - a. Qualify as a training agent, as defined in ORS 660.010, or provide apprenticeship training that meets applicable federal and state standards for apprenticeship training;
 - b. Employ apprentices to perform a specified percentage of work hours that workers in apprenticeable occupations perform on the community benefit project;
 - c. Provide employer-paid family health insurance; and
 - d. Meet any other requirements that the LCRB sets forth.

Community benefits contracts may be procured in accordance with ORS 279C.308.

6. Construction Manager/General Contractor (CM/GC) Procurement. The ESD shall procure CM/GC services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3) and OAR 137-049-0690, which requires “the assistance of legal counsel with substantial experience and necessary expertise in using the CM/GC Method, as well as knowledgeable staff, consultants or both staff and consultants who have demonstrated capability of managing the CM/GC process in the necessary disciplines of engineering, construction scheduling and cost control, accounting, legal, Public Contracting and project management.”

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)
[ORS Chapter 279A](#)
[ORS Chapter 279B](#)

[ORS Chapter 279C](#)
[ORS 670.600](#)

[OAR Chapter 125](#), Divisions 246 -
249

¹³ For Public Works Contracts, oral quotations may only be utilized in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.

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Southern Oregon ESD

Code: DJC-AR

Revised/Reviewed:

Exemptions from Competitive Bidding and Special Procurements (Version 2)

{This optional administrative regulation is intended to provide guidance for the ESD in preparing a request for special procurement to the Local Contract Review Board (LCRB). This administrative regulation is not intended as procurement rules in place of the *Attorney General's Model Public Contracting Rules* or rules adopted by the LCRB.}

All public contracts shall be based upon competitive bids or proposals, except the following:

1. Contracts below threshold levels in accordance with ORS 279B.065 (small procurements for goods and services), 279B.070 (intermediate procurements for goods and services) and 279C.412 (intermediate procurements for public improvements);
2. Special procurements for goods and services in accordance with ORS 279B.085 and OAR 137-047-0285;¹
3. Contracts which have been exempted under ORS 279A.025 and 279C.335; and
4. Any other contract exempted by law.

SPECIAL PROCUREMENTS FOR GOODS AND SERVICES

To proceed with a special procurement, the ESD shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB). This request shall describe the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement, and circumstances that justify the use of a special procurement.

The special procurement must be unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts; and (A) must be reasonably expected to result in substantial cost savings to the ESD or to the public; or (B) must substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or any related rules.

After LCRB approval, the ESD may proceed with a special procurement. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the ESD intends to award a contract through special procurements that calls for competition among prospective contractors, the ESD shall award the contract to the contractor it determines to be most advantageous to the ESD.

When the LCRB approves a class special procurement the ESD may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

¹ Procurement law for goods and services uses the term “special procurement.” Procurement law for public improvement contracts does not use the term “special procurement,” but a comparable exemption is allowed under ORS 279C.335.

The following are additional considerations and requirements for specific types of special procurements. The request submitted to the LCRB should address these provisions and satisfy any requirements.

Brand Names or Equal²

1. “Brand name or equal specification” means a specification that uses one or more manufacturers’ names, makes, catalog numbers or similar identifying characteristics needed to meet the ESD’s requirements and that authorizes bidders or proposers to offer goods or services that are equivalent or superior to those named or described in the specification.
2. “Brand name specification” means a specification limited to one or more products, brand names, makes, manufacturer’s names, catalog numbers or similar identifying characteristics.”
3. “Specification” means any description of the physical or functional characteristics of, or of the nature of, goods or services to be procured by a contracting agency.³

A brand name or equal specification may be used when the use of a brand name or equal specification is advantageous to the ESD because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the ESD. The ESD is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final. Nothing in the law or this administrative regulation may be construed as prohibiting the ESD from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the contracting agency.

A brand name specification may be prepared and used only if the ESD determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the ESD based on one or more of the following written determinations:

1. That use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;
2. That use of a brand name specification would result in substantial cost savings to the contracting agency;
3. That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or
4. That efficient utilization of existing goods requires the acquisition of compatible goods or services.

Advertising Contracts, Purchase of⁴

The ESD traditionally purchases advertising in newspapers, however, the ESD may also purchase advertising in other media, such as radio, television or the internet. Advertising contracts may be procured without competitive procurement based on findings of:

² For additional guidance, see OAR 125-247-0691.

³ Specification may include a description of any requirement for inspecting, testing or preparing goods or services for delivery.

⁴ See OAR 125-247-0288(5) for additional guidance.

1. Advertisements are placed in a particular source because of the specific audience that source serves;
2. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the ESD is limited;
3. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
4. Advertisements may be placed to satisfy legal notice or Board policy requirements;
5. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
6. The communities served by the ESD rely upon its use of the local daily newspaper as a central source of news and information regarding ESD activities; or
7. It is unknown whether contracts for advertisements placed with radio, television, the internet or other media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible, savings could be obtained through competitive means, the ESD would attempt to obtain competitive quotes or bids, as appropriate.

Advertising Contracts, Sale of

The ESD may sell advertising for ESD publications and activities, regardless of a dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The ESD itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Equipment Repair and Overhaul⁵

The ESD may enter into a public contract for equipment repair or overhaul without competitive bidding when competitive procurement is not practical. This may include when service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing, or service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source. The ESD will use a competitive procedure to the extent practicable.

If the repair or overhaul qualifies as an emergency, the ESD may use emergency procurement procedures.

Copyrighted Materials

Contracts for the procurement or distribution of textbooks are exempt from public procurement requirements. Purchase of copyrighted materials available from only one source may be procured through

⁵ For additional guidance, see OAR 127-247-0288(6).

the sole source procedures. Requests for special procurement approval for the purchase of other copyrighted materials may be submitted to the LCRB with supporting information.

Used Personal Property or Equipment, Purchase⁶

The ESD may purchase used property or equipment without obtaining competitive bids or quotes, if at the time of purchase, the LCRB has determined that the purchase will result in substantial cost savings to the ESD or promote the public interest and will unlikely diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used,” at the time of ESD purchase.

Information Technology and Telecommunication Contracts⁷

The ESD may enter into a contract to acquire information technology hardware and software and services (including telecommunications) without competitive bidding if, the LCRB has determined that the purchase will result in substantial cost savings to the ESD or promote the public interest and will unlikely diminish competition or encourage favoritism.

Renegotiation of Existing Contracts with Incumbent Contractors

The ESD may amend or renegotiate contracts with existing vendors, service providers or other parties in accordance with OAR 137-047-0800.

EXEMPTIONS FOR PUBLIC IMPROVEMENT CONTRACTS

Oregon law⁸ allows for exceptions to competitive bidding for public improvement contracts or classes of contracts when the LCRB approves findings that:

1. The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts; and
2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the ESD.

In approving a finding, the LCRB shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;

⁶ For additional guidance, see OAR 125-247-0288(10). When contracting with another governmental entity, a ESD has a statutory exception under ORS 279A.025. The ESD may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

⁷ For additional guidance, see OAR 127-247-0185.

⁸ See ORS 279C.335.

2. The construction budget and the projected operating costs for the completed public improvement;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
11. Whether the public improvement involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

In granting this exemption, the LCRB shall:

1. If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition;
2. Require and approve or disapprove written findings by the ESD that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirements. The findings must show that the exemption complies with the requirements outlined in this administrative regulation; and
3. If the procurement involves construction manager/general contractor services, require the ESD conduct the procurement in accordance with OAR 137-049-0690.

Notification of a proposed exemption under this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the LCRB intends to take

action to approve or disapprove the exemption. The notice must state that in response to a written request, the ESD will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.⁹ If a hearing is held, the ESD shall offer an opportunity for any interested party to appear and comments. If the ESD must act promptly because of circumstances beyond the ESD's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the ESD's solicitation of contractors, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.

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⁹ The ESD may hold a hearing even if there is no written request.

Southern Oregon ESD

Code: DLC-AR
Revised/Reviewed:

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved ESD business will be governed by the following procedures. Travel expenses include travel fares, meals and lodging and expenses incident to travel. Only travel expenses as are ordinary and necessary in the conduct of approved travel for ESD business purposes and directly attributable to it will be reimbursed. As used in this regulation an “ordinary” expense means one that is common and accepted in the profession; a “necessary” expense means one that is essential and appropriate in order to conduct ESD business. **[Reimbursement procedures established by the ESD will also apply to Board members traveling on [Board-approved] ESD business, as applicable.]**

In-District Travel – Use of Private Vehicles

1. Staff will use ESD-owned vehicles, whenever possible, in conducting ESD business that requires travel within the ESD boundaries.
2. Private vehicles may be used in conducting ESD business only with prior approval from the **[program administrator]**. Travel approval may be granted by the **[program administrator]** for individual trips or by blanket approval, as deemed appropriate.
3. Travel in a private vehicle for the purpose of conducting ESD business may be approved when:
 - a. An ESD vehicle is not available;
 - b. The destination is not conveniently accessible by commercial carrier;
 - c. Various points must be visited and commercial carrier schedules are such that the use of commercial carrier transportation is not practical;
 - d. Carrying articles by commercial carrier would not be feasible;
 - e. Commercial travel is deemed to be less economical.

Out-of-District Travel (In-state) – Use of Private Vehicles

1. Staff will use ESD-owned vehicles, whenever possible, in conducting approved ESD business that requires in-state travel outside the ESD boundaries.
2. Private vehicles may be used only with prior approval from the [superintendent] **[program administrator]** [business manager]. Travel approval may be granted by the [superintendent] **[program administrator]** [business manager] for individual trips or by blanket approval, as deemed appropriate.

Out-of-State Travel

Out-of-state travel requires prior approval from the [Board] **[superintendent]**.

Insurance Coverage

1. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct ESD business. It is the responsibility of the owner or driver of the vehicle to be certain that the vehicle is adequately covered by insurance.
2. The responsibility of the ESD for damages resulting from vehicle accidents is not the same as set forth in the ESD's general liability insurance policy. The employee's insurance coverage provides primary coverage when the employee is driving their own vehicle on approved ESD business.
3. All ESD employees operating private vehicles on approved ESD business are required to complete and maintain on file with the ESD verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required **annually** **prior to any ESD approval to conduct ESD business in a private vehicle**. Employees are required to update their verification of vehicle liability information maintained on file with the ESD upon any change in the employee's vehicle insurance coverage.

Meals and Meetings

1. Reimbursement will be made for ordinary and necessary meal expenses incurred in the course of approved travel for ESD business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the ESD. See **Expense Reimbursement Request and Accounting Procedures** below.
2. Expenses in excess of the ESD's established limit are ordinarily the responsibility of the employee and may be reimbursed only with approval from the superintendent. Receipts for all meal expenses must be secured and attached to the claim.

Travel Advances

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds \$**50**. The travel advance may be requested by completing the form provided by the ESD.
2. The cost of commercial travel tickets will not be included in a cash advance request.
3. In the event of loss, the employee is personally responsible for cash advances issued and for any third party use of a ESD-provided credit card.
4. At least **15** working days are required for processing an advance check after the approved request is received by the business office.
5. Only one cash advance may be outstanding to any employee at any time.

Reservations, Commercial Carrier and Lodging

1. Travel must be conducted in the most expeditious and cost-effective manner, as determined by the ESD.

2. Each employee is responsible for making their own reservations by obtaining a purchase order number from the business office and furnishing that number to the local travel agency or commercial carrier.

3. [Individuals traveling on approved ESD business by a carrier offering travel credits (i.e., frequent flyer mileage, etc.) are required to account for credits received and may use the credits for future approved ESD travel purposes only.] **[The ESD prohibits the accrual of travel credits for individuals traveling on approved ESD business.]**

Vehicle Rentals

1. Rental vehicles may be used only when use will affect a savings or otherwise be more advantageous to the ESD or when the use of other transportation is not feasible.
2. Rental of a compact vehicle is recommended when suitable for approved ESD business because of the lower initial rate and the guaranteed rate. Certain rental agencies guarantee the compact rate in all owned stations and in most licensee stations, which means that if a reservation for a compact vehicle is accepted and one is not available, a standard-sized vehicle will be substituted at the compact rate.
3. Rental vehicles will be used only for official travel or in lieu of taxi for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.
4. Employees will be informed if the ESD carries the rental car endorsement as part of its insurance coverage. In the event the ESD does not carry the rental car endorsement the employee will be authorized to purchase insurance coverage from the rental agency.

Cancelled Trips

1. If an employee cannot leave at the scheduled time, it is their responsibility to call the travel agency or carrier and arrange to have the tickets cancelled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be cancelled by the employee as soon as possible to avoid a cancellation charge.
4. If a trip is cancelled after an advance and/or tickets have been issued, the advance and tickets must be returned to the business office immediately.

Personal Travel Combined with ESD Business Travel

1. If an individual traveling on approved ESD business engages in both business and personal activities, travel expenses incurred will be reimbursed only for expenses that are ordinary and necessary in the conduct of ESD business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.

2. When personal travel is combined with approved ESD business travel and the individual is traveling by less than the most expeditious and cost-effective manner, any additional costs must be paid by the traveler.
3. Time away from work caused by traveling by less than the most expeditious means available for personal purposes must be charged to vacation or other appropriate leave.
4. Vacation or other personal leave may be taken in conjunction with approved ESD travel subject to the following:
 - a. Time delays related to approved ESD business are charged as working time even if no work is performed;
 - b. If the employee travels by less than the most cost-effective manner, as determined by the ESD, for approved ESD business or for personal travel combined with travel for ESD business purposes, they must pay the additional cost (e.g., increased fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
 - c. All subsistence and local transportation (e.g., taxi, vehicle fare, etc.) while on vacation status or other appropriate leave must be paid by the employee;
 - d. The traveler will not be required to pay any of the basic transportation costs incurred as a part of the approved ESD business, even though they spend a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved ESD business;
 - e. A traveler who decides on their own to conduct ESD business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the ESD pay their basic transportation cost from the ESD to the location visited, or submit a request for other expense reimbursement.

Expense Reimbursement Request and Accounting Procedures

1. Reimbursement requests detailing actual expenditures must be submitted on the ESD's travel expense form and approved by the **[superintendent]** in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the ESD office within **[10]** working days of the conclusion of the trip.
 - a. If the completed travel expense report totals less than the travel advance, the difference must be returned within **[10]** working days to the business office with the report.
 - b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within **[30]** working days after the approved travel expense report is received by the business office.
2. Expenses which consist primarily of the cost of furnishing meals for others will be reimbursed upon submission of a travel expense report which includes:
 - a. Names of guests;
 - b. Organizations involved;
 - c. Full explanation of the ESD business purpose of the meeting.

3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchase of gas and oil which have been deducted from the rental charge by the rental agency must be included.
4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than [90] calendar days of incurring the expense. Reimbursement claims later than [90] calendar days of the expense will be considered for approval by the superintendent and may be denied.
5. Mileage for approved ESD business travel in a private vehicle will be reimbursed at the current rate per mile established by the ESD, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.
6. Meal expenses for approved ESD business travel purposes may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved ESD business purposes in which ESD business is conducted with at least one or more other persons or that is incurred on approved ESD business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform their duties, as defined by the IRS, will not be reportable as income to the employee.
7. In the event the total of the amount charged to, and/or received from, the ESD by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses, the excess must be reported as income in accordance with IRS requirements.

Reimbursable Expense Limitations

1. [Meal expenses may be reimbursed subject to the following limitations:

Allowance: Breakfast \$[11]
Lunch \$[12]
Dinner \$[23]]

OR

1. **¹[The ESD may establish a daily per diem rate [not to exceed the IRS recommendations] that covers all meal expenses.]**
2. Gratuities must not exceed [18] percent and must be included as a part of the receipt. Gratuities in excess of [18] percent are the responsibility of the employee and will not be reimbursed by the ESD.
3. Other expenses such as toll charges, parking fees, valet services, cleaning, pressing and laundry may be reimbursed if length of trip or circumstances demand.

¹ [If this option for Item #1 is chosen, delete #2 that follows and renumber the remaining items.]

4. Mileage reimbursement for actual miles traveled on ESD business, may be approved subject to the following limitations:
- a. In-district mileage reimbursement will not be granted to an employee, other than a ESD-approved tutor, for traveling from their residence to the place where work begins for the day or for returning home from the last place worked during the day;
 - b. Reimbursement will be made only for those miles actually traveled in the course of completing approved ESD business. When chauffeured, mileage for two round trips and short-term parking will be reimbursed if not greater than the cost of one round trip plus economy parking;
 - c. Group travel may be requested on one travel request form for a group traveling together as long as advance and reimbursement is payable to one person who has complete responsibility for reporting expenses;
 - d. In the event a private vehicle is approved for use from home, to or from airport or railroad station, mileage for one round trip and economy parking will be reimbursed. Parking receipts are required;
 - e. Individuals requesting reimbursement for use of a private vehicle on approved ESD business must meet insurance requirements. See **Insurance Coverage** above.
5. Lodging will be reimbursed at reasonable commercial rates.
6. Local taxi, shuttle, bus fares and vehicle rentals may be reimbursed, subject to the ESD's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the ESD.

OSBA Model ESD Sample Policy

Code: EBBA

Adopted:

Student Health Services**

{Highly recommended policy for ESDs that operate schools. The requirement for ESDs to develop and implement a health services plan comes from OAR 581-022-2220.}

Although the ESD's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices. A health services plan shall be developed, implemented, and updated annually. The plan shall describe a health services program for all students at each facility that is owned or leased where students are present for regular programming.

The ESD shall maintain a written prevention-oriented health services plan for all students. The health services plan will¹:

1. Explain available health care space that is appropriately supervised and adequately equipped for providing health care and administering medication or first aid;
2. Refer to available communicable disease prevention and management plan that includes school-level protocols²;
3. Outline an ESD-to-school communication plan³;
4. Provide information about health screenings, including immunizations and TB certificate requirements;
5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed⁴;
6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;
7. Describe how hearing, vision and dental screenings are managed and/or verified for required students⁵;

¹ For exact language and complete requirement see OAR 581-022-2220(1).

² For specific protocol content requirements see OAR 581-022-2220(1)(b).

³ For requirements of this plan see OAR 581-022-2220(1)(c).

⁴ For more information regarding these requirements see ORS 336.201 and 339.869, OARs 581-021-0037, 581-015-2040, 581-015-2045, 851-045-0040 – 0060, and 851-047-0010 – 0030.

⁵ For vision screening or eye examination or dental screening information see ORS 336.211 and 336.213.

8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school⁶;
9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids⁷;
10. Refer to adopted policy and procedures for medications in accordance with Oregon law⁸;
11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities⁹[; and][.]

~~12. [List the positions in the ESD which shall be required to obtain and maintain a first-aid/CPR/AED card in accordance with OAR 581-022-2220 (3).]~~

[Any nurse(s) employed by the ESD and providing services to students and the ESD shall be licensed in Oregon to practice as a registered nurse or nurse practitioner or be a licensed practical nurse (LPN) in alignment with LPN supervision requirements of OAR 851-045-0050 - 0060.]

A nurse employed by the ESD shall follow all applicable requirements of Oregon Revised Statutes (ORS) Chapter 678 and Oregon Administrative Rule (OAR) Chapter 851. This includes, but is not limited, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of a student prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.¹⁰

A nurse employed by the ESD will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.]

[The ESD provides a menstrual product dispenser with a variety of products in every student bathroom¹¹ which meets the requirements of law.]

END OF POLICY

⁶ For definitions for this policy see ORS 336.201.

⁷ OAR 437-002-0360 lists various health and safety regulations that apply in the employment setting.

⁸ Medication laws can be found in ORS 339.866 – 339.874 and OAR 581-021-0037; relevant Board policy includes JHCD/JHCDA - Medications.

⁹ For guideline requirements see OAR 581-022-2220(1)(k).

¹⁰ For additional delegation requirements see OAR [851-047-0030](#).

¹¹ [“Student bathroom” means a bathroom that is accessible by students, including a gender-neutral bathroom, a bathroom designated for females, and a bathroom designated for males. (OAR 581-021-0587)]

Legal Reference(s):

[ORS 329.025](#)

[ORS 334.125](#)

[ORS 336.201](#)

[ORS 336.204](#)

[ORS 336.211 - 336.214](#)

[OAR 581-021-0017](#)

[OAR 581-021-0031](#)

[OAR 581-021-0587](#)

[OAR 581-021-0590](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

[OAR 581-022-2515](#)

Every Student Succeeds Act of 2015, 20 U.S.C. § 8548 (2018).

Family Education Rights and Privacy Act 20 U.S.C. § 1232g (2018).

OSBA Model ESD Sample Policy

Code: EBBAA
Adopted:

Infection Control and Bloodborne Pathogens

{Optional policy. Some of the requirements regarding an Exposure Control Plan and infection control are outlined below.}

The Board recognizes that staff **[and students]** incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff **[and students]** of exposure to body fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.

Consequently, the Board directs adherence to standard precautions. Standard precautions require that staff **[and students]** approach infection control as if all direct contact with human blood and body fluids is known to be infectious for ~~HIV, AIDS, HBV¹ and/or other~~ bloodborne pathogens².

The ESD shall develop an Exposure Control Plan ~~that includes infection control procedures, and procedures to minimize and eliminate exposure incidents to bloodborne pathogens~~ in accordance with the requirements in law³.

Infection Control

~~Staff [and students] shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal cleanup, appropriate disposal, immunization and personal hygiene, as well as the location and a content review of first-aid and clean-up kits. Kits shall be readily available in ESD facilities and in each ESD vehicle.~~

~~In addition to an annual in-service, staff [and students] on a regular basis will receive HIV, AIDS and HBV information.~~

~~The information shall emphasize infection—how infection is spread as well as how it is not spread.~~

Bloodborne Pathogens

The Exposure Control Plan shall be reviewed and updated at least annually and when necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update shall also:

¹ ~~HIV—Human Immunodeficiency Virus; AIDS—Acquired Immune Deficiency Syndrome; HBV—Hepatitis B Virus~~

² “Bloodborne pathogens” are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, ~~H~~epatitis B virus (HBV) and ~~H~~uman ~~I~~mmunodeficiency ~~V~~irus (HIV). 29 CFR 1910.1030(b)

³ See 29 CFR 1910.1030(c)(1) and OAR 437-002-1059 for more information about an Exposure Control Plan. {A template for an exposure control plan may be available from [Oregon OSHA](#).}

1. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens;
2. Annually, document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

The plan shall include training followed by an offer of ~~immunization with H~~ Hepatitis B vaccine and vaccination series for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the ESD. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually^[4] thereafter. Staff will receive the annual training⁵ as well as the location and a content review of first-aid and clean-up kits. Kits shall be readily available⁶ in close proximity⁷ to all employees in the building and for ESD **for school** vehicles, including each bus⁸.

Personal protective equipment appropriate to job tasks shall be provided by the ESD. A post-exposure evaluation and follow-up shall be made available to any employee sustaining an occupational exposure.

The ESD recognizes that, ~~as required by Oregon Administrative Rule (OAR) 437-002-1030~~, employees who use medical sharps in the performance of their duties (e.g., administering injectable medicines to students, such as epinephrine and glucagon) must, at least annually, be provided with the opportunity to identify, evaluate and select engineering and work practice controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems). The ESD will implement such work practice controls, as appropriate. The ESD will document the solicitation of input from such staff in the plan.

Documentation, including a sharps injury log, will be maintained ~~as required by OAR 437-002-1030(3) and 437-002-1035~~ in accordance with law⁹.

The Exposure Control Plan will be accessible to employees in accordance with law¹⁰.

~~[Students will be instructed in safe practices to prevent transmission of bloodborne pathogens in accordance with Oregon Health Standards.]~~

⁴ [Annual training for all employees shall be provided within one year of their previous training. (29 CFR 1910.1030(g)(2)(iv))]

⁵ See 29 CFR 1910.1030(g)(2) for information about training requirements.

⁶ OAR 437-002-0161 (2) First-Aid Supplies. (a) The employer shall provide first-aid supplies based upon the intended use and types of injuries that could occur at the place of employment. The first-aid supplies shall be available in close proximity to all employees. Either bulk pack or unit pack supplies are acceptable. (b) "In proximity" is defined as that which is available nearby to ensure prompt treatment in the event of need.

⁷ "In proximity" is defined as that which is available nearby to ensure prompt treatment in the event of need. (OAR 437-002-0161(1)(b))

⁸ Emergency equipment for buses, includes, but is not limited to, body fluid cleanup and first-aid kits. (OAR 581-053-0240 (23); OAR 581-053-0640)

⁹ See OAR 437-002-1030(3) and OAR 437-002-1035.

¹⁰ See 29 CFR 1910.1020(e) for requirements on providing access.

The ESD will cooperate with [the Oregon Department of Education] [the Oregon Health Authority, Public Health Division] [the local health department] in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

ORS 334.125	OAR 437-002-1035	OAR 581-053-0250(1)
OAR 437-002-0161	OAR 581-022-2050	OAR 581-053-0640(2) OAR 581-053-
OAR 437-002-0360	OAR 581-022-2220	0517(13)(e),(e)
OAR 437-002-0377	OAR 581-024-0275	
OAR 437-002-1030	OAR 581-053-0240(23)	

Occupational Safety and Health Standards, Bloodborne Pathogens, 29 C.F.R. §§ 1910.1020, 1910.1030.

OSBA Model ESD Sample Policy

Code: EBBB
Adopted:

Injury or Illness Reports

{Highly recommended policy.}

All injuries or illnesses¹, sustained by the employee while in the actual performance of the duty of the employee, occurring on [school or] ESD premises, in ESD vehicles, at a ESD-sponsored activity or involving staff members who may be elsewhere on ESD business will be reported immediately to a supervisor. [Staff members will report self-administered first-aid² treatment to an immediate supervisor.] All accidents involving employees, students, visiting public or [school or] ESD property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the ESD's safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related³ illness or injury to an employee resulting in in-patient hospitalization for medical treatment⁴ other than first aid, loss of an eye, amputation or avulsion⁵ the ESD safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA) within 24 hours after notification to the ESD of an illness or injury. Fatalities or catastrophes⁶ shall be reported⁷ to OSHA within eight hours.

ALL injuries or illnesses sustained by an employee, while in the actual performance of the duty of the employee, or by a student or visiting public and accidents involving [school or] ESD property, employees, students or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

¹ The Oregon Occupational Safety and Health Division provides: "Injury or illness" means an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, skin disease, respiratory disorder, or poisoning (record injuries and illnesses only if they are new, work-related cases that meet one or more of the recording criteria). (OAR 437-001-0015(39))

² For employees, "first aid" means any one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, or similar injuries that do not ordinarily require medical care. Such one-time treatment and subsequent observation is considered first aid even though it is provided by a physician or registered professional personnel. (OAR 437-001-0015(34))

³ An injury or illness is work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. (OAR 437-001-0700(6))

⁴ "Medical treatment" is the management or care of a patient to combat disease or disorder. The following are not considered medical treatment: visits to a physician or other licensed health care professional solely for observation or counseling; diagnostic procedures, such as x-rays and blood tests, including administering prescription medications solely for diagnostic purposes; or any procedure that can be labeled first aid according to OAR 437-001-0700(8)(d)(A)(iii).

⁵ Amputations and avulsions are only required to be reported if they result in bone loss. (OAR 437-001-0704(4))

⁶ "Catastrophe" is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility. (OAR 437-001-0015(11))

⁷ Reporting must be done in person or by telephone. (OAR 437-001-0704(3))

The ESD safety officer will maintain records on injuries, illnesses, and accidents involving [school or] ESD property, employees, students or visiting publics.

These records will include prevention measures taken, reporting information, periodic statistical reports on the number and types of injuries, illnesses and accidents occurring in the ESD, and monthly and annual analyses of accident data. Such reports will be submitted to the [superintendent] [Board].

END OF POLICY

Legal Reference(s):

[ORS 339.309](#)

[OAR 437-001-0700](#)

[OAR 437-002-0360](#)

[OAR 437-001-0704](#)

[OAR 437-002-0377](#)

[OAR 437-001-0015](#)

[OAR 437-001-0760](#)

[OAR 581-024-0275](#)

OSBA Model ESD Sample Policy

Code:
Adopted:

EBC

Emergency Procedures Plan and First Aid[**]

(Version 2)

{Highly recommended policy. This policy informs about a requirement for an emergency procedures plan (OAR 581-024-0275) and other minimum standards for providing emergency care (OAR 581-022-2220(3).}

The ESD will maintain a comprehensive safety program for all employees and students. This program will include a plan for responding to emergency situations. **[The ESD emergency plan will be coordinated with appropriate police and fire services, ambulance services and area hospitals.]**

Copies of the Emergency Plan will be available in the ESD office **[, ESD school(s)]** and other strategic locations throughout the ESD. **[Parents or guardians will be informed of the ESD's plan.]**

The ESD shall provide instruction to staff **[and students]** in the emergency plan and safety program. {¹}

In each ESD facility, procedures for handling health emergencies will be established and made known to staff. Each ESD facility and ESD vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

At least one staff member with a current first-aid/CPR **[/AED]** card **[for every 60 students enrolled]** shall be available in all ESD-operated facilities. **[Emergency planning will include the presence of at least one staff member with a current first-aid/CPR/AED card for every 60 students for school-sponsored activities where students are present.]**

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[ORS 192.660\(2\)\(k\)](#)
[ORS 334.125](#)
[ORS 433.260](#)
[ORS 433.441](#)
[OAR 437-002-0042](#)

[OAR 437-002-0120 - 0139](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2030\(3\)\(c\)](#)
[OAR 581-022-2220](#)

[OAR 581-024-0275](#)
[OAR 581-053-0003\(40\)](#)
[OAR 581-053-0220\(3\)\(e\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

¹ {OAR 581-024-0275 requires the ESD to provide training in the “emergency plan.”}

OSBA Model ESD Sample Policy

Code:
Adopted:

EBCA

Safety Threats**

{Highly recommended policy. The basis for policy comes from ORS 339.324 which outlines actions of a school operated by the ESD or the ESD can follow when a safety threat action has occurred.}

“Safety threat action” means a lockdown, ~~lockout~~ **[secure]**, shelter in place or evacuation that: (a) is initiated by a school in response to a safety threat; and (b) is not a planned drill.

When a school operated by the ESD or the ESD initiates a safety threat action the school or ESD shall issue an electronic communication as expediently as possible and not later than 24 hours after initiation of the safety threat action. The communication will be issued in culturally appropriate languages to effectively communicate with parents and guardians of students attending the school at which the action occurred.

The communication must include:

1. A general description of the issue that caused the safety threat action to be taken;
2. The duration of time the safety threat action was taken, from when the action was initiate until when it concluded;
3. Actions taken by the school or district to resolve the situation that caused the safety threat action and actions taken to protect student safety; and
4. An explanation of how the situation was resolved.

The communication shall be provided in a manner which communicates relevant facts and details as may be necessary or useful for parents and guardians to understand any potential threats to student safety, and to assist parents and guardians in helping students understand and mentally process the incident and any resulting trauma.

A communication will also be issued to employees of the school at which the safety threat action occurred and must include the same information as above and any additional information as may be permitted by relevant confidentiality and privacy requirements.

The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 334.125](#)

[ORS 339.324](#)

OSBA Model ESD Sample Policy

Code:
Adopted:

EBCB

Emergency Procedure Drills and Instruction

(Version 2)

{Highly recommended policy. This policy includes information about required instruction and drills on emergency procedures in schools¹. See ORS 336.071}

The ESD will conduct emergency procedure drills in accordance with the provisions of Oregon Revised Statutes (ORS) and the applicable Oregon Fire Code.

Students served in ESD facilities shall participate in emergency procedures. The emergency procedures shall include drills and instruction on fires, earthquakes, ~~tsunami procedures~~ and safety threats.

Instruction on emergency procedures shall be conducted for at least 30 months each school month [year]. The first emergency evacuation drill shall be conducted within 10 days of the beginning of classes.

Fire Emergencies

Drills and instruction on fire emergencies shall include routes and methods of exiting the ESD facilities.

Earthquake [and Tsunami] Emergencies

~~At least two drills on earthquakes shall be conducted each year.~~ ~~At least three drills on earthquakes that include tsunami drills shall be conducted each year.~~

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the ESD may include additional response procedures for earthquake emergencies.

~~Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake, when appropriate, or after a tsunami warning to protect students against inundation by tsunamis.~~

Safety Threats

¹ {ORS 336.071 (6) As used in this section, “school” means any: (a) Kindergarten through grade 12 public or private school; or (b) Educational institution having an average daily attendance of 50 or more students.}

² {Required if school is in a designated tsunami hazard done.}

³ {This is required action for a school not in a tsunami hazard zone.}

⁴ {This is required action for a school in a tsunami hazard zone.}

⁵ {This is a required action for a school in a tsunami hazard zone.}

At least two drills on safety threats shall be conducted each year. Drills and instruction on safety threats shall include procedures related to lockdown, lockout, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety, and will include the school's communication strategy following a safety threat action (See Board policy EBCA - Safety Threats**).

[The ESD may provide additional instruction relating to other disasters such as flooding, drought, excessive snowfall or wildfires.⁶]

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures**[, and MAY assist the school with the instruction and the conducting of drills for students in these emergency procedures].**

END OF POLICY

Legal Reference(s):

[ORS 336.071](#)
[ORS 339.324](#)

[ORS 476.030](#)
[OAR 581-024-0275](#)

[OREGON STATE FIRE MARSHAL](#), OREGON FIRE CODE.

⁶ The Oregon Department of Education has resources available at <https://www.oregon.gov/ode/schools-and-districts/grants/pages/threat-and-hazard-resources.aspx>.

OSBA Model ESD Sample Policy

Code:
Adopted:

EHB

Cybersecurity

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

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

The underlying principles followed to achieve that objective are:

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

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

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

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)
[ORS 334.125](#)

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

Children's Internet Protection Act, 47 U.S.C. §§ 254(h) and (l); 47 C.F.R. § 54.520.

Children's Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501 to 6505; 16 C.F.R. § 312.

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. § 99.

Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d; 45 C.F.R. §§ 160, 164.

Protection of Pupil Rights, 20 U.S.C. § 1232h; Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. § 98.

OSBA Model ESD Sample Policy

Code: EHB-AR
Revised/Reviewed:

Cybersecurity

{Optional AR.}

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

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

Roles and Responsibilities

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

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

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

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

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

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

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

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

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

Classification of Information

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

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

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

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

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

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

{Examples may vary based on the needs of the ESD.}

Online Services and Applications

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

Implementation

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

Violations of Policy and Misuse of Information

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

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

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

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

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

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