

Agenda

Wednesday, October 9, 2024 7:00 PM

Winston-Dillard School District, 620 NW Elwood St, Winston, OR 97496

1. **Call To Order**

2. **Pledge of Allegiance**

3. **Roll Call - Establishment of a Quorum**

4. ***Superintendent Academic Awards - Elementary***

4.A. Brockway Elementary School - Briley Ekborg

4.B. Lookingglass Elementary School - Milly Graham

4.C. McGovern Elementary School - Mia Lopez

5. **DHS Student Report**

6. ***INTERMISSION***

7. **SUPERINTENDENT REPORT**

7.A. Enrollment

8. **Directors Report**

9. **ITEMS OF DISCUSSION**

9.A. Division 22 Standards Report

9.B. Strategic Plan Update

9.C. Desk Audit Policy Review Section D: Fiscal
Management 1st Reading

9.D. Desk Audit Policy BDD: Board Meeting Procedures
1st Reading

9.E. OSBA Legislative Roadshow October 29, 2024

9.F. Field Trip Requests

10. **ADOPTION OF CONSENT AGENDA**

10.A. Financial Statement

10.B. Minutes

10.C. Student Transfers Recommended for the
2024-25 School Year

10.D. Adoption of Consent Agenda Motion

11. **ACTION ITEMS**

11.A. Desk Audit Policy Review Sections G:
Personnel and I: Instruction, 2nd Reading

11.B. Wrestling Mats - Douglas High School

11.C. CTE Woodshop and Metals Roofing Repairs -
High School Success Grant (M98)

11.D. Edgenuity Online Curriculum - Title I and
General Fund

11.E. CTE Winston Middle School - High School
Success/M98 Funds

11.F. DHS CTE Log Yard Brick Wall - High School
Success Grant (M98)

12. **COMMUNICATIONS**

13. **FOR THE GOOD OF THE ORDER**

14. **ADJOURNMENT**

15. **UPCOMING**

15.A. Regular Session at WSD Office Board Room
November 13, 2024 at 7:00 pm

Winston-Dillard School District Student Enrollment 2024-25											
Grade Level	Head Ct.										
	10/6/2023	9/9/2024	10/4/2024								
K	98		99								
1	91		88								
2	108		88								
3	92		103								
4	109		101								
5	109		109								
Elem School Total	607	571	588								
6	92		104								
7	108		97								
8	89		111								
Middle School Total	289	308	312								
9	96		95								
10	133		92								
11	74		97								
12	64		76								
DAS	65	47	45								
High School Total	432	367	405								
Total Enrollment	1328	1246	1305								
9/9/2024											
Elementary Schools	PK	K	1	2	3	4	5	DAHS			
McGovern - 208	0	0	0	0	0	0	0	9	1		
Brockway - 222(PK 22)	0	0	0	0	0	0	0	10	0		
Lookingglass -141(PK17)	0	0	0	0	0	0	0	11	22		
Total	0	0	0	0	0	0	0	12	22		
10/4/2024											
Elementary Schools	PK	K	1	2	3	4	5				
McGovern -232	0	0	0	0	74	82	76				
Brockway - 225(PK277)	52	81	73	71	0	0	0				
LES -131 (PK 149)	18	18	15	17	29	19	33				
Total	70	99	88	88	103	101	109				

Winston Dillard School District

Report on Compliance with Public School Standards

2023-24 School Year

By November 1 of each year, school district superintendents are required by [OAR 581-022-2305: District Assurances of Compliance with Public School Standards](#) to report to their community on the district's status with respect to all of the Standards for Public Elementary and Secondary Schools. The Standards are adopted by the State Board of Education and set out in Oregon Administrative Rules Chapter 581, Division 22.

The table below contains a summary of **Winston Dillard** School District's compliance with each of the requirements of Oregon's administrative rules found in [DIVISION 22 - STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS](#) during the 2023-24 school year. For each rule reported as out of compliance, **Winston Dillard** School District has provided an explanation of why the school district was out of compliance and the school district's proposed corrective action plan to come into compliance. The corrective action must be approved by ODE and completed by the district by the beginning of the 2025-26 school year.

What are the requirements of the standards? For a general overview of what each rule/standard requires, consult this high-level [Rules at a Glance summary](#). For specific, comprehensive requirements, use the links below for each individual rule.

Category: Teaching & Learning

Subcategory: Curriculum & Instruction

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2030 District Curriculum	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2045 Substance Use Prevention and Intervention Plan	In compliance	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2050 Human Sexuality Education	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2055 Career Education	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2060 Comprehensive School Counseling	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2263 Physical Education Requirements *Elementary Grades	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2263 Physical Education Requirements *Middle Grades	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2320 Required Instructional Time	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2340 Media Programs	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2500 Programs and Services for TAG Students	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2350 Independent Adoptions of Instructional Materials	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2355 Instructional Materials Adoption	In compliance	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2360 Postponement of Purchase of State-Adopted Instructional Materials	In compliance	The district has met all of the requirements for this rule.	Not applicable

Subcategory: Assessment & Reporting

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2100 Administration of State Assessments	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2110 Exception of Students with Disabilities from State Assessments	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2115 Assessment of Essential Skills: Diploma Requirements	Waived through the end of 2027-28 school year	Not applicable	Not applicable
581-022-2115(2) Assessment of Essential Skills: Local Performance Assessment Requirement	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2120 Essential Skill Assessments for English Language Learners	Waived through the end of 2027-28 school year	Not applicable	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2270 Individual Student Assessment, Recordkeeping and Reporting	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2445 Universal Screenings for Risk Factors of Dyslexia	In compliance	The district has met all of the requirements for this rule.	Not applicable

Subcategory: Program & Service Requirements

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2315 Special Education for Children with Disabilities	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2325 Identification of Academically Talented and Intellectually Gifted Students	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2330 Rights of Parents of TAG Students	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2505 Alternative Education Programs	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2515 Menstrual Dignity for Students	In compliance	The district has met all of the requirements for this rule.	Not applicable

Subcategory: High School Diploma

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2000 Diploma Requirements	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2005 Veterans Diploma	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2010 Modified Diploma	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2015 Extended Diploma	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2020 Certificate of Attendance	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2025 Credit Options	In compliance	The district has met all of the requirements for this rule.	Not applicable

Category: Health & Safety

Subcategory: Policies & Practices

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2205 Policies on Reporting of Child Abuse	In compliance	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2220 Health Services	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2310 Equal Education Opportunities	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2312 Every Student Belongs	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2345 Auxiliary Services	In compliance	The district has met all of the requirements for this rule.	Not applicable

Subcategory: Plans & Reports

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2223 Healthy and Safe Schools Plan	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2225 Emergency Plans and Safety Programs	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2230 Asbestos Management Plans	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2267 Annual Report on Restraint and Seclusion	In compliance	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2510 Suicide Prevention Plan	In compliance	The district has met all of the requirements for this rule.	Not applicable

Subcategory: Athletics & Interscholastic Activities

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2210 Anabolic Steroids and Performance Enhancing Substances	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2215 Safety of School Sports – Concussions	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2308 Agreements Entered Into with Voluntary Organizations	In compliance	The district has met all of the requirements for this rule.	Not applicable

Category: District Performance & Accountability

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2250 District Improvement Plan	In compliance	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2255 School and District Performance Report Criteria	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2260 Records and Reports	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2265 Report on PE Data	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2300 Standardization	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2305 District Assurances of Compliance with Public School Standards	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2370 Complaint Procedures	In compliance	The district has met all of the requirements for this rule.	Not applicable

Category: Human Resources/Staffing

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2335 Daily Class Size	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2400 Personnel	In compliance	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2405 Personnel Policies	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2410 Teacher and Administrator Evaluation and Support	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2415 Core Teaching Standards	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2420 Educational Leadership - Administrator Standards	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2430 Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses	In compliance	The district has met all of the requirements for this rule.	Not applicable
581-022-2440 Teacher Training Related to Dyslexia	In compliance	The district has met all of the requirements for this rule.	Not applicable

What We Want to Accomplish: Goals and Action Plan

Goal Area I: Community Engagement				
a. Increase meaningful interaction between the board, community, staff, and students b. Motivate and engage all stakeholders in the process of learning c. Build community networks of shared educational responsibility				
Strategy Description	Activities/Action	School - Responsible Party	Score	Resources \$ = few - \$\$\$\$ = many
1.1 Establish an infrastructure for community engagement.	1.1.1 Create a district level engagement team	District Administration	3	\$
	1.1.2 Establish and promote participation in site councils comprised of community members, staff, and qualified stakeholders.	Building Administrators	2	\$
	1.1.3 Create staff positions for community engagement.	District Administration	Not Attempted	\$\$
1.2 Communicate proactively in the community.	1.2.1 Utilize virtual communication tools as well as traditional methods to inform the community of events and initiatives.	All staff and school board in partnership with local agencies	3.5	\$
	1.2.2 Convey information proactively and regularly, with ample opportunities for feedback.	All staff and school board along with ESD consultants	3.5	\$
	1.2.3 Publicize our maxims and work to infuse them into our culture.	District and school administration	2.5	\$\$
	1.2.3 Create a district communication plan.	District and school administration, ESD PR consultants	2.75	\$

1.3 Listen to the community and respond to its feedback.	1.3.1 Facilitate parent/community gatherings that provide opportunities for public input on issues of education, culture, and planning.	District and school administration	3.5	\$\$
	1.3.2 Involve site councils in improvement planning and implementation.	School administration	2	\$
	1.3.3 Use electronic surveys to gauge community opinion on relevant issues.	District and school administration	3	\$
1.4 Offer meaningful opportunities to participate	1.4.1 Involve families in academic improvement.	Parents and school staff	0	\$
	1.4.2 Involve parents as organizers	Parents and school staff	0	\$
	1.4.3 Involve community partners in supporting families and students.	Parents and school staff	0	\$



Goal Area II: Address Students' Behavioral and Mental Health Needs				
a. Provide training and implement programs addressing social-emotional learning				
b. Increase all student access to mental health and behavioral professionals				
Strategy Description	Action	School - Responsible Party	Score	Resources
2.1 Provide Additional Behavioral and Mental Health Support for Schools.	2.1.1 Hire Additional Counselors K-12	District and school administration	4	\$\$\$
	2.1.2 Form a district level team to identify issues around mental health and behavior in order to offer supports and solutions.	District, school and ESD staff	2.7	\$
	2.1.3 Continue to support school wide behavior support programs (PBIS, HOUSE etc.) to include staff training and student behavioral data collection.	Individual Schools – Site Councils	3	\$\$
	2.1.4 SEL Implementation and training	District, school and ESD staff	3	\$\$\$
2.2 Implement the Oregon Comprehensive Counseling Plan	2.2.1 Train support staff on the OCCP	District and school administration	2.3	\$\$
	2.2.2 Monitor the implementation of the OCCP	School administration	2.16	\$
	2.2.3 Measure the outcomes of the counseling programs	Counseling staff	2.3	\$
2.3 Involve community agencies in supporting students and their families	2.3.1 Build effective partnerships	Counseling Staff/Building Admin	2.5	\$
	2.3.2 Establish multi-tiered systems of support	SST and Counseling Staff	2.9	\$
	2.3.3 Conduct needs assessment and resource mapping	District/Building/Counseling Staff	2.7	\$

Goal Area III: Build and maintain facilities which promote safety and effective use of space for learning				
Strategy Description	Action	School - Responsible Party	Time Line	Resources
3.1 Maintain facilities in a manner that shows care and respect.	3.1.1 Create District facilities team to identify and prioritize facility needs toward a district improvement plan	DIST - Admin	4	\$
	3.1.2 Implement Roof Maintenance recommendations provided by Schaber Assoc.	DIST - Admin	3.8	\$\$\$\$
	3.2.3 Survey the district to determine other areas of efficiencies. Implement plan to address these areas.	DIST - Admin	3.6	\$
	3.1.3 Continue to use SchoolDude work order creating/tracking software to monitor maintenance work progress	DIST/Maint	4	\$\$
3.2 Continue improving district Security outcomes.	3.2.1 Continue to employ the Security-Attendance Compliance Monitor. Use this position to continuously improve security outcomes.	DIST	Grant Ended	\$\$\$
	3.2.2 Support the efforts of the Security Assessment Team and implement strategies in plan to improve district efforts in these areas (see attached plan)	DIST	4	\$\$

Goal Area IV: Increase Learning, Achievement, and growth in Pre-K-12 Grade				
a. Expand early learning and early literacy practices and programs b. Increase academic achievement for all students, including reducing academic disparities for historically underserved groups c. Develop and build capacity for all staff d. Expand availability and student participation in well-rounded learning experiences				
4.1 Increase access to well-rounded learning experiences	4.1.1 Hire additional PE teachers for the elementary schools	District and school administration	4	\$\$\$
	4.1.2 Support underserved and specialized student group	District and school administration	3.5	\$\$
4.2 Expand the Pre-K Program in the District to include all students	4.2.1 Add two PreK to BES And continue to expand early learning opportunities	District and Elementary Admin	3.9	\$\$\$\$
	4.2.2 Add one PreK to LES And continue to expand early learning opportunities	District and Elementary Admin	4	\$\$\$
4.3 Provide PD for Standards Based Math Instruction	4.3.1 Continue to meet as a math literacy team	District and school staff, administration	3	\$
	4.3.2 Develop common curriculum and course planning maps that show continuity across the district	Math staff, district and ESD coaches, Rural Schools Network	3	\$\$\$
	4.3.3 Implement targeted, multi-level intervention strategies across the district	Math literacy team, school staff and district and ESD coaches	2.5	\$\$
4.4 Increase leadership and PLC training for all staff	4.4.1 Increase participation in PLC training with state and regional resources	District and school administration, regional coaches	3	\$\$\$
	4.4.2 Build competence in Social Emotional Learning across the district	District and school administration, regional coaches	3	\$\$

What We Want to Accomplish: Goals and Action Plan

Goal Area I: Community Engagement				
a. Increase meaningful interaction between the board, community, staff, and students b. Motivate and engage all stakeholders in the process of learning c. Build community networks of shared educational responsibility				
Strategy Description	Activities/Action	School - Responsible Party	Time Line	Resources
1.1 Establish an infrastructure for community engagement.	1.1.1 Create a district level engagement team	District Administration	Spring 2020	\$
	1.1.2 Establish and promote participation in site councils comprised of community members, staff, and qualified stakeholders.	Building Administrators	Fall 2020 – Ongoing	\$
	1.1.3 Create staff positions for community engagement.	District Administration	Summer 2020	\$\$
1.2 Communicate proactively in the community.	1.2.1 Utilize virtual communication tools as well as traditional methods to inform the community of events and initiatives.	All staff and school board in partnership with local agencies	Ongoing	\$
	1.2.2 Convey information proactively and regularly, with ample opportunities for feedback.	All staff and school board along with ESD consultants	Spring 2020	\$
	1.2.3 Publicize our maxims and work to infuse them into our culture.	District and school administration	Fall 2020	\$\$
	1.2.3 Create a district communication plan.	District and school administration, ESD PR consultants	Fall 2020	\$

1.3 Listen to the community and respond to its feedback.	1.3.1 Facilitate parent/community gatherings that provide opportunities for public input on issues of education, culture, and planning.	District and school administration	Spring 2020 - Ongoing	\$\$
	1.3.2 Involve site councils in improvement planning and implementation.	School administration	Fall 2020 - Ongoing	\$
	1.3.3 Use electronic surveys to gauge community opinion on relevant issues.	District and school administration	Ongoing	\$
1.4 Offer meaningful opportunities to participate	1.4.1 Involve families in academic improvement.	Parents and school staff	Ongoing	\$
	1.4.2 Involve parents as organizers	Parents and school staff	2020-2021	\$
	1.4.3 Involve community partners in supporting families and students.	Parents and school staff	2020-2021	\$

Goal Area II: Address Students' Behavioral and Mental Health Needs

- a. Provide training and implement programs addressing social-emotional learning
- b. Increase all student access to mental health and behavioral professionals

Strategy Description	Action	School - Responsible Party	Time Line	Resources
<p>2.1 Provide Additional Behavioral and Mental Health Support for Schools.</p>	<p>2.1.1 Hire Additional Counselors K-12</p> <p>2.1.2 Form a district level team to identify issues around mental health and behavior in order to offer supports and solutions.</p>	<p>District and school administration</p> <p>District, school and ESD staff</p>	<p>Summer 2020</p> <p>Fall 2020</p>	<p>\$\$\$</p> <p>\$</p>
	<p>2.1.3 Continue to support school wide behavior support programs (PBIS, HOUSE etc.) to include staff training and student behavioral data collection.</p>	<p>Individual Schools – Site Councils</p>	<p>Ongoing</p>	<p>\$\$</p>
	<p>2.1.4 SEL Implementation and training</p>	<p>District, school and ESD staff</p>	<p>2020-2022</p>	<p>\$\$\$</p>
<p>2.2 Implement the Oregon Comprehensive Counseling Plan</p>	<p>2.2.1 Train support staff on the OCCP</p>	<p>District and school administration</p>	<p>Summer/Fall 2020</p>	<p>\$\$</p>
	<p>2.2.2 Monitor the implementation of the OCCP</p>	<p>School administration</p>	<p>Ongoing</p>	<p>\$</p>
	<p>2.2.3 Measure the outcomes of the counseling programs</p>	<p>Counseling staff</p>	<p>Spring 2021</p>	<p>\$</p>
<p>2.3 Involve community agencies in supporting students and their families</p>	<p>2.3.1 Build effective partnerships</p>	<p>Counseling Staff/Building Admin</p>	<p>Fall/Winter 2020-2021</p>	<p>\$</p>
	<p>2.3.2 Establish multi-tiered systems of support</p>	<p>SST and Counseling Staff</p>	<p>Fall/Winter 2020-2021</p>	<p>\$</p>
	<p>2.3.3 Conduct needs assessment and resource mapping</p>	<p>District/Building/Counseling Staff</p>	<p>Fall/Winter 2020-2021</p>	<p>\$</p>

Goal Area III: Build and maintain facilities that students want to be in

Strategy Description	Action	School - Responsible Party	Time Line	Resources
3.1 Maintain facilities in a manner that shows care and respect.	3.1.1 Create District facilities team to identify and prioritize facility needs toward a district improvement plan	DIST - Admin	Spring 2020	\$
	3.1.2 Implement Roof Maintenance recommendations provided by Schaber Assoc.	DIST - Admin	Ongoing	\$\$\$\$
	3.2.3 Survey the district to determine other areas of efficiencies. Implement plan to address these areas.	DIST - Admin	Ongoing	\$
3.2 Continue improving district Security outcomes.	3.1.3 Continue to use SchoolDude work order creating/tracking software to monitor maintenance work progress	DIST/Maint	Ongoing	\$\$
	3.2.1 Continue to employ the Security-Attendance Compliance Monitor. Use this position to continuously improve security outcomes.	DIST	Ongoing	\$\$\$
	3.2.2 Support the efforts of the Security Assessment Team and implement strategies in plan to improve district efforts in these areas (see attached plan)	DIST	Ongoing	\$\$

Goal Area IV: Increase Learning, Achievement, and growth in Pre-K-12 Grade

- a. Expand early learning and early literacy practices and programs
- b. Increase academic achievement for all students, including reducing academic disparities for historically underserved groups
- c. Develop and build capacity for all staff
- d. Expand availability and student participation in well-rounded learning experiences

4.1 Increase access to well-rounded learning experiences	4.1.1 Hire additional PE teachers for the elementary schools	District and school administration	Summer 2020	\$\$\$
	4.1.2 Support underserved and specialized student group	District and school administration	Ongoing	\$\$
4.2 Expand the Pre-K Program in the District to include all students	4.2.1 Add two PreK to BES And continue to expand early learning opportunities	District and Elementary Admin	2020-2025	\$\$\$\$
	4.2.2 Add one PreK to LES And continue to expand early learning opportunities	District and Elementary Admin	2020-2025	\$\$\$
4.3 Provide PD for Standards Based Math Instruction	4.3.1 Continue to meet as a math literacy team	District and school staff, administration	Ongoing	\$
	4.3.2 Develop common curriculum and course planning maps that show continuity across the district	Math staff, district and ESD coaches, Rural Schools Network	2020-2023	\$\$\$
	4.3.3 Implement targeted, multi-level intervention strategies across the district	Math literacy team, school staff and district and ESD coaches	2020-2025	\$\$
4.4 Increase leadership and PLC training for all staff	4.4.1 Increase participation in PLC training with state and regional resources	District and school administration, regional coaches	2020-2021	\$\$\$
	4.4.2 Build competence in Social Emotional Learning across the district	District and school administration, regional coaches	2020-2025	\$\$

Winston-Dillard School District 116

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Section D: Fiscal Management

Fiscal Management Goals	DA
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The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Winston-Dillard School District 116

Code: DA
Adopted: 3/16/11
Orig. Code(s): DA



Fiscal Management Goals

(This is optional language. Does it reflect the process? If not, recommend delete.)

The Board will review the fiscal needs of the district annually, considering instruction, capital outlay, building improvements and adjustments to accommodate any growth or decline of student enrollment or district area. The Board encourages the input of staff, parents and members of the community as a part of the review and recommendation process. After due consideration of recommendations, the Board will adopt fiscal goals for the school year.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Winston-Dillard School District 116

Code: DB
Adopted:

adopt

District Budget

Optional policy

The district budget will serve as the financial plan of operation for the district and will include estimates of expenditures for a given period and purpose, and the proposed means of financing the estimated expenditures. The district may provide that the budget and budget documents be prepared on an annual or biennial basis.

The district budget will be prepared in compliance with Local Budget Law, federal and state laws and regulations and locally adopted procedures.

The fiscal year will extend from July 1 to June 30 inclusive.

~~The ^{*BUSINESS manager*} [superintendent] will be designated as budget officer and will prepare the budget document.~~

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 328.542 to -328.565](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Kim?

Winston-Dillard School District 116

Code: DBC
Adopted:

adopt

Budget Calendar

Optional

The Board will adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget. The budget calendar will be prepared on an annual or biennial basis, as appropriate. The calendar will identify dates and activities to include those needed to comply with state law.

The superintendent will prepare and recommend a proposed calendar for Board approval.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 328.542 to -328.565](#)

al

Winston-Dillard School District 116

Code: DBDB
Adopted: 2/10/16
Orig. Code(s): DBDB

*OK as presented.
8% is good.*

Fund Balance

(Is the percentage listed below still working?)

The Board recognizes its responsibility to establish an unrestricted ~~unreserved~~ fund balance¹ in an amount sufficient to:

1. Protect the district from unnecessary borrowing in order to meet cash-flow needs;
2. Provide prudent reserves to meet unexpected emergencies and protect against catastrophic events;
3. Meet the uncertainties of state and federal funding; and
4. Help ensure a district credit rating that would qualify the district for lower interest costs and greater marketability of bonds that may be necessary in the construction and renovation of school facilities.

Consequently, the Board directs the superintendent to manage the currently adopted district budget in such a way to ensure an ending fund cash balance of at least 8 percent of total adopted revenues.

In determining an appropriate unrestricted ~~unassigned~~ fund balance, the Board will consider a variety of factors with potential impact on the district's budget including the predictability and volatility of its expenditures²; the availability of resources in other funds as well as the potential drain upon general fund resources from other funds³; liquidity⁴; and designations⁵. Such factors will be reviewed annually.

END OF POLICY

¹ The Government Finance Officers Association (GFOA) recommends, at a minimum, that general-purpose governments, regardless of size, maintain an unrestricted fund balance in their general fund of no less than 5 to 15 percent of regular general fund operating revenues, or of no less than one to two months of regular general fund operating expenditures. The Oregon Association of School Business Officials recommends, at a minimum, an unrestricted ending fund balance of no less than 3 to 8 percent of the general fund budget. In general practice, levels of fund balance, typically, are less for larger governments than for smaller governments because of the magnitude of the amounts involved and because the diversification of their revenues and expenditures often results in lower degrees of volatility.

² Higher levels of unrestricted fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile.

³ The availability of resources in other funds may reduce the amount of unrestricted fund balance needed in the general fund, just as deficits in other funds may require that a higher level of unrestricted fund balance be maintained in the general fund.

⁴ The disparity between when financial resources actually become available to make payments and the average maturity of related liabilities may require that a higher level of resources be maintained.

⁵ The need to maintain a higher level of unrestricted fund balance to compensate for any portion of unrestricted fund balance already designated for a special purpose.

Legal Reference(s):

[ORS 294.311\(18\)](#)

[ORS 294.398](#)

[ORS 332.107](#)

Winston-Dillard School District 116

OK - adopt

Code: DBE
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DBD

Budget Preparation

The district staff will use a prioritizing system consistent with program needs as identified by staff and the Board. Priorities should be established to be used as a basis for budget additions or reductions.

Principals and supervisors shall ~~receive~~ request and access lists of budget needs from the teachers or departments and shall discuss priorities and make necessary adjustments. The total building budget shall be presented to the superintendent who shall discuss the budget with the principals and supervisors and make necessary adjustments.

Responsibility of the Superintendent

The superintendent [~~and other administrators~~] is [~~are~~] responsible for receiving and reviewing all ~~district~~ compiled budgets, making necessary adjustments, and combining all into the district budget document, ~~and~~ The superintendent is responsible for presenting said document and the budget message to the ~~Board~~ and budget committee.

Responsibility of the Board

1. The ~~preparation~~-adoption of the budget is the responsibility of the Board. The budget committee, consisting of the elected Board members and an equal number of lay members appointed by the Board, is responsible for reviewing and approving the recommended proposed budget. See Board policy DBEA – Budget Committee.
2. The Board is responsible for conducting a hearing on the revised and adjusted budget recommended by the budget committee, making any necessary revision as a result of said public hearing, and approving the proper resolutions to adopt and appropriate the budget.
3. The final responsibility of the Board is to determine, make and declare the ad valorem property tax amount or rate to be certified to the assessor for the ensuing year or budget period and itemize and categorize the ad valorem property tax amount or rate as provided in ORS 310.060.

The Board shall ensure all special funds are budgeted including bond levies and local option levies as necessary.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

Winston-Dillard School District 116

Code: DBEA
Adopted: 5/25/05
Readopted: 3/16/11; 12/14/22
Orig. Code: DBEA

OK - adopt

Budget Committee

Organization, Membership and Terms of Office

The district budget committee will consist of the five members of the Board and five electors appointed by the Board as required by law. The term of the appointed members of a budget committee in a district that prepares an annual budget, will each be three years, with appointments made so that, as nearly as practicable, the terms of one-third of the members end each year. ~~The appointive members of a budget committee in a district that prepares a biennial budget shall be appointed to four year terms. The terms shall be staggered so that as near as practicable, one fourth of the terms of the appointive members end each year.~~ At least one member of the budget committee must be a member of the district's educational equity advisory committee.¹ The Board will establish appropriate timelines and procedures for the appointment of budget committee members.

A majority of the constituted committee is required for passing an action item. Majority for a 10-member budget committee is 6. Therefore, if only 6 members are present, a unanimous vote is needed for passing an action item.

Presiding Officer and Orientation of Budget Committee

1. Organization: The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. Such meeting may be prior to or on the date the budget message and document are presented.
2. Background Information: Budget committee members will be provided with data for the ensuing year(s), such as the Board's educational plan, and other pertinent material bearing on the preparation of the district budget.

Meetings of the Budget Committee

The district's budget committee shall hold one or more meetings to receive the budget message, the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. No new program should be considered for the budget estimate that has not previously been submitted to the Board and approved as a part of the educational plan. The budget committee will determine levels of spending, but will not determine programs.

¹ Districts with ADM over 10,000 must convene an educational equity advisory committee no later than September 15, 2022. Districts with ADM of 10,000 or under are not required to convene an educational equity advisory committee until September 15, 2025.

Final Action

The budget committee will approve an estimated district budget document for submission to the Board.

END OF POLICY

Legal Reference(s):

[ORS 174.130](#)
[ORS 192.610 - 192.695](#)

[ORS 294.305 - 294.565](#)
[ORS 329.711](#)

[ORS 433.835 - 433.875](#)

Winston-Dillard School District 116

OK - adopt

Code: DBK
Adopted: 3/16/11
Orig. Code(s): DBK

Budget Transfer Authority

The adopted district budget is a financial plan which may be subject to change as a result of circumstances or events occurring during the ensuing budget period. All appropriation transfers shall be authorized when completed by official resolution of the Board. The authorizing resolution must state: the need for the transfer; its purpose; and the amount of the transfer.

~~Intrafund Transfers~~

Transfers of general operating contingency appropriations ~~within a fund~~, which in aggregate during a fiscal year or budget period exceed 15 percent of the total appropriations of the fund, may be made only after the adoption of a supplemental budget prepared for that purpose.

The ^{OK} [superintendent] has the authority to approve transfers between programs (i.e., elementary, middle school, high school) and or object codes (i.e., 100-salaries, 200-benefits, 300-purchasing service, 400-supplies) within the same appropriation.

END OF POLICY

Legal Reference(s):

[ORS 294.463](#)

Winston-Dillard School District 116

Code: DD
Adopted: 3/16/11
Orig. Code(s): DD

OK *adopt*

Grant Funding Proposals and Applications

The district shall pursue federal, state or private grants or other such funds that will assist the district in meeting adopted Board and district goals.

Proposals for external funds will be submitted to the Board for evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the superintendent is authorized to use ~~their~~^{his/her} judgment in approving it for submission. The superintendent will review the proposal with the Board at its next regular meeting. The Board reserves the right to reject funds associated with any grant which has been approved.

The Board shall, before an acceptance of such funds, consider the district's obligations, expectations or encumbrances when the grant ceases.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 332.075](#)

Winston-Dillard School District 116

Code: DDB
Accepted:

We don't have this policy currently. Kind S?

Native American Impact Aid Funds

(Does the district receive any program funds?)

The district may claim children residing on Indian lands for the purpose of receiving federal funds pursuant to the Title VII - Impact Aid laws.

The district ensures:

1. The equal participation of Indian children in the educational programs and activities of the district on the same basis as all other district students;
2. Parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the district may help such children realize the benefits of district programs and activities;
3. Parents and Indian tribes are consulted and involved in planning and developing such programs and activities;
4. Relevant applications, evaluations and program plans are disseminated to the parents and Indian tribes;
5. Parents and Indian tribes are afforded an opportunity to present their views to the district regarding the district's general educational program.

The policy will be reviewed annually and modified as needed.

Documentation demonstrating district compliance with the requirements of this policy and law will be maintained in the district office.

END OF POLICY

Legal Reference(s):

Every Student Succeeds Act, 20 U.S.C. § 7701-7714 (2012).
Special Provisions for Local Educational Agencies that Claim Children Residing on Indian Lands, 34 C.F.R. §§ 222.90-222.122 (2017).

Winston-Dillard School District 116

Code: DDC
Accepted: P

Kim S?

Native American Education Program Grants - Title VI Indian Education

(Does the district receive any program funds?)

The district may submit a grant application for the purpose of receiving federal funds to support Native American Education Program efforts.

The application should include a description of the comprehensive program for meeting the language and cultural needs of Indian children, that includes:

1. How the program will offer programs and activities to meet the culturally related academic needs of Indian students;
2. Is consistent with the State, tribal and local plans;
3. Includes academic content and student academic achievement goals for identified children, and benchmarks for attaining goals that are based on the Oregon Department of Education's (ODE) academic standards and content and student academic achievement standards adopted under Title I for all students;
4. Explains how Federal, State and local programs, especially programs carried out under Title I, will meet the needs of Indian students;
5. Demonstrates how funds will be used for the activities described above;
6. Describes the professional development opportunities that will be provided, as needed, to ensure that:
 - a. Teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and
 - b. All teachers involved in programs are properly trained to carry out such programs; and
7. Describes how the district will:
 - a. Periodically assess the progress of all Indian children enrolled in district schools, including Indian children who do not participate in programs assisted;
 - b. Provide results of each assessment to the committee described below, to the community served by the district and to the Indian tribes whose children are served by the district; and
 - c. Provide communication of responses to findings of any previous assessments, similar to the assessments described above.
8. Describes the process the district used to meaningfully collaborate with Indian tribe(s) located in the community in a timely, active and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

The district programs and activities shall be developed in consultation with and the written approval of a committee consisting of parents of Indian children and teachers, and when appropriate, Indian students at the secondary level. A majority of committee members shall be parents of Indian children.

P
END OF POLICY

Legal Reference(s):

Every Student Succeeds Act, 20 U.S.C. §§ 7701-7714; 7421-7425 (2012).

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D

Winston-Dillard School District 116

OK - adopt

Code:
Adopted:

DE/DEB/DEC

Revenues from Private, State and Federal Sources

The Board may authorize, accept and use private, state or federal funds available to the district to carry out district educational programs. The district will comply with all regulations and procedures required for receiving and using such funds.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 332.107](#)

P

O

S

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D

Winston-Dillard School District 116

Code: DFA
Adopted: 3/16/11
Orig. Code(s): DFA

Investment of Funds

At certain times during the course of the fiscal year, there will be available funds that are in excess of immediate operational needs of the district.

The Board directs that the district invest such excess funds in accordance with applicable Oregon Revised Statutes.

Authority

The Board delegates to the business manager or designee, the responsibility of investment portfolio manager. The portfolio manager is responsible for investment decisions and activities, under the direction of the business manager. The portfolio manager will maintain written procedures for the operation of the investment program, consistent with related policies.

Objectives

There are three principles that will guide the portfolio manager in implementation of this policy:

1. The primary objective of investment activities is the preservation of capital and the protection of investment principal. In investing public funds, the district will not assume unreasonable investment risk to obtain investment income. In all investment activities, the portfolio manager will follow the prudent investor rule, which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.";
2. Adequate liquidity to meet daily funds needs for payment of district operating requirements which might be reasonably anticipated will be the second objective of the portfolio manager;
3. The third objective of the portfolio manager will be optimization of investment earnings consistent with adherence to the objectives.

Reporting Requirements

The portfolio manager shall prepare daily and monthly reports for management purposes. Additionally, the Board will be provided quarterly reports which will include data providing information such as dealer name, type of investment, issue date, maturity date, rate of interest and principal invested as well as any further data or narrative explaining the basis of the investment decision. As soon as practical after the end of the fiscal year, a comprehensive annual report on the investment program and investment activity shall

be presented to the Board. The annual report shall include a summary of administrative accomplishments, the overall trend of the economy and interest rates and other pertinent data.

END OF POLICY

Legal Reference(s):

[ORS 294.033](#)

[ORS 294.035](#)

[ORS 294.125](#)

[ORS 294.135](#)

[ORS 294.145](#)

[ORS 294.155](#)

Winston-Dillard School District 116

Delete

Code: DFC
Adopted: 10/8/08
Revised/Readopted: 3/16/11
Orig. Code: DFC

Grants from Private Sources

(This restates what is already in policy DD. Recommend delete.)

When the district receives notice it has been awarded grant funds from private sources, the awarded grant will be submitted to the Board for evaluation and approval.

In the event a grant is awarded and there is insufficient time to place it before the Board, the superintendent is authorized to use his/her judgment in accepting the awarded grant. The superintendent will review the conditions of the awarded grant with the Board at its next regular meeting. The Board reserves the right to reject funds associated with any grant which has been awarded.

END OF POLICY

Legal Reference(s):

[ORS 294.100](#)

[ORS 294.305 - 294.565](#)

E

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E

Winston-Dillard School District 116

Code: DFEA
Adopted: 6/15/11
Revised/Readopted: 5/15/19
Orig. Code(s): DFEA

Admissions to District Events

District residents 65 years of age and older may be given senior citizen guest passes for all school activities, including athletic events. Additionally, the athletic director shall provide complimentary Booster Passes to the following:

1. Volunteers (e.g., doctors, fire department, police department);
2. Unpaid officials who perform frequently at athletic events (e.g., scorekeepers, public address personnel, photographers).

District employees and Board members will be assessed the uniform district admission rate. Such individuals may be admitted at no charge only when assigned specific duties and such admission is consistent with the provisions of Oregon Revised Statute (ORS) Chapter 244 and/or ~~district~~ Board policy GBC – Staff Ethics and its ~~administrative~~ regulation, GBC-AR – Staff Ethics.

Board members may be reimbursed, when paid admission is required of the general public, for attending district sporting events and other activities as part of their responsibilities of being informed about district operations. The district will establish accounting procedures, including any ~~possible~~ income ~~tax~~ liability, consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 332.107](#)

OK w/ proposed changes. YES - APPROPT

Winston-Dillard School District 116

OK

Code: DFG
Adopted: 3/16/11
Orig. Code(s): DFG

Income from Program-Related Sales and Services

Certain professional-technical activities allow students to charge the public for goods and services. These activities are designed for educational purposes and not to compete with community businesses.

Charges for work performed and goods sold through these activities will be kept current with costs for the service or item.

Money collected will be deposited in the student body fund account within the general fund.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

Winston-Dillard School District 116

OK as proposed

Code: DGA
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DGA

Authorized Signatures

The Board will ~~shall~~, at its annual organizational meeting following ~~in~~ July 1 or at ~~such~~ other times ~~as~~ deemed necessary by the Board, authorize the district clerk and/or other individuals designated by the superintendent ~~designee of the district to~~ sign district checks. The Board may authorize the use of facsimile signatures by those persons authorized to sign district checks.

END OF POLICY

Legal Reference(s):

[ORS 294.120](#)

[ORS 328.441](#)

[ORS 328.445](#)

Winston-Dillard School District 116

Code: DH
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DH

OK as below

~~Bonded Employees and Officers Loss Coverage~~

~~All district employees responsible for funds, fees, cash collections or inventory control will be bonded to protect the district against loss in an amount determined by the Board and upon recommendation of the district's agent of record. In compliance with Oregon statutes and administrative rules, the superintendent, custodian of funds and other individuals as deemed necessary by the Board will have individual fidelity bond coverage or equivalent crime coverage. The Board and designated district employees are responsible to safeguard the district against loss regarding funds, fees, cash collections and inventory. The Board shall designate the district employees responsible as custodians of such items. The district shall purchase bond coverage or equivalent crime coverage in an amount determined by the Board, in consultation with the district's agent of record. The district will pay the cost of such coverage.~~

END OF POLICY

Legal Reference(s):

[ORS 328.441](#)

[ORS 332.525](#)

[OAR 581-022-2405](#)

Winston-Dillard School District 116

Code: DI
Adopted: 7/10/02
Readopted: 3/16/11; 12/13/11
Orig. Code: DI

OK

Fiscal Accounting and Reporting

(Most of the struck language is restated in DIC)

The district's accounting and reporting system shall be in accordance with generally accepted accounting procedures and shall conform with applicable state laws and regulations.

~~The superintendent or designee shall be the lawful custodial officer of all district funds. Funds may be commingled in the depository so long as they are budgeted and accounted for separately.~~

~~Appropriate staff member(s) shall be available at any board meeting, upon request of the Board, to respond to questions and to present current financial information. The superintendent shall notify the Board at any time that substantial deviations from anticipated income or expenditures are anticipated.~~

~~The Board may request monthly financial reports which shall include estimates of expenditures for the major general fund budget division in comparison to budget appropriations, actual receipts in comparison to budget estimates, and the overall cash condition of the district. Supplementary reports on other funds or accounts shall be furnished on request of the Board or superintendent.~~

Special funds shall be established for only those purposes that fall within the intent of the laws of this state and shall be expended duly for the purposes established thereby.

Any organization that uses the district's nonprofit status to raise funds, the monies raised shall be kept by the district in a separate account for the organization and the funds shall be appropriated and accounted for in accordance to generally accepted accounting principles and with the district policies. Accountability for these funds shall be provided through the district's annual audit.

~~The Board may request a pre-audit report recapping the year-end closure of financial statements prior to the annual audit by the district's authorized accountant.~~

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[OAR 581-023-0035](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Winston-Dillard School District 116

Code: DIC
Adopted: 3/16/11
Orig. Code(s): DIC

OK

Financial Reports and Statements

The Board will receive ~~and accept~~ monthly financial reports that include estimates of expenditures for the general fund in comparison to budget appropriations, actual receipts in comparison to budget estimates and the district's overall cash condition. Supplementary reports on other funds or accounts will be furnished upon request of the Board or superintendent.

The Board may ~~receive~~ request a preaudit report from the district's auditor recapping the year-end closure of financial statements prior to the annual audit.

Appropriate staff will be available at any Board meeting, upon the Board's request, to respond to questions and to present current financial information. The superintendent will notify the Board at any time of substantial deviations in the anticipated revenues and/or expenditures.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 294.311](#)

[ORS Chapter 297](#)

[ORS 328.465](#)

[ORS 332.105](#)

[OAR 162-010-0000 to -0330](#)

[OAR 162-040-0000 to -0160](#)

[OAR 581-023-0037](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Winston-Dillard School District 116

OK - adopt

Code: DID
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DID

Property Inventories

The district will ~~shall~~ maintain an inventory of all fixed assets in accordance with governmental accounting standards. The district's inventory will ~~shall~~ be updated to include property newly purchased and disposed.

Fixed assets includes all district-owned property such as land, buildings, improvements to property other than buildings (i.e., parking lots, athletic fields, playgrounds, etc.), and equipment with a value greater than ~~[\$5,000]~~ as defined by the *Program Budget and Accounting Manual*, published by the Oregon Department of Education.

5,000
OK

Other district supplies with a value greater than ~~[\$500]~~ will be included as part of the district's ~~[annual]~~ inventory. Current records shall be maintained for the receipt, distribution/disposal and inventory of commodity foods as required by federal law.

OK

OK

The Board may authorize the employment of an appraisal company to assist with the inventory procedure.

END OF POLICY

Legal Reference(s):

[ORS 332.155](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Winston-Dillard School District 116

Code: DIE
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DIE



Audits

An audit of all district accounts will ~~shall~~ be made annually by an accountant ~~licensed authorized~~ ~~municipal auditor~~ selected by the Board from the roster of authorized municipal accountants maintained by the ~~in accordance with~~ Oregon Board of Accountancy ~~law~~. The audit examination will ~~shall~~ be conducted in accordance ~~compliance~~ with minimum auditing standards established by the Secretary ~~secretary~~ of State ~~state~~.

The annual audit of the accounting records shall include all governmental funds under the district's control.

The cost of the audit shall be a charge against district funds.

A copy of the audit report will ~~shall~~ be presented to the Board. The superintendent will ~~shall~~ submit a copy of the audit report to the Oregon Department of Education and to the Oregon Secretary of State, Audit Division.

At least every three years the Board shall review the contract with the audit firm and, as appropriate, solicit request for proposals from qualified municipal ~~auditors~~ accountants.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS Chapter 297](#)

[ORS 327.137](#)

[ORS 328.465](#)

[OAR 162-010-0020\(11\)](#)

[OAR 581-023-0037](#)

Winston-Dillard School District 116

OK

Code: DJ
Adopted: 4/27/05
Readopted: 3/16/11
Orig. Code: DJ

District Purchasing

The function of district purchasing is to serve the educational program by providing the necessary supplies, equipment and services. Items commonly used in the various schools and their subdivisions will be standardized and ~~be~~ ^{whenever} consistent with educational goals and in the interest of efficiency or economy.

The ^{OK} ~~business manager~~ is appointed by the Board to serve as purchasing agent. They ~~He/She~~ will be responsible for developing and administering the district's purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget, ~~or~~ by Board action and/or Board policy. In all cases calling for the expenditure of district money, except payroll ~~payrolls~~, a requisition and purchase order system must be used.

No purchase ^{OK} ~~with the exception of a petty cash purchase~~ will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made with an ~~an~~ approved purchase order ~~orders~~.

\$150,000

The superintendent or ~~designee~~ is authorized to enter into and approve payment on contracts obligating district funds ~~not to exceed \$[10,000] [150,000]~~ for products, materials, supplies, capital outlay and services that are within current budget appropriations. The Board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by district employees, such as custodial, food service and transportation services.

The ^{OK} ~~business manager~~ will review bills due and payable for the purchase of supplies and services to determine if they are within current budget appropriations. ~~amounts. After appropriate administrative review, the~~ ~~business manager~~ will direct payment of the just claims against the district. The superintendent ^{OK} ~~and business manager~~ ^{OK} ~~is~~ ^{OK} ~~are~~ responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this district shall use or attempt to use their ~~his/her~~ official position to obtain financial gain or for avoidance of financial detriment for themselves ~~himself/herself~~, a relative or a member of their household, or for any business with which the Board member, ~~or~~ a relative or member of household is associated. [Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the district by any Board member, officer or employee of the district is prohibited.] ^{Keep - OK}

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

[ORS Chapters 279, 279A, 279B, 279C](#)

[ORS 294.311](#)

[ORS 328.441 to -328.470](#)

[ORS 332.075](#)

[OAR 125-055-0040](#)

Winston-Dillard School District 116

OK -

Code: DJ-AR
Revised/Reviewed:

Expenditure of District Funds for Meals, Refreshments and Gifts (An optional AR; is it helpful?)

The district recognizes there may be occasions when it is appropriate for Board members, administrators and others to expend district funds in the course of conducting district business to provide meals or refreshments (i.e., bakery goods, snacks, fruit, punch, coffee, tea, soft drinks, etc.). The purchase of gifts may also be approved in certain situations. Such occasions may include, but are not limited to, various district and building level meetings, gatherings to celebrate district successes or recognize individual achievements, contributions or outstanding service to the district and other district and school-sponsored activities. Such expenditures may be made with prior ~~Board~~ ~~superintendent~~ ~~or designee~~ approval only, subject to the provisions of this administrative regulation. *ok*

The use of district funds, as used in this regulation, means the use of money in any of the general accounts of the district. This includes the General Fund, Food Service Fund and others. It also includes money in student body accounts held at each school that are derived from any student activity or from parent organizations. Exceptions are funds collected from staff members or others for the specific purpose of providing gifts or parties. It is also recognized that buildings may have established a "social fund" or "sunshine fund" to which each staff member may voluntarily contribute. Such funds are generally used for birthday recognition, bereavement and illness acknowledgment activities, etc. These funds are also exempt from the following requirements.

Meals and Refreshments

District funds may be used to pay for individual or group meals only if official district business is being conducted during the time in which the meal is provided and only if the meal provides a particularly practical time or setting for the discussion, consistent with Board policy and the following:

1. Meals may be provided by the district to recognize the contributions of staff, through retirement dinners or other recognition events;
2. Meals may be provided by the district as a part of Board or administrative work sessions, at district or building-level committee meetings or other district-approved activities.

Meals not directly business related may be provided to staff or others at the individual's expense only.

Board members, principals and other district administrative staff may use district funds to provide refreshments for staff, parents or others at meetings, in-service programs or other similar district or school-sponsored activities, ~~(not to exceed [\$] per participant and)~~ subject to the following additional requirements:

1. The purchase of alcoholic beverages with district funds is strictly prohibited;
2. The use of district funds for parties is prohibited.

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Gifts

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There are numerous occasions that may arise whereby Board members, administrators or other district staff may feel the need to recognize employees (i.e., Administrative Professional's Day, teacher appreciation week, classified employees' week, birthday, etc.). A Board member, administrator or other district employee may provide such recognition at their expense only, unless as otherwise permitted below:

1. The district may provide a small token of appreciation for a Board member's or employee's retirement and years of service and other related activities utilizing district funds, as approved in advance. For example, the Board generally proclaims special recognition for classified employees' week and teacher appreciation week;
2. Administrators may use district funds to provide an appropriate token of appreciation on behalf of the Board. The value of this item may not exceed ~~1~~ \$50 per person;
3. No other expenditure of district funds for gifts is permitted without prior authorization from the Board or superintendent.

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Winston-Dillard School District 116

Code: DJB
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DJB

OK - adopt

Petty Cash Accounts

Petty cash funds may be established annually ~~up to~~ the amount ~~[sufficient]~~ [of \$100] for each school building and for the central administrative office. Such funds ~~shall~~ be used for the payment of properly itemized bills of nominal amounts and under conditions calling for immediate payment. Allowances, responsibility, security, and accounting of petty cash funds ~~shall~~ be in accordance with Board policy and requirements of law.

Petty cash funds ~~shall~~ will not be used to thwart or circumvent established purchasing procedures. It is, ~~but~~ ~~shall be used as~~ a convenient accommodation to facilitate ~~convenience for~~ immediate acquisition ~~purchases~~ of low-cost goods and services in an efficient manner.

(Does the following reflect current practice?) [All petty cash must be accounted for by filing vouchers that show the nature of the purchases, from whom purchased, and the date with the business office. The superintendent or designee shall issue a renewal of petty cash funds upon the presentation of vouchers required as above.]

Kim?

END OF POLICY

Legal Reference(s):

[ORS 294.311](#)

OR. DEP'T. OF EDUCATION, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Winston-Dillard School District 116

OK

Code: DJC
Adopted: 4/27/05
Revised/Readopted: 3/16/11; 1/15/14; 1/14/15
Orig. Code: DJC

Bidding Requirements

The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. All public contracts for goods or services shall be based upon applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules except:

1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Insurance and services contracts as provided for under state law;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts¹;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
6. Public improvement contracts exempted by the Local Contract Review Board (LCRB) upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings and other substantial benefits to the district ~~contracting agency~~;
7. Special procurements exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the district ~~contracting agency~~;
8. Emergency contracts;
9. Any other public contract specifically exempted from the code by another provision or law.

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the Board's adopted rules².

¹ Attorney General rules may still apply.

² The Board may contract with another public agency to serve as its LCRB.

(Does the board still adopt its own rules?) The Board acting as its own LCRB adopts^{3} [the Oregon Attorney General's Model Public Contract Rules Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049.] [~~its own rules of procedure that will govern district purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the district. The district's rules may include portions of the Oregon Attorney General's Model Public Contract Rules OAR Chapter 137, Division 046 through 049,~~] in effect at the time this policy is adopted. These rules govern purchasing procedures, and other matters subject to public contracting provisions of law.^{5}

The district shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) ORS 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 through 249 in effect at the time this policy is adopted.

The Board, acting as the LCRB, may enact a resolution that authorizes the district to designate a public improvement as a community benefit contract per the requirements included in ORS 279C.300 to 279C.470.

The Board will make ~~Where necessary, the Board has made~~ the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. [Modifications will be made only following review by the district's legal counsel.] New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required. ~~The Board recognizes that a public contracting agency that has not established its own rules of procedure as required by ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.~~

³ {Purchases shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279, 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.}

⁴ ~~Purchases shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279, 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.~~

⁵ {If the Board does not establish its own rules of procedure as permitted under ORS 279A.065(5), the district is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.}

Opportunity will be provided to all responsible suppliers to do business with the district. The [business manager] will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

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

Records of bids, proposals and specifications will be kept in the district administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General's Model Public Contract Rules*.

END OF POLICY

Legal Reference(s):

ORS Chapters [279](#), [279A](#), [279B](#) and [OAR Chapter 125](#), Divisions 246-249
[279C](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC CONTRACTS MANUAL.

Winston-Dillard School District 116

Code: DJC-AR
Revised/Reviewed: 1/14/15; 12/09/15; 7/13/16
Orig. Code(s): DJC-AR

OK -

Special Procurements and Exemptions from Competitive Bidding

(There are revisions in the works resulting from the 2023 Legislative session; they are not yet published. Okay to hold on this until they are.)

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes 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 under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise 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 under any related rules. 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 district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district 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. Brand Names or Products, "Or Equal," Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
 - c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

- (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- d. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall include:
- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
- (1) If the total purchase is over \$10,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids or proposals and document this process in the procurement file;
 - (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.
- f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district 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 procurement.

2. Advertising Contracts, Purchase of

- a. The district may purchase advertising in any media, regardless of a dollar amount, without competitive bidding.
- b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$10,000 and a competitive method is used, the district must post notice on the OregonBuys.gov. ~~Oregon Procurement Information Network (ORPIN).~~

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. 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;

- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast 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 district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. Advertising Contracts, Sale of

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

Findings of Fact

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 circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district 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.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. Equipment Repair and Overhaul

- a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the [superintendent] or designee the reasons why competitive bids or quotes are deemed to be impractical. The [superintendent] or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, they~~he~~/~~she~~ shall submit in writing to the ~~[superintendent]~~ or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement. The ~~[superintendent]~~ or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. Copyrighted Materials

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or their his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district. A savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within seven calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹
 - a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.

¹ OregonBuys.gov-The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys/ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

- b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the [superintendent] or designee.
- e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

- a. This rule permits the district to enter into a requirements contract, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes a requirements contract as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make

routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase²

- a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not 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 district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
- b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little

² When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district 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.

competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract* ~~and LCRB Rules~~. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed ~~[\$150,000]~~, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.
- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information

technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract* ~~and LCRB~~ Rules. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential; ~~and~~
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.

- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract ~~and LCRB~~ Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Douglas County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's

centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as a RFP.

- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to

document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under A.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085

(3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situations, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. Renegotiation of Existing Contracts with Incumbent Contractors

- a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The district has determined that ~~value engineering,~~ ~~specialized expertise required,~~ ~~public safety,~~ ~~and technical complexity,~~ generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The ~~superintendent~~ and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:
 - (1) Price;
 - (2) Term;
 - (3) Delivery and shipping;
 - (4) Order size;
 - (5) Substitution;
 - (6) Warranties;
 - (7) ~~Online~~ ~~On-line~~ ordering systems;
 - (8) Price adjustments;
 - (9) Product availability;
 - (10) Product quality;
 - (11) Reporting requirements; or
 - (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original

contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it needs to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

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

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the local contract review board 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;
2. The construction budget and the projected operating costs for the completed public improvements;
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 district 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 district 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 district to address the size and technical complexity of the public improvement;
11. Whether the public improvements 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 district has or has retained under contract, and will use district 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 district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. The district has determined that ~~value engineering,~~ ~~specialized expertise required,~~ ~~public safety,~~ ~~and technical complexity,~~ generally do not apply to this exemption.
 - c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
 - d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

- (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
 - (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to

subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within ~~7~~ calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification

method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)³

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
- b. The district has determined that ~~value engineering,~~ ~~specialized expertise required,~~ and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the ~~superintendent,~~ or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs, and this is documented by a written interagency agreement between the district and the agency.
- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts,

³ ~~The OregonBuys.gov-The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuysORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.~~

standardizing usage among schools, buildings and departments and reducing lead time for ordering.

- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimis, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of a RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP’s are to be used if authorized by the LCRB. ~~These~~This criteria, ensures that competitive means will be used, and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption **is not** intended to be used for construction manager/general contractor (CM/GC) projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

Winston-Dillard School District 116

OK

Code: DJCA
Adopted: 4/27/05
Readopted: 3/16/11
Orig. Code: DJCA

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by Oregon Revised Statute (ORS) 279A.055. "Personal services contracts," as used in this policy, means contracts for specialized skills, knowledge, and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic, or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor ~~will~~ shall be based primarily on qualifications and performance history, expertise, knowledge, and creativity and the ability to exercise sound professional judgment.

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.

Contracts for personal services in excess of ~~[\$150,000]~~ shall require prior Board approval.

The superintendent will develop administrative regulations as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapters 279](#)

[ORS Chapters 279A, 279B and 279C](#)

[ORS 332.107](#)

[ORS 670.600](#)

[OAR 459-010-0030](#)

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE (Rev. 3-2012).

Winston-Dillard School District 116

Code: DJCA-AR
Revised/Reviewed: 3/16/11
Orig. Code(s): DJCA-AR

OK

Personal Services Contracts

1. Personal Services Contracts Defined

- a. Personal services contracts include, but are not limited to: a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to Oregon Revised Statute (ORS) 279A.055. Personal services include, but are not limited to, the following:
 - (1) Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
 - (2) Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
 - (3) Contracts for services that are specialized, creative and research oriented;
 - (4) Contracts for services as a consultant;
 - (5) Contracts for educational consulting services.
- b. Personal services contracts may include: (1) public contracts for architectural, engineering ~~and~~ land surveying and related services; or (2) other public contracts for nonconstruction services.

2. Eligibility

The district will follow ORS 670.600, Public Employees Retirement System (PERS) rules Oregon Administrative Rule (OAR) ~~OAR~~ 459-010-0030 and Internal Revenue Service (IRS) Ruling 87-41 in determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district. A valid independent contractor must meet all eight of the following points:

State requirements¹:

- a. The contractor must be free from the direction and the control of the employer;
- b. The contractor must obtain required business licenses;
- c. The contractor must furnish necessary tools and equipment;
- d. The contractor has authority to hire and fire employees;
- e. The contractor is paid on completion of portions of projects or on a retainer basis;
- f. The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
- g. The contractor must file appropriate business tax returns;
- h. The contractor must represent to the public that the labor or services are provided by an independent business.

¹ See ORS 670.600 for complete listing.

PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

- a. Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- b. Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- c. Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- d. Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- e. Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
- f. Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- g. Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set ~~their~~his/her own work hours;
- h. Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom ~~they choose~~he/she chooses;
- i. Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
- j. Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- k. Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- l. Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- m. Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- n. Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- o. Significant investment. An independent contractor has a significant investment in the facilities ~~they use~~he/she uses in performing services for someone else;
- p. Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
- q. Working for more than one employer at a time. An independent contractor is generally free to provide ~~their~~his/her services to two or more unrelated persons or firms at the same time;
- r. Making service available to general public. An independent contractor makes ~~their~~his/her services available to the general public;

- s. Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as they produce/he/she produces a result that meets the specifications of the contract;
- t. Right to terminate. An employee can quit their/his/her job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

- a. Behavioral control. A worker is an employee when the district has the right to direct and control the worker;
- b. Financial control. A worker is an independent contractor if they/he/she can realize a profit or incur a loss. The individual may also be an independent contractor if they are/he/she is not reimbursed for some or all business expenses, especially if those expenses are high or if they have/he/she has a significant investment in their/his/her work;
- c. Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.

3. Personal Services Contracts - Procurement Requirements

- a. Contracts for personal services less than [~~\$25~~\$5,000] within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- b. Contracts for personal services greater than [~~\$25~~\$5,000] that do not exceed [~~\$75~~\$25,000] may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- c. Contracts for personal services greater than [~~\$75~~\$25,000] shall be based on written solicitations, request for qualifications, or the request for proposal (RFP) process.
- d. The district may enter into a personal services contract when the amount of the services does not exceed [~~\$150~~\$25,000] without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - (1) The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - (b) That the goods or services required for the exchange of 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 an experimental project; or

- (d) Other findings that support the conclusion that the goods or services are available from only one source.
- e. If the cost of the services is more than ~~[\$150,000]~~ [\$25,000], the district may award a contract on a sole source basis, only with Board approval and if prior to the award:
 - (1) Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
 - (2) The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
 - (3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

Protests shall be heard by the ~~[Board]~~, whose decision shall be final.

4. ITB/RFP Requirements

- a. An invitation to bid (ITB) or ~~(RFP)~~ will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
- b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
- c. The solicitation document must, at a minimum, address the following:
 - (1) Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - (a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - (b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - (c) A procurement description;
 - (d) A time, date and place that prequalified applications, if any, must be ~~filed~~ filled and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - (e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - (f) A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document." if the invitation to bid is issued by a state contracting agency;

- (g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
 - (h) All contractual terms and conditions applicable to the procurement.
- (2) Requirements for solicitation documents under OAR 137-047-0255 (2) and OAR 137-047-0260 (2):
- (a) General Information-
 - (i) Notice of any pre-offer conferences as follows:
 - 1) The time, date and location of any pre-offer conferences; ~~and~~
 - 2) Whether attendance at the conference will be mandatory or voluntary; and
 - 3) A provision that provides that statements made by the contracting agency's representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum;
 - (ii) The form and instructions for submission of proposals and any other special information, (e.g., whether proposals may be submitted by electronic means);
 - (iii) The time, date and place of opening;
 - (iv) The office where the solicitation document may be reviewed;
 - (v) For bidders, a statement whether the bidder is a "resident bidder," as defined in ORS 279A.120 (1);
 - (vi) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
 - (vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.
 - (b) Contracting Agency Need-

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.
 - (c) Bid/Proposal and Evaluation Process-
 - (i) The anticipated solicitation schedule, deadlines, protest process, and evaluation process;
 - (ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements of ~~of~~ ORS 279B.060 (2)(h)(E).
 - (iii) If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.
 - (d) Applicable preferences described in ORS 279A.125 (2) and 282.210.

- (e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
 - (f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.
- d. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.
 - e. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
 - f. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):
 - (1) Where, when, how, and for how long the solicitation document may be obtained;
 - (2) A general description of the goods or services to be acquired;
 - (3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - (4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified;
 - (5) The office where contract terms, conditions and specifications may be reviewed;
 - (6) The name, title and address of the individual authorized by the contracting agency to receive offers;
 - (7) The scheduled opening; and
 - (8) Any other information the contracting agency deems appropriate.

5. Screening and Selection Procedures

- a. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.
- b. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:
 - (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;
 - (2) A satisfactory record of performance.² The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;

² A contracting agency should review carefully the offeror's record of contract performance if the offeror is or recently has been materially deficient in contract performance. In reviewing the offeror's performance, the contracting agency should determine whether the offeror's deficient performance was expressly excused under the terms of the contract, or whether the

- (3) A satisfactory record of integrity.³ The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
- (4) Qualified legally to contract with the contracting agency;
- (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
- (6) Not been debarred by the contracting agency under ORS 279B.130.

- c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
- d. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

6. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

7. Fingerprinting

If the scope of the work performed by a contractor(s) or their his/her employee(s) may result in direct, unsupervised contact with students, they he/she will be required to submit to fingerprinting and criminal records checks as required by law.

8. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.

offeror took appropriate corrective action. The contracting agency may review the offeror's performance on both private and public contracts.

³ A contracting agency may determine that an offeror lacks integrity because of a lack of business ethics such as a violation of environmental laws or false certification made to the contracting agency. A contracting agency may find that an offeror is not responsible based on a lack of integrity of a person having influence or control over the offeror.

Winston-Dillard School District 116

Code: DJFA
Adopted:

~~[Credit] [Procurement] Cards~~

Optional. Helpful?

The Board authorizes the superintendent to hold a bank ~~[credit] [procurement]~~ ^{and procurement} card in the name of the district and to issue such cards to designated employees. Approved card holders will be held responsible for maintaining sole possession and security of issued cards at all times. Such cards shall have a maximum limit of ~~[\$750]~~ ^{\$5,000}.

~~[Credit] [Procurement]~~ cards issued to employees may only be used to purchase items authorized by the adopted district budget.

Purchase slips and receipts must be turned in to the business office within ~~[15]~~ days of the transaction. ~~[The business office shall pay in full the [credit] [procurement] card balance no later than the due date so that finance charges will not be incurred.]~~

District-issued ~~[credit] [procurement]~~ cards shall be subject to the following:

1. Personal items shall not be charged on district-issued cards. If a personal item is inadvertently purchased on a district-issued card in violation of this policy, repayment by the employee must be made immediately. Failure to make the required payment may result in an automatic deduction from the individual's next payroll disbursement. Accordingly, the district will require individuals issued such cards to sign a written authorization for payroll deduction in the event of such personal use;
2. The purchase of alcoholic beverages is strictly prohibited. The purchase of any item ~~[over (\$)]~~ ^{5,000} ~~[without prior superintendent or designee authorization]~~ is strictly prohibited. The purchase of gasoline for a privately-owned vehicle is also prohibited without prior authorization;
3. Leaving a gratuity that exceeds ~~[15 percent]~~ is prohibited;
4. Airline tickets may be purchased with a district-issued ~~[credit] [procurement]~~ card only with prior superintendent or designee approval. If the issued card provides for purchase incentives (i.e., points, discounts or airline mileage credits), such incentives shall only be redeemed for authorized district business.

Violation of the provisions of this policy may result in the revocation of the ~~[credit] [procurement]~~ card and/or discipline up to and including dismissal.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 652.610\(3\)](#)

OR. GOV'T STANDARDS AND PRACTICES COMM'N, Advisory Opinion 01A-1007 (Aug. 29, 2001).

4/28/16 | PH

[Credit] [Procurement] Cards – DJFA

1-1

Winston-Dillard School District 116

P
C: DJFA-AR
A: 6/19/99
R: 10/10/07; 3/13/24

OK

Business Expense (Bank Card) Claim

I. Purpose of Credit Card

1. The bank credit card is intended to be used only for:
 - a. Payment for approved lodging, and/or travel expenses;
 - b. Payment for seminar or conference fees;
 - c. Purchase of supplies not to exceed \$400;
 - d. Payment of small contract services, not to exceed \$400; and
 - e. Payment of admission fees.

II. Issuance Guidelines

Bank credit cards will be issued at the discretion of the superintendent and/or business manager.

III. Responsibility

1. Any employee using the card shall be responsible for:
 - a. Payment for any unauthorized purchases; and
 - b. Reporting immediately to the business office the loss or theft of a card.

IV. Limitations

1. The superintendent and/or business manager may set the maximum for any single purchase incident for cards issued which are below the limits set in paragraph 1.1.
2. The bank cards may not be used for personal purchases.

V. Procedures

1. Any employee using the credit card to make purchases shall sign the charge slip with his/her personal signature. Each customer copy shall be promptly filed with the business manager or his/her designee.
2. Each designee shall be responsible for authorizing payment for credit card transactions each month as follows:
 - a. Each designee will submit a requisition made out to "Bank Card Account" for the total amount of the charges returned that period for the card number; and
 - b. The requisition and copies of all the charge slips listed on the billing shall be submitted to the business office within three full working days of receiving the billing from the business office. Prompt payment will be made by the business office to avoid finance charges.

VI. Exceptions

Exceptions to these provisions may be granted only by the superintendent and/or business manager.

Winston-Dillard School District 116

Code: DJG
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DJG

OK

Vendor Relations

The district welcomes business and bids from all eligible vendors. Preferential treatment will not be extended to any vendor. Orders will be placed on the basis of quality, price and delivery, with past services being a factor if other considerations are equal.

Sales representatives or agents may not solicit staff members during hours when students are present. [Principals] may allow sales representatives or agents of educational products to contact staff members at times that will not interfere with the educational program.

Advertising is not allowed in school buildings without approval of the superintendent or designee. No district employee or Board member of the district shall receive compensation of any kind from any vendor for the sale of supplies or services as provided by ORS Chapter 244.

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

[ORS Chapters 279A, 279B and 279C](#)

[ORS 332.107](#)

Winston-Dillard School District 116

OK - adopt

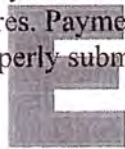
Code: DK
Adopted: 3/16/11
Orig. Code(s): DK



Payment Procedures

(Policy DJ provides similar language. Need both?)

All claims for payment from district funds will be processed by the business manager in conformance with district procedures. Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted vouchers, or in accordance with salaries and salary schedules approved by the Board.



The superintendent will be responsible for assuring that budget allocations are observed and that total expenditures do not exceed the amount allocated in the budget.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)



[ORS 328.460](#)



Winston-Dillard School District 116

Code: DL
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DL

ok

Payroll

Preparation of payroll, including time schedules and payroll periods, ~~will~~ be done in accordance with each employee group's labor agreement or contract with the district. Employee health, accident, dental and other types of insurance may ~~shall~~ be purchased on behalf of district employees, subject to ~~provided as outlined in~~ the terms of the employee's employment with the district. ~~agreements or contracts~~. Mandatory payroll deductions will ~~shall~~ be withheld as required by state and federal law and collective bargaining agreements.

No other automatic deductions except those required by law ~~will~~ be made from an employee's pay without authorization of the Board.

~~(Is this optional language in the applicable collective bargaining? If yes, may not need it here.)~~ [Regular monthly payroll will be issued [on the last working day of each month]. A change to this schedule must be approved by the [superintendent][business manager].]

END OF POLICY

Legal Reference(s):

[ORS 243.650\(10\), \(16\)](#)
[ORS 243.666](#)
[ORS 243.820 to -243.830](#)

[ORS 332.505](#)
[ORS 332.534](#)
[ORS 652.110](#)

[ORS 652.120](#)
[ORS 652.610](#)

Winston-Dillard School District 116

Code: DLB
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DLB

OK

Salary Deductions

Any withholdings outside those required by law and permitted by the collective bargaining agreements shall have Board approval and shall be arranged for through the business manager.

Employees may have contributions to tax-sheltered annuities (TSA) paid through payroll deductions. ~~There must be [five] or more employees participating in any one program in order for that plan to qualify for payroll deduction. [The district reserves the right to limit the number of TSA programs.]~~

Changes of tax-sheltered annuity (TSA) companies or plans shall only be allowed prior to the month the funds will be earned, unless as otherwise provided by the employee's collective bargaining agreement.

The district will ~~shall~~ comply with federal requirements that establish maximum annual TSA allowable contributions. The district reserves the right to reduce, suspend and/or reinstate employee TSA contributions at any time to ensure compliance with applicable law.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(10\), \(16\)](#)
[ORS 243.666](#)

[ORS 332.505](#)
[ORS 652.110](#)

[ORS 652.120](#)
[ORS 652.610](#)

I.R.C. 26 U.S.C. § 403 (2012).
29 C.F.R. § 541.603 (2016).

Winston-Dillard School District 116

Code: DLC
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code(s): DLC

ok-

Expense Reimbursements

The district will ~~shall~~ reimburse employees for authorized expenses incurred for professional growth and/or job requirements in accordance with administrative regulations developed by the superintendent and consistent with Internal Revenue Service requirements.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 332.107](#)

[OAR 581-022-2260](#)

I.R.C. § 162 (2006); Business Expenses, 26 C.F.R. 1.162-1 (2006).

INTERNAL REVENUE SERVICE, PUBLICATION 463: TRAVEL, ENTERTAINMENT, GIFT AND CAR EXPENSES.

Winston-Dillard School District 116

Code: DLC-AR(1)
Revised/Reviewed: 7/10/02; 3/16/11; 10/08/14;
2/08/23
Orig. Code(s): DLC-AR

OK

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved district 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 district 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 district business. Reimbursement procedures established by the district will also apply to Board members traveling on Board-approved district business, as applicable.

In-District Travel – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting district business that requires travel within district boundaries.
2. Private vehicles may be used in conducting district business only with prior principal approval. In-district travel approval may be granted by the principal for individual trips or by blanket approval, as deemed appropriate.
3. Travel in a private vehicle for the purpose of conducting district business may be approved when:
 - a. A district 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 district-owned vehicles, whenever possible, in conducting approved district business that requires in-state travel outside district boundaries.
2. Private vehicles may be used only with prior approval from the ~~[superintendent]~~ ~~[principal]~~ ~~[business manager]~~. *business manager* Out-of-district travel approval may be granted by the ~~[superintendent]~~ ~~[principal]~~ ~~[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 superintendent.

Insurance Coverage

1. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct district 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 district for damages resulting from vehicle accidents is not the same as set forth in the district's general liability insurance policy. The employee's insurance coverage provides primary coverage when the employee is driving the employee's own vehicle on approved district business.
3. All district employees operating private vehicles on approved district business are required to complete and maintain on file with the district verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required prior to any district approval to conduct district business in a private vehicle. Employees are required to update their verification of vehicle liability information maintained on file with the district 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 district business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the district. See **Expense Reimbursement Request and Accounting Procedures** below.
2. Expenses in excess of the district'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 district.
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 district-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 district.
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 district 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 district travel purposes only.] [The district prohibits the accrual of travel credits for individuals traveling on approved district business.]]~~

Vehicle Rentals

1. Rental vehicles may be used only when use will affect a savings or otherwise be more advantageous to the district or when the use of other transportation is not feasible.
2. Rental of a compact vehicle is recommended when suitable for approved district 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 district carries the rental car endorsement as part of its insurance coverage. In the event the district 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 the employee's 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 District Business Travel

1. If an individual traveling on approved district 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 district business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.
2. When personal travel is combined with approved district 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 district travel subject to the following:
 - a. Time delays related to approved district 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 district, for approved district business or for personal travel combined with travel for district business purposes, the employee 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) 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 district business, even though the traveler spends a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved district business;
 - e. A traveler who decides on their own to conduct district business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the district pay basic transportation cost from the district 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 district'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 district 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 district 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 denied.
5. Mileage for approved district business travel in a private vehicle will be reimbursed at the current rate per mile established by the district, 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 district business travel purposes may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved district business purposes in which district business is conducted with at least one or more other persons or that is incurred on approved district business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform assigned 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 district 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	\$13
	Lunch	\$15
	Dinner	\$26]

OR

1. ~~[The district may establish a daily per diem rate [not to exceed the IRS recommendations] that covers all meal expenses.]~~

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

2. Gratuities must not exceed ~~15~~ percent and must be included as a part of the receipt. Gratuities in excess of ~~15~~ percent are the responsibility of the employee and will not be reimbursed by the district.
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.
4. Mileage reimbursement for actual miles traveled on district business, may be approved subject to the following limitations:
 - a. In-district mileage reimbursement will not be granted to an employee, other than a district-approved tutor, for traveling from the employee's 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 district 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 district 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 district's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the district.

Winston-Dillard School District 116

OK

Code: DLC-AR(3)
 Revised/Reviewed: 10/08/14; 1/13/16; 2/08/23
 Orig. Code(s): DLC-AR(3)

Request for Out-of-District Travel

Name: _____ School/Department: _____

Purpose of Trip (**Attach Documentation**) Workshop Conference Sports Event
 Other: _____

Today's Date: _____ Date check needed: _____

Date of Trip: _____

Destination: _____

(Allow 10 days for processing this request.)

Expenses:

Lodging Vendor Name and Address

Registration Vendor Name and Address

Specify where checks are to be sent – see below

Lodging Payment to Vendor

--

- Send to employee
- Send to Vendor

Registration Payment to Vendor

--

- Send to employee
- Send to Vendor

Specify Check Location(s) Above

I hereby certify the above is a true and correct statement of travel/convention expenses.

Signature of Participant

Date

Signature of Principal

Date

Purchase Order(s) #: _____

Registration:		Subtotal
	<input type="text"/>	_____
Lodging:		
	<input type="text"/>	_____
Meals:		
	<input type="text"/> Breakfast at \$13.00	_____
	<input type="text"/> Lunch at \$15.00	_____
	<input type="text"/> Dinner at \$26.00	_____
	Total Meals: →	_____
Transportation:		
	<input type="text"/> IRS Rate per Mile: <input type="text"/>	_____
	Other public transportation: <input type="text"/>	_____
	Air Fare: <input type="text"/>	_____
	Total Transportation: →	_____
		Total Payment to Individual:

Acct#				Amount \$

Winston-Dillard School District 116

Code: DM
Adopted: 7/10/02
Readopted: 3/16/11
Orig. Code: DM

ok

Cash in District Buildings

Money collected within district buildings will ~~shall~~ be taken to the business office or deposited directly in the ~~bank~~ district's designated depository, when the sum accumulated in any one day by a class, a teacher or others at any school ~~becomes excessive in terms of the building's need for cash in hand~~ exceeds ~~[\$50]~~.

At all times the principal shall use reasonable and prudent judgment in the management of district and student body cash receipts.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Winston-Dillard School District 116

OK

Code: DN
Adopted: 7/10/02
Revised/Readopted: 3/16/11; 5/20/15
Orig. Code: DN

Disposal of District Property

The superintendent may dispose of all obsolete, surplus, unwanted and/or excessively damaged equipment and supplies owned by the district in accordance with the following procedures:

1. The Board will pass a resolution declaring the property surplus;
2. Items estimated by the business manager to have a value of less than \$100 may be sold by the business manager at prices estimated to be the market values of the items. All sales by the business manager will be recorded by item, price and buyer;
3. Property or materials estimated by the business manager to be greater than \$100 may be declared surplus and may be sold by the business manager through a bidding procedure. If public sales fail to produce any interested buyers or bidders, remaining unsold materials may then, at the superintendent's discretion, be disposed of as scrap or junk or be donated to appropriate charitable or educational agencies.

If the district property was purchased with state, federal or private grant funds disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)

[ORS Chapters 279A, 279B and 279C](#)

[ORS 332.155](#)

EDUCATION, TITLE 34 C.F.R. PART 80 § 80.32(e)

Winston-Dillard School District 116

Code: BDD
Adopted: 7/10/02
Revised/Readopted: 3/16/11; 7/10/24
Orig. Code: BDD

see
OK Strike
below

Board Meeting Procedures

1. Quorum

A majority of the members of the Board shall constitute a quorum. The district is governed by a five member Board. A quorum for a five member Board is three. A lesser number than a quorum of the Board may meet and adjourn from time to time and compel the presence of absent members.

2. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members will be necessary for exercising any of the Board's powers.

3. Board Member Voting

Voting shall be by the raising of hands or by voice vote. The chair shall vote on all issues. The vote of each member on all motions shall be recorded in the minutes.

4. Abstaining from Vote

If a Board member chooses to abstain from voting, and the abstention is due to a conflict of interest, the Board member will state the reason for the abstention and such abstention will be recorded.

5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at duly called regular or special meetings. ~~Motions may be discussed without benefit of a second.~~

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards," as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

6. The Board chair will decide all questions relative to points of order, subject to an appeal to the Board. Adequate Information to Precede Action

In every phase of district affairs, the Board shall expect leadership, guidance and recommendations from the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 192.650](#)
[ORS 244.120\(2\)](#)

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.107](#)

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

Board Meeting Procedures – BDD

FIELD TRIP REQUESTS

October 9, 2024

DATE	SCHOOL	CLASS/GROUP	TRAVELING TO
10/1/2024	DHS	FFA	ELKTON - SOILS CAREER EVENT
10/3/2024	DHS	DLC	BROSI FARM - PUMPKIN PATCH
10/5/2024	DHS	CHEER	SOU IN ASHLAND FOR CHEER CLINIC
10/7/2024	BES	1ST GR KNIGHTS CLASS	BROSI FARM - PUMPKIN PATCH
10/8/2024	BES	1ST GR HAABY'S CLASS	BROSI FARM - PUMPKIN PATCH
10/9/2024	BES	1ST GR ROBERT'S CLASS	BROSI FARM - PUMPKIN PATCH
10/9/2024	DAHS	20 STUDENTS	ROSEBURG HIGH SCHOOL - COLLEGE FAIR
10/9/2024	DHS	30 STUDENTS	ROSEBURG HIGH SCHOOL - COLLEGE FAIR
10/9/2024	MES	5TH GRADE	BROSI FARM - PUMPKIN PATCH
10/12/2024	DHS	CHEER	SOU IN ASHLAND FOR CHEER AT GAME
10/12/2024	DHS	MARCHING BAND	GRANTS PASS HIGH SCHOOL - COMPETITION
10/14/2024	MES	3RD GRADE	BROSI FARM - PUMPKIN PATCH
10/15/2024	BES	PRE-K	BROSI FARM - PUMPKIN PATCH
10/16/2024	DHS	FFA	BAILY VETERINARY CLINIC TOUR
10/16/2024	MES	4TH GRADE	BROSI FARM - PUMPKIN PATCH
10/21/2024	LES	ALL STUDENTS	BROSI FARM - PUMPKIN PATCH
10/21-27/24	DHS	FFA	INDIANA FOR NATIONAL CONVENTION
11/9/2024	DHS	CHEER	SHERWOOD HIGH SCHOOL FOR CHEER COMPETITION

Winston-Dillard School District #116
2024-2025

	<u>24/25 BUDGET</u>	<u>Estimate through 09/30/2024</u>	<u>24/25 PROJECTED</u>
REVENUES			
Property Taxes - Current	\$ 4,000,000	\$ -	\$ 4,000,000
Property Taxes - Prior Years	100,000	-	100,000
County Sales Back Taxes	15,000	-	15,000
HERT (Heavy Equip) & HB5006 (Wildfire) - New	10,000	-	10,000
Back Property Tax Interest Earnings	10,000	-	10,000
Interest on Investments - Current Rate of 5.3%	360,000	86,182	360,000
Admissions from Other Schools	10,000	-	10,000
Student Fees	20,000	-	20,000
Rentals/Lease Income	-	-	-
Contributions/Donations	-	-	-
Recovery of Prior Year Expenditure	-	-	-
Miscellaneous	63,000	300	63,000
County School Fund	20,000	-	20,000
ESD Apportionment	115,000	-	115,000
State School Fund 24/25	12,550,000	4,200,421	12,550,000
State School Fund 24/25 Adj Estimate	-	-	52,525
SSF High Cost Disability 24/25	-	-	-
SSF Small HS Grant 24/25	-	-	-
State School Fund Prior Year 23/24 Adj	-	-	-
SSF High Cost Disability Prior Year 23/24 Adj	-	-	-
SSF Small HS Grant Prior Year 23/24 Adj	-	-	-
SSF NSLP Match	-	-	-
State Managed County Timber	150,000	-	150,000
Common School Fund (State Owned Rangelands)	182,000	-	182,000
Federal Forest Fees	-	-	-
Transfer In (From Fund 200 - ODOE)	35,000	-	35,000
Sale/Loss of Fixed Assets	10,000	-	10,000
SUB TOTAL REVENUES	\$ 17,650,000	\$ 4,286,903	\$ 17,702,525
Beginning Fund Balance	4,876,499	4,876,499	4,876,499
TOTAL REVENUES	<u>\$ 22,526,499</u>	<u>\$ 9,163,402</u>	<u>\$ 22,579,024</u>
EXPENDITURES			
Salaries	\$ 9,317,117	\$ 1,123,364	\$ 9,100,000
Payroll Costs	5,449,782	568,462	4,900,000
Purchased Services	4,002,450	344,125	4,002,450
Supplies & Materials	1,870,650	305,745	1,800,000
Capital Outlay	175,000	16,330	175,000
Other Objects	351,500	292,337	351,500
Transfer/NSLP Food Service Program	-	-	-
Transfer to Capital Project - SSF - Supplemental	-	-	-
Transfer to QSCB Fund 300	45,200	-	45,200
Transfer to Capital Project Fund 400	194,800	-	194,800
SUB TOTAL EXPENDITURES	\$ 21,406,499	\$ 2,650,363	\$ 20,568,950
Contingency	420,000	-	-
Unappropriated, Reserved for Next Year	700,000	-	-
TOTAL EXPENDITURES	<u>\$ 22,526,499</u>	<u>\$ 2,650,363</u>	<u>\$ 20,568,950</u>
TOTAL ESTIMATED REVENUES			22,579,024
TOTAL ESTIMATED EXPENDITURES			20,568,950
<i>Estimated Ending Fund Balance</i>			<u>\$ 2,010,074</u>
<i>(Of the \$22,526,499 budget the estimated the ending fund balance is 8.9%)</i>			

Fund 200 and 250

Fund 200 - Grants and Projects Fund

Fund 200 - Grants and Projects Fund	24/25 BUDGET	Estimate through 09/30/2024	24/25 PROJECTED
EXPENDITURES			
Salaries	\$ 2,096,538	\$ 231,686	\$ 2,096,538
Payroll Costs	1,207,453	106,004	1,207,453
Purchased Services	439,103	45,305	439,103
Supplies & Materials	546,242	59,941	546,242
Capital Outlay	375,000	66,100	375,000
Other Objects	-	-	-
Transfers to Other Funds	35,000	-	35,000
TOTAL EXPENDITURES	<u>\$ 4,699,337</u>	<u>\$ 509,036</u>	<u>\$ 4,699,337</u>

Fund 250 - Food Service Fund

Fund 250 - Food Service Fund	24/25 BUDGET	Estimate through 09/30/2024	24/25 PROJECTED
EXPENDITURES			
Salaries	\$ 305,250	\$ 25,672	\$ 305,250
Payroll Costs	207,572	16,101	207,572
Purchased Services	130,000	5,899	130,000
Supplies & Materials	745,000	17,477	745,000
Capital Outlay	50,000	-	50,000
Other Objects	5,000	155	5,000
Contingency	-	-	-
TOTAL EXPENDITURES	<u>\$ 1,442,822</u>	<u>\$ 65,303</u>	<u>\$ 1,442,822</u>

Fund 300 and 400

Fund 300 - Debt Service Fund	24/25 BUDGET	Estimate through 09/30/2024	24/25 PROJECTED
EXPENDITURES			
Principal and Interest	\$ 2,860,000	\$ 586,821	\$ 2,860,000
Contingency	1,452,478	-	-
TOTAL EXPENDITURES	\$ 4,312,478	\$ 586,821	\$ 2,860,000

PERS Side Acct pmts for 24/25 are \$1,654,424.50 and will escalate to \$1,813,608 with final pmt in 2028.

GO Bond Series 2019 (DHS) payment for 24/25 is \$1,107,400. Final pmt 2039.

QSCB payment for 24/25 is \$51,817.50 and remains consistent through 2027.

Fund 400 - Capital Project Fund	24/25 BUDGET	Estimate through 09/30/2024	24/25 PROJECTED
EXPENDITURES			
Purchased Services	\$ -	\$ -	\$ -
Supplies & Material	-	-	-
Capital Outlay	1,039,200	69,929	1,039,200
Other Objects	-	-	-
Contingency	-	-	-
TOTAL EXPENDITURES	\$ 1,039,200	\$ 69,929	\$ 1,039,200



WINSTON-DILLARD SCHOOL DISTRICT BOARD OF DIRECTORS

District Office Board Room
620 NW Elwood St., Winston OR 97496

September 11, 2024 at 7:00 PM - Minutes

REGULAR SESSION

PRESENT: Jasmine Geyer Jeremy Mitchell Lorna Quimby Bob Shigley
 Curt Stookey Kevin Wilson Kim Shigley

1. **Call To Order:** 7:00 pm

2. **Pledge of Allegiance:** Led by Jasmine Geyer.

3. **Roll Call** - Establishment of a Quorum: All five board members in attendance.
(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

4. DHS Student Report

Sialafua Polamalu shared that the DHS sports season is off to a great start. Football is 2-0, volleyball is 3-0, girls soccer is 2-1, boys soccer is 1-2 but playing well and cross country took 3rd in the meet so far in the season. The Leadership class started the year with the annual “Freshman Only” day. They focused on teaching the freshman how to be full fledge “Trojan Nation”. The cheer team did a great job helping the students learn crowd cheers at the opening assembly. The FFA Leadership team attended the district FFA conference in Glide.

5. SUPERINTENDENT REPORT

5.A. Updates and Enrollment

Mr. Wilson shared that the DHS Humanity wall is in place. All that’s left is the roof installation and to power wash and clear coat the wall. The WMS vestibule is almost complete and will be a really nice security feature for the school. Lookingglass has new fencing at the entrance of the school. The district plans to install a similar vestibule at McGovern in the summer of 2025.

Current enrollment counts were taken by head count of students present in the buildings on a specific day. The numbers are similar to those at the end of the 23-24 school year.

Attachments: (1)

- [\(9\) Sept 2024](#)

6. **Directors Report:** None at this time.

7. ITEMS OF DISCUSSION

7.A. District Policy Desk Audit 1st Reading

The board was given policy sections G – Personnel and I – Instruction as on ongoing continuation of desk audit review of current policy.

Attachments: (4)

- [Desk Audit Policy Section G - Personnel 1of2](#)
- [Desk Audit Policy Section G - Personnel 2of2](#)
- [Desk Audit Policy Section I-Instruction 1of2](#)
- [Desk Audit Policy Section I-Instruction 2of2](#)

7.B. CharacterStrong Tier II & III

Mrs. Emily Ledbetter, LES Principal shared with the board that the district is currently utilizing the Tier 1 Social/Emotional Learning curriculum K12 and meets the needs of all of our students. Tier II would help students who need more targeted help in a specific area. Tier III would give counselor's the tools needed to help individual students and allow the teachers to focus on teaching.

Attachments: (2)

- [CS T2 Overview](#)
- [CharacterStrong Tier 3 Overview](#)

7.C. Annual Title 1 Parent Notification

Per policy IGBC, the district shall meet with parents annually to provide information regarding Title 1 programs and the policy requirements.

Attachments: (1)

- [IGBC D1 Title IA Parental Involvement](#)

7.D. 2024 OSBA Annual Convention November 7-9, 2024

OSBA will be hosting the annual convention on November 7th-9th at the Portland Marriott Downtown Waterfront hotel. The theme is "All in for Students".

7.E. Field Trip Requests

Attachments: (1)

- [FT Requests for Sept 2024](#)

8. ADOPTION OF CONSENT AGENDA

8.A. Financial Statement

8.A.1. July Statements

Attachments: (2)

- [GF - Financial Statements 07.31.24](#)
- [Other Funds - Financial Statements 07.31.24](#)

8.A.2. August Statements

Attachments: (2)

- [GF - Financial Statements 08.31.24](#)
- [Other Funds - Financial Statements 08.31.24](#)

8.B. Minutes

8.B.1. Regular Session August 14, 2024

Attachments: (1)

- [August 14, 2024 Reg Sess Minutes](#)

8.C. Recommended Inter-District Student Transfers for the 2024-25 School Year

8.D. Donations

8.D.1. Thank you to Roger & Karen Hecox from McGovern Elementary for school supplies valued at approximately \$100.

Attachments: (1)

- [MES Thank you to Hecox Family](#)

8.E. Adoption of Consent Agenda Motion

Bob Shigley made the motion for the Winston-Dillard School District Board of Directors approve the Consent Agenda as presented. Curt Stookey seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

9. ACTION ITEMS

9.A. District Policy Desk Audit Updates 2nd Reading

Curt Stookey made the motion for the Winston-Dillard School District Board of Directors approve policy updates for section E - Support Services and section J - Students as presented. Bob Shigley seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

9.B. CharacterStrong - Title 1 Funds

Bob Shigley made the motion for the Winston-Dillard School District Board of Directors to approve the CharacterStrong curricula and trainings for a total amount of \$9,595.20. Curt Stookey seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

9.C. Office of the Superintendent Position

Lorna Quimby made the motion for the Winston-Dillard School District Board of Directors suspend the application of Board Policy CBB through October 31, 2024. Bob Shigley seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

9.D. Superintendent Contract

Jeremy Mitchell made the motion for the Winston-Dillard School District Board of Directors approve the Superintendent contract negotiated between the Winston-Dillard School District Board of Directors and Superintendent Wilson. Lorna Quimby seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

9.E. Food Service Director - Food Service Funds

Lorna Quimby made the motion for the Winston-Dillard School District Board of Directors to approve the option of a district food service director. Bob Shigley seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

9.F. Winston Area Community Partnership (WACP): Afterschool Youth Program Teen Center

Curt Stookey made the motion for the Winston-Dillard School District Board of Directors approve the partnership with WACP for the Afterschool Youth Program managed by the Winston Teen Center for an annual cost of \$22,000. Lorna Quimby seconded the motion and all approved.

(Jasmine Geyer, Jeremy Mitchell, Lorna Quimby, Bob Shigley, Curt Stookey)

Attachments: (1)

- [WACP After School Services24-25](#)

10. COMMUNICATIONS: None at this time

11. FOR THE GOOD OF THE ORDER

Mr. Craig Anderson, DHS Principal reported a great start of the school year. Overall tone and climate this year is positive, just a great place to be right now. He reported that Mr. Beard, Facilities Manager has worked hard on the ADA parking up near the football field. Mrs. Emily Ledbetter, LES Principal said they have had a great start of the year and can see that students are happy to be back. The teachers have really been focusing on reading data and placing students into the appropriate groups. More than 50% of students came in at or above meeting the benchmark. They also implemented a “Thank you for being in your seat” day where 25 random seats throughout the classrooms were tagged for a prize.

Mrs. Lisa Dickover, BES Principal said they were having a great start of the school year. Pre-K began this week and school staff are working on the plans for “Open House” which will be in conjunction with McGovern but start times will be different to allow parents to attend both schools. The school just had picture day and Mrs. Dickover said it was really cute seeing all the students dressed up in their best. The school will be hosting professional development training for teachers and instructional assistants led by Rick Burton on September 13th.

Mrs. Janna Shigley, MES Principal shared the school is off to a smooth start even with a lot of changes made. The teachers are embracing those changes and really utilizing strategies taught by Jen Hunt with new Math Minds curriculum.

Mr. Dave Welker, WMS Principal reported there was a lot of construction up until the first day of school but custodians did a fantastic job at getting the whole school ready and put back together before students arrived. The school had a great start with 6th grade only students on the first day. He also shared they will use Dibels for reading assessment data. Football and volleyball teams had their first games and did well.

12. ADJOURNMENT: 7:36 pm

13. UPCOMING

13.A. Regular Session at WDSB District Office Board Room on October 9, 2024 at 7:00 pm.

Winston-Dillard School District 116

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The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Winston-Dillard School District 116

Code: GAA
Adopted: 8/12/15
Orig. Code(s): GAA



Personnel: Definitions

(While there is still an OSBA model for this policy, it is optional and recommend refer to statute whenever needed.)

“Licensed employees” are those holding a position that requires a license issued by the state Teacher Standards and Practices Commission (TSPC).

1. A “teacher” is an employee who holds a teacher’s license or is registered to teach by TSPC.
2. A “contract teacher” is any teacher who has been regularly employed by a district for a probationary period of not more than three successive school years and who has been retained for the next succeeding school year.
3. A “probationary teacher” is one who is not a contract teacher and who is employed for at least 135 consecutive days in any school year as a teacher in the district. At least 30 consecutive days of employment in the district in a successive year shall be sufficient to keep the service intact, and the teacher shall not lose credit for previous probationary years served.
4. A “temporary teacher” is any teacher employed to fill a position designated as temporary or experimental or to fill a vacancy that occurs after the opening of school because of unanticipated enrollment or the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher.
5. A “substitute teacher” is any teacher employed to take the place of a probationary or contract teacher who is temporarily absent. A substitute teacher is employed on a day-to-day basis, without contract, and does the work of the regularly assigned teacher during the latter’s absence from duty. Substitutes will not be eligible for fringe benefits and will be paid at a rate established annually by the Board in accordance with the provisions of Oregon law
6. An “intern teacher” is a regularly enrolled candidate of an approved educator preparation provider, who teaches under the supervision of the staff of the provider and of the employing district, in order to acquire practical experience in teaching. The intern teacher receives both academic credit from the provider and financial compensation from the district or education service district.
7. An “administrator” is an employee who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license. An administrator includes but is not limited to, all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts, who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services with public funds.
8. A “specialist” is an employee who has a teaching license or a letter of authorization from the Oregon Department of Education and who is employed half-time or more.

“Classified personnel” are those employees in positions for which no teaching or administrative licenses are required by law.

1. “Regular classified employees” are those employed in positions established by the Board requiring 20 or more hours per week for at least a full school year
2. “Part-time regular classified employees” are those employed in positions established by the Board requiring less than 20 hours per week for at least a full school year
3. “Temporary/Substitute classified employees” are those employed on an as-needed basis. The Board shall determine if these employees are eligible for benefits

“Supervisory employees” are those individuals having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

“Confidential employees” are designated in accordance with Oregon law (ORS 243.650(6)). Such employees will be excluded from any bargaining unit. Salaries and benefits for confidential employees will be established by the Board.

“Administrative employee” means an employee of the district who possesses authority to formulate and carry out administrative and/or program decisions, or who represents administration’s interest by taking or effectively recommending discretionary actions that control or implement district policy, and who has discretion in the performance of these administrative and/or program responsibilities beyond the routine discharge of duties. An administrative employee need not act in a supervisory capacity in relation to other employees.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(6\), \(23\)](#)
[ORS 332.505](#)
[ORS 332.554\(3\)](#)
[ORS 342.120](#)
[ORS 342.125](#)

[ORS 342.420](#)
[ORS 342.610](#)
[ORS 342.815](#)
[ORS 342.835](#)
[ORS 342.840](#)

[ORS 342.845](#)
[OAR 584-020-0005](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

Winston-Dillard School District 116

OK - adopt?

Code: GAB
Adopted:

Job Descriptions

(Highly Recommended policy.)

Job descriptions serve to:

1. Describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. Describe attendance standards;
3. Help applicants determine the qualifications needed to fill a position;
4. Help district administrators determine which candidates to recommend for appointment; and
5. Assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions," as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for their expertise or ability to perform the particular function.

"Attendance standards," as used in this policy means, the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the district.

Job descriptions will be developed under the supervision of the superintendent for each position in the district. Each job description shall be dated; as job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be coded and retained in a document titled *Job Descriptions for the [] District*. The document will be available for inspection by any district employee or patron. Each employee shall receive a copy of their job description. Each employee shall affix their signature and date after having read the job description.

Job descriptions will be reviewed [annually] [as needed]. Initial or revised job descriptions will be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-022-2405](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

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

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

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Winston-Dillard School District 116

OK

Code: GB
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 4/17/13
Orig. Code: GB

General Personnel Policies

The quality of the professional and support staff is of primary importance in achieving the district's educational objectives. ~~of the district.~~ In filling any licensed or classified position, ~~therefor,~~ the district ~~will shall~~ seek out and appoint the best-qualified person available for the position.

The employment of candidates to fill licensed positions will be approved by the Board upon the superintendent's recommendation. The superintendent will employ all classified employees, substitutes and part-time personnel as needed.

Notice of all regular job openings ~~will shall be made~~ available to current staff members. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies, and general and specialized media.

Applications ~~or inquiries concerning~~ for job openings ~~will shall be directed to~~ ~~received by the~~ ~~personnel~~ ~~office~~ ~~officer~~ on standard district application forms. The selection process ~~will shall~~ be coordinated and supervised by the ~~SAP~~ ~~personnel~~ ~~office~~, with the involvement of other appropriate administrators and supervisors.

Each candidate selected for a position with the district must possess or demonstrate eligibility for any ~~certificate~~, license or permit required to fill the position. In addition, the individual must be insurable by the district's insurance carrier for any position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the district may require any candidate, as a condition of employment, to hold a current, recognized first-aid card. A current employee required to hold a card ~~will shall~~ obtain it within 90 days from the date ~~on which~~ the district gives notification.

Personnel selected for employment ~~will shall~~ be notified in writing ~~of their selection~~ following Board approval. This notification ~~will shall~~ specify the assignment, the job classification, the salary or hourly rate, the length of the workweek, and the length of the assignment. Unsuccessful applicants who were interviewed ~~will shall~~ be notified.

Initial assignments ~~of staff will shall~~ be made by the superintendent or designee.

The superintendent ~~will shall~~ establish ~~administrative~~ regulations governing the recruitment, selection and employment of personnel in accordance with this policy.

END OF POLICY

Legal Reference(s):

[ORS 342.664](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 653.305 to -653.326](#)

[ORS 659A.309](#)
[OAR 581-022-2405](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)

[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

Winston-Dillard School District 116

OK

Code: GB-AR
Revised/Reviewed: 7/10/02; 4/20/11; 4/17/13
Orig. Code: GB-AR

General Personnel Policies

(Recommend review to ensure it reflects current practices in the district.)

The superintendent shall coordinate the personnel activities for the district.

1. Resignation and/or recommendation for discharge:

- a. All written staff resignations shall be forwarded to the superintendent ~~for designee~~ for appropriate action (GCPB/GDPB).
- b. All written administrator recommendations for staff discharge shall be forwarded to the superintendent ~~for designee~~ for appropriate action.

2. Vacancy Posting

- a. All requests to fill a vacancy shall be forwarded to the superintendent's office for appropriate action (Board policies GC, GCC, GDC).
- b. All applications shall be filed with the ~~superintendent's~~ office if they are to be considered for the vacancy. Those not filed with the ~~superintendent~~ shall not be considered.
- c. Schools or departments shall not accept applications directly from candidates. Nor shall they meet with candidates before the screening occurs and candidates are selected for interviews. This does not apply to recruitment efforts to gain a pool of applicants.

3. Screening Candidates

Screening criteria shall be completed in writing and used to eliminate candidates who do not meet minimum qualifications as stated in the Notice of Vacancy. Such screening devices should be returned to the district with applications and kept on file as provided by OAR 166-400-0050(22).

4. Interviewing Candidates - Teacher

- a. The principal of the building where a vacancy exists shall lead the interview session.
- b. An attempt shall be made to involve at least one other administrator or teacher in all interviews. Specifically, the following administrators may be solicited to participate:
 - (1) Other elementary principals for elementary teacher candidates;
 - (2) Other secondary principal for secondary teacher candidates;
 - (3) Coordinator of special programs for special education, Title I and/or talented and gifted teacher candidates;
 - (4) The director of curriculum and instruction for any and/or all teacher candidates;
 - (5) The superintendent.
- c. The principal or designee shall verify experience level.
- d. Teachers may be invited to sit on the interviewing committee in situations where a departmental or team organization exists.
- e. The interview team shall determine questions or types of questions to be asked of candidates prior to holding an interview of any candidate. The questions or types of questions to be asked shall be written. Other questions or concerns may arise during the interview and may be pursued.

OK

- f. The interview team shall discuss the interviewed candidates and determine strengths and weaknesses of candidates.
- g. The principal of the building where the vacancy exists shall call references.
- h. The principal or designee of the building where a vacancy exists shall make the recommendation to the superintendent of the top candidate for the position and other acceptable candidates when possible.
- i. If no candidate among those interviewed is deemed suitable for the position, the principal may ask that the notice of vacancy be posted again.

5. Interviewing Candidates - Classified

- a. The principal or designee, or the district supervisor where a vacancy exists, shall be involved in all interviews and shall lead the interview session.
- b. An attempt shall be made to involve at least one other person in interviewing selected candidates. Specifically, the following persons may be solicited to participate:
 - (1) Other affected principal wherever sharing of position between campuses occurs;
 - (2) Coordinator of special programs for positions involving special education or talented and gifted programs;
 - (3) Director of support services for "head" positions;
 - (4) The superintendent;
 - (5) Assistant principal;
 - (6) "Head" positions for his or her subordinates;
 - (7) Supervisors of departments.
- c. The interview team shall determine questions or types of questions to be asked of candidates prior to holding an interview of any candidate. The questions or types of questions to be asked shall be written.
- d. The interview team shall discuss the interviewed candidates and determine strengths and weaknesses of candidates.
- e. The principal or designee where the vacancy exists shall call references, unless it is agreed that other administrators on the interviewing team shall check references.
- f. The principal or designee shall verify experience level.
- g. The principal of the building where a vacancy exists shall make the recommendation to the superintendent of the top candidate for the position, and other acceptable candidates, when possible.
- h. If no candidate among those interviewed is deemed suitable for the position, the principal may ask that the notice of vacancy be posted again.

6. Recommendation for Employment

- a. The superintendent ~~or designee~~ may contact references of the recommended candidate.
- b. The superintendent or designee shall notify the candidate, as necessary, to be recommended to the Board for employment.
- c. The superintendent shall make recommendation to the Board for employment of licensed staff.
- d. The superintendent or designee shall mail letters to successful candidate concerning employment, after Board ratification.

Winston-Dillard School District 116

OK

Code: GBA
Adopted: 4/08/09
Revised/Readopted: 4/20/11; 1/11/17; 3/11/20;
2/09/22
Orig. Code: GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 652.210 - 652.220	ORS 659A.082
ORS 243.317 – 243.323	ORS 659.850	ORS 659A.109
ORS 326.051	ORS 659A.003	ORS 659A.112
ORS 332.505	ORS 659A.006	ORS 659A.147
ORS 342.934	ORS 659A.009	ORS 659A.233
ORS 408.225	ORS 659A.029	ORS 659A.236
ORS 408.230	ORS 659A.030	ORS 659A.309
ORS 408.235	ORS 659A.040	ORS 659A.321

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

³ The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

⁴ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

[ORS 659A.409](#)
[ORS 659A.820](#)
[OAR 581-021-0045](#)
[OAR 581-022-2405](#)

[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0450](#)

[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 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).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
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).
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).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Winston-Dillard School District 116

OK

Code: GBA-AR
Revised/Reviewed: 1/11/17
Orig. Code(s): GBA-AR

Veterans' Preference

Oregon's Veterans' Preference Law requires the district to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference¹ a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The district is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if the individual he or she is equal to or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position.³ The district shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification⁴ of eligibility for preference, in addition to other requested materials.⁵

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions: definition of veteran and disabled veteran.

³ Oregon Revised Statute (ORS) 408.230(5)

⁴ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

⁵ Verification of Veteran's Preference

A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice-connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.

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Selection Procedures⁶

- Step 1: Before the review of any applications the principal will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The principal will review the application materials using the above evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the principal shall evaluate whether the skill experience obtained in the military are transferable to the posted position. ~~In this step the district does not apply a veterans' preference.~~ Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the principal determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the principal shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall ~~points must~~ be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.
- Step 6: The principal makes the offer to the applicant with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

The district is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position. The district shall provide the reasons for not selecting the candidate when requested.

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the ~~human resource office~~ if they have any concerns or questions concerning the application of or the process used for veterans' preference.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

⁶ If the district chooses not to use a scored system the law requires that the district give special consideration in the district's hiring decision to veterans and disabled veterans and the district will need to be able to demonstrate the method used for providing special consideration. ORS 408.230(2)(c).

Winston-Dillard School District 116

OK

Code: GBC
Adopted: 10/8/08
Revised/Readopted: 4/20/11; 1/15/14; 7/13/14;
4/13/16; 9/12/18
Orig. Code: GBC

Staff Ethics

I. Prohibited Use of Official Position for Financial Gain

I. Conflict of Interest

No district employee will attempt to use their district position to obtain ~~personal~~ financial gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, a household member or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the district employee's employment with the district.

This prohibition does not apply to any part of an official compensation package ~~as packages~~ approved by the Board, honorarium, 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 \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the district employee.

The employee may receive district or school logo apparel as part of the employee's official compensation package.

District employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in ~~regard~~ regards to their duties and responsibilities as district employees. This would also apply to ~~any~~ personal financial benefit for the district employee's relative or member of household of the employee, or any business with which the district employee or a relative or member of the household of the district employee is associated.

This means that:

1. Employees, relatives or members of the district employee's household will not use the employee's position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No district employee may serve as a Board or budget committee member in the district.

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5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time needed that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If a district employee has a potential or actual conflict of interest, the district employee must notify their/his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict. This must be done on each occasion the district employee is met with a conflict of interest.

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

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

In order to avoid violation of nepotism provisions and district policy, district employees must abide by the following when an employee's relative or member of the household of the district employee, is seeking and/or holds a position with the district:

1. A district employee 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 they comply he/she complies with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A district employee 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. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee's family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the superintendent's approval.

"Member of household" means any person who resides with the employee.

"Relative" means: the spouse¹, parent, step-parent, child, sibling, step-sibling, ~~son-in-law~~ or ~~child~~ daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, ~~son-in-law~~ or ~~child~~ daughter-

¹ The term spouse includes domestic partner.

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in-law of the spouse of the employee.² Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits³ to the employee, or who receives any benefit from the employee's public employment.

II. Gifts

District employees must comply with the following rules involving gifts:

Employees 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 district employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. A gift may be received by the district employee from, but not limited to, another district employee, a student or parent of a student or a vendor within the \$50 gift limit. Except for exclusions in ORS 244.040(2), an item received by an employee from the district is prohibited.

"Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

"Relative" means: the spouse⁴, parent, step-parent, child, sibling, step-sibling, ~~son-in-law~~ or ~~child~~ ~~daughter-in-law~~ of the employee; or the parent, step-parent, child, sibling, step-sibling, ~~son-in-law~~ or ~~child~~ ~~daughter-in-law~~ of the spouse of the employee.⁵ Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits⁶ to the employee, or who receives any benefit from the employee's public employment.

"Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees, the employee's relatives or members of the employee's household 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 employee'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 district employee. If the giver does not have a legislative or

² {ORS 244.020(16) uses the terms "son-in-law" and "daughter-in-law" in the definition of relative.}

³ Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

⁴ Ibid. p. 2

⁵ {ORS 244.020(16) uses the terms "son-in-law" and "daughter-in-law" in the definition of relative.}

⁶ Ibid. p. 32

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administrative interest, the \$50 limit does not apply and the employee 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 official decision of an employee.

A “decision” means an act that commits the district to a particular course of action within the employee’s scope of authority and that is connected to the source of the gift’s economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor’s actions would be considered a “decision.”

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 employee 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 employee’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 employee is \$25. This example requires that the employee 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 employee’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 employee.

Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

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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

Employees 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

Employees 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 of the employee 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 employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee 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 that apply to employees:

1. Gifts from “relatives” and “members of the household” to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions:

Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:

- a. 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:
 - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND

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- (a) The giver is a unit of a:
 - (i) Federal, state, or local government;
 - (ii) An Oregon or federally recognized Native American Tribe; OR
 - (iii) Nonprofit corporation.
- (2) The employee is representing the district:
 - (a) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - (b) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the superintendent.

The purpose of the exception in a. above is to allow employees 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.

- 4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the district.

“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;

- 5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(76)(b)(I)(i);
- 6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
- 7. An item received by the employee as part of the usual or customary practice of the employee’s private business, employment or position as a volunteer that bears no relationship to the employee’s district employment;
- 8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

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 employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

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

Winston-Dillard School District 116

Code: GBC-AR
Revised/Reviewed: 7/10/02; 4/20/11; 1/15/14;
7/13/14; 9/12/18; 5/15/19
Orig. Code: GBC-AR

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Staff Ethics

District employees are allowed financial benefits as identified in Oregon Revised Statute (ORS) 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. District employees are prohibited from using or attempting to use ~~their/his/her~~ district position to obtain a financial gain or to avoid a financial detriment for the district employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the district. Specifically, this means that:

1. Employees will not use district equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the district's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. District vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the district's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the district's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for district travel or other district business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office

¹ The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

OK

supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for district use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to district extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the district may include free passes in employees' official compensation packages or employees may be reimbursed by the district for the cost of admission
6. The employee's district position is not to be used to take official action that could have a financial impact on a private business with which, the employee, a relative or member of the employee's household are associated. For example, if the employee's ~~sibling~~^{brother} owns a pest-control business which is seeking a contract with the district, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest in writing, describing the nature of the employee's conflict, and provide this to the employee's supervisor.
7. Confidential information gained as a district employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, the employee should not use the information that a student in ~~their~~^{his}/~~her~~^{her} class is falling behind in math to provide the parents a referral to the employee's ~~sibling's~~^{sister's} tutoring business.
8. District employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the district, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. District employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the district employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, district employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use district facilities for this purpose only if they comply with the district's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board.

Winston-Dillard School District 116

Code: GBD
Adopted: 8/13/08
Readopted: 4/20/11
Orig. Code: GBD

OK

Board-Staff Communications

The Board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. ~~This~~ However, this policy does not restrict protected labor relations communications of bargaining unit members. The superintendent will develop and recommend to the Board, processes for communications between the Board and district employees.

Communications or reports to the Board or Board committee from any staff member or members should 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.

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

END OF POLICY

Legal Reference(s):

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

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

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Winston-Dillard School District 116

Code: GBDA
Adopted: 8/22/07
Revised/Readopted: 4/20/11; 4/17/13; 5/20/15;
5/15/19; 10/09/19
Orig. Code: GBDA

OK

Expression of Milk or Breast-feed in the Workplace

(Any changes to this list of available locations to support this policy?)

When possible an employee must give reasonable notice of the intent to express milk or breast-feed to the building principal. The district shall provide the employee a reasonable rest period to express milk or breast-feed each time the employee has a need to express milk or breast-feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.

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

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

1. District office: private office in the district office building;
2. Lookingglass Elementary School: vacated - storage room, office space or classroom with windows covered and door locked;
3. McGovern Elementary School: vacated - storage room, office space or classroom with windows covered and door locked;
4. Brockway Elementary School: vacated - storage room, office space or classroom with windows covered and door locked;
5. Winston Middle School: vacated - storage room, office space or classroom with windows covered and door locked;
6. Douglas High School: vacated - storage room, office space or classroom with windows covered and door locked;
7. Maintenance: Same as district office.

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 653.077](#)

[ORS 653.256](#)

[OAR 839-020-0051](#)

Winston-Dillard School District 116

Code: GBE
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 1/14/15
Orig. Code: GBE

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Staff Health and Safety

The Board directs the superintendent to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties. The input of staff will be encouraged in the development of district health and safety plans.

The superintendent will develop a district plan for dealing with hazardous chemicals in the workplace. This plan will include proper labeling, storage and disposal of all such materials.

The superintendent will develop districtwide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, employees will be trained to recognize and respond appropriately to the presence of hazardous chemicals. All personnel who may be exposed to hazardous materials during the performance of their duties or in an emergency will be so informed and trained to appropriately deal with these materials.

The superintendent will provide staff members with the Safety Data Sheets (SDS), which must accompany any hazardous substance used in the school setting.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 329.095](#)
[ORS 453.001 to -453.275](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0075](#)

[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180 to -0182](#)
[OAR 437-002-0360](#)
[OAR 437-002-0368](#)

[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-022-2225](#)

Winston-Dillard School District 116

Code: GBEA
Adopted: 3/11/20
Revised/Readopted: 2/09/22; 12/14/22
Orig. Code(s): GBEA

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Workplace Harassment

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between district employees or between a district employee and the district in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district and a district employee off district premises. Elected school board members, volunteers and interns are subject to this policy.

Any district employee who believes they have been a victim of workplace harassment may file a report with the district employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The district employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The district, upon receipt of a report from a district employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The district employee receiving the report, whether a supervisor of the employer or the district employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

¹ “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

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The district may not require or coerce a district employee to enter into a nondisclosure² or nondisparagement³ agreement.

The district may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between district employees or between a district employee and the district, in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district employee and employer off district premises.

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

If the district determines in good faith that an employee has engaged in workplace harassment, the district may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members, witnesses, and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The district shall make this policy available to all district employees and shall be made a part of district orientation materials provided and copied to new district employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 - 243.323](#)
[ORS 659A.001](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)

[ORS 659A.112](#)
[ORS 659A.370](#)
[ORS 659A.375](#)
[ORS 659A.820](#)

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

[ORS 659A.875](#)

[ORS 659A.885](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Winston-Dillard School District 116

OK

Code: GBEA-AR
Revised/Reviewed: 3/11/20
Orig. Code(s): GBEA-AR

Workplace Harassment Reporting and Procedure

Any district employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this ~~administrative~~ ~~administration~~ regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the principal, compliance officer or superintendent.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, ~~or~~ 659A.112 or ORS 659A.370 ~~section 4 of Senate Bill 479 (2019)~~ must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the district as a separate confidential file and stored in the district office.

Investigation Procedure

The building principals are responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves building principals or the employee does not work at a specific building, the employee may report to the office of the Superintendent or designee. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee;
3. Provide a copy of the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the

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investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

A copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace harassment incident, including disciplinary action taken or recommended, shall be forwarded to the ~~office of the superintendent~~ ^{asset} ~~human resources office~~.

Step 2 If a complainant is not satisfied with the decision at step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the step 1 decision. The superintendent or designee shall review the investigators report and findings. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary by the superintendent or designee to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days after receipt of the appeal.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the findings and conclusion of the superintendent or designee in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's or designee's decision as the district's final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the superintendent's decision in Step 2 is final.

Reports involving the superintendent should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at 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 hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

¹ Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee, and a copy the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee.

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Follow-up Procedures

The building principal will follow up with the district employee of the alleged harassment once every three months for the calendar year following the date on which the position title received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The principal will document the record of this follow-up. The principal will continue follow-up in this manner until and unless the employee directs the principal in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement (CBA) or a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Review the CBA for any provision that requires an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Winston-Dillard School District 116
620 NW Elwood St. Winston, Oregon 97496 | Phone 541-679-3000

WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

Evidence of workplace harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Winston-Dillard School District 116
620 NW Elwood St. Winston, Oregon 97496 | Phone 541-679-3000

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Winston-Dillard School District 116

DELETE

Code: GBEB
Adopted: 7/10/02
Readopted: 4/20/11; 10/14/20
Orig. Code: GBEB

Communicable Disease – Staff

(Recent changes to the health services OAR and for schools to generate a health services plan which includes communicable disease protocols, this policy is no longer needed.)

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR - Communicable Diseases - Staff. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all other measures adopted by the district and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The district shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526](#)

[OAR 333-018](#)
[OAR 333-019-0010](#)
[OAR 333-019-0014](#)

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2019).

Winston-Dillard School District 116

DELETED

Code: GBEB-AR
Revised/Reviewed: 4/20/11; 12/13/17; 10/14/20
Orig. Code(s): GBEB/JHCC-AR

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Communicable Diseases – Staff

(Recent changes to the health services OAR and for schools to generate a health services plan which includes communicable disease protocols, this AR is no longer needed.)

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxicogenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.
2. “Susceptible” for an employee means lacking evidence of immunity to the disease.
3. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19², unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. An administrator shall exclude an employee if the administrator has reason to suspect that an employee has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

¹ Added per OAR 333-019-1000(2).

² “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department.
7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. [District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance³.]
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.

³ Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education.

3. All district personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (See policy EBBAA).

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Winston-Dillard School District 116

DELETE

Code: GBEB
Adopted: 7/10/02
Readopted: 4/20/11; 5/15/19
Orig. Code: GBEB

Staff - HIV, AIDS, and HBV

(Recent changes to the health services OAR and for schools to generate a health services plan which includes communicable disease protocols, this policy is no longer needed.)

The district will strictly adhere in its policies and procedures, to Oregon law and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV¹.

The district recognizes a staff member has no obligation under any circumstance to report a condition to the district, and the staff member has a right to continue working. If the staff member reports a condition to the district, strict adherence to written guidelines outlined by the staff member shall be followed. These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon law.

Accommodations for a staff member infected with HIV, AIDS, or HBV shall be the same as with any other illness.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.850\(8\)](#)
[ORS 433.008](#)
[ORS 433.045](#)

[ORS 433.260](#)
[OAR 333-017-0000](#)
[OAR 333-018-0000](#)

[OAR 333-018-0005](#)
[OAR 581-022-2220](#)

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

Winston-Dillard School District 116

DELETED

Code: **GBEBAA**
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GBEBAA

HBV or Bloodborne Pathogens

The Board recognizes that staff incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff 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 approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV, and/or other bloodborne pathogens¹.

In order to reduce the risk to staff and/or students by minimizing or eliminating staff exposure incidents to bloodborne pathogens, the board directs the superintendent to develop and implement an Exposure Control Plan. The plan shall be reviewed and updated at least annually and whenever 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. 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 Hepatitis B vaccine and vaccination series for all staff who are required to provide first aid to students and/or staff and/or for all staff who have occupational exposure as determined by the district. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Personal protective equipment appropriate to job task shall be provided by the district. A post-exposure evaluation and follow-up shall be made available to any employee sustaining an occupational exposure.

The district recognizes that, as required by 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 district shall implement such work practice controls, as appropriate.

Documentation, including a sharps injury log, shall be maintained as required by OAR 437-002-1035 and 437-002-1030 (3).

END OF POLICY

¹ Bloodborne pathogens - pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 437-002-1030](#)
[OAR 437-002-1035](#)

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Winston-Dillard School District 116

Denote

Code: **GBEBAA-AR**
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code: **GBEBAA-AR**

D

Hepatitis B Vaccination Consent, Waiver, and Bloodborne Pathogen Training Documentation

(If this is still required practice, it does not rise to the level of an administrative regulation; use as an internal personnel document.)

Staff Member's Name: _____

Social Security #: _____

Job Classification: _____ Department/Site: _____

Winston-Dillard School District
620 NW Elwood
Winston, OR 97496-8501

PART A - CONSENT

I attended the bloodborne pathogens training session conducted by _____ on _____ (date) and:

1. I understand that due to my reasonably anticipated occupational exposure to blood and OPIM I may be at risk of acquiring Hepatitis B Virus (HBV) infection;
2. I understand that a series of three injections of Hepatitis B vaccine is needed to become protected; however, sometimes additional doses are needed if the first series does not result in immunity;
3. I understand that there will be no cost incurred by me as a result of receiving the Hepatitis B vaccinations;
4. I understand that I will need a post-exposure evaluation if I have encountered an occupational exposure incident (specific eye, mouth, other mucous membranes, nonintact skin or parenteral contact with blood or OPIM) even if I have received the Hepatitis B vaccination series. Also, I understand that I must report this incident to the building administrator or support services supervisor immediately;
5. (For women only) I understand that if I am pregnant, I am advised to consult with my private medical practitioner regarding the administration of Hepatitis B vaccine.

I have read and I understand the above information and wish to receive the Hepatitis B vaccination series (three doses). Also, I have no known sensitivity to yeast or any preservatives (i.e., thimerosal).

Staff Member's Signature

Date

DELETE

PART B - WAIVER

I attended the bloodborne pathogens training session conducted by _____ on _____ (date) and.

1. I understand that due to my occupational exposure to blood and OPIM, I may be at risk of acquiring Hepatitis B Virus (HBV) infection;
2. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I have decided to decline Hepatitis B vaccine at this time;
3. I understand that by declining this vaccine, I may have an occupational exposure risk of acquiring Hepatitis B infection which can be a serious disease;
4. I understand that if in the future I continue to have an occupational exposure to blood or OPIM, I have the option of being vaccinated with Hepatitis B vaccine at no charge to myself (unless medical contraindication);
5. I understand that I will need a post-exposure evaluation if I have encountered an occupational exposure incident (specific eye, mouth, other mucous membranes, nonintact skin or parenteral contact with blood or OPIM) and I must report this incident to the building administrator or support services supervisor immediately.

I have read and I understand the above information and do not wish to receive the Hepatitis B vaccination series (three doses) at this time.

Staff Member's Signature

Date

PART C - HEPATITIS B VACCINATION CONSENT AFTER INITIAL WAIVER

I have now decided to receive the Hepatitis B vaccination series (three doses) due to my occupational exposure risk to blood and OPIM. I have completed Part A of this form as a condition of understanding.

Staff Member's Signature

Date

Winston-Dillard School District 116

DELETE

Code: **GBEBC/JHCCC/EBBAA**
Adopted: 4/20/11
Orig. Code(s): **GBEBC/JHCCC/EBBAA**

D

Infection Control - HIV, AIDS, HBV

The district shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The district shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

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 available for each room in the building and in each district 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.

The district will cooperate with the local health department and the education service district in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0517\(13\)\(c\),\(e\)](#)

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

Winston-Dillard School District 116

DELETE

Code: **GBEBC-AR**
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GBEBAB

Exposure Control Plan

(Plans usually do not rise to the level of an AR; better kept as a separate document.)

The purpose of this written Exposure Control Plan is to ensure that the district is in compliance with the OSHA Bloodborne Pathogen Standards, 1910.1030. The plan shall be maintained at the district office. The Exposure Control Plan shall be reviewed and updated, at least annually, or whenever new tasks and procedures affect occupational exposure.

1. The following job classifications are identified as occupations which have exposure to or potential exposure to blood and/or body fluids:
 - a. Elementary secretaries;
 - b. Coaches;
 - c. Custodians;
 - d. Instructional assistants;
 - e. Shop teachers;
 - f. P.E. teachers;
 - g. Bus drivers.

2. The following job classifications are identified as occupations in which some employees have exposure to or potential exposure to blood and/or body fluids:
 - a. Secondary secretaries;
 - b. All teachers;
 - c. Principals and assistant principals.

3. The following is a list of tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs that are performed by employees in job classifications listed in 1. and 2. above:
 - a. Daily cleaning of restrooms and showers by custodians;
 - b. Clean up after sickness or an injury involving blood by a custodian, teacher, assistant, coach, or secretary;
 - c. First aid given by secretary or teacher;
 - d. First aid or clean up during an athletic event by coaches or custodians;
 - e. Laundering of potentially infectious material by custodians;
 - f. Cleaning of equipment;
 - g. Changing and caring for special education students;
 - h. First aid given by assistants on the playground or classrooms;
 - i. First aid given by a teacher.

4. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and annual training shall be given to all employees in an all staff in-service day in the middle of the school year during normal working hours.

5. Methods of Compliance:

- a. All human body fluids shall be treated as if known to be infectious for bloodborne pathogens. The most obvious exposure incident is a needlestick. But any specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials is considered an exposure and MUST be reported to the district office immediately;
- b. Hand washing facilities are available to all employees. Employees are to wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment;
- c. Potentially infectious materials shall be placed in an appropriate container, labeled or color-coded as provided by law, which prevents leakage during collection, handling, processing, storage, transport or shipping;
- d. Employees shall be furnished, at no cost to the employee, appropriate personal protective equipment such as gloves. The employer shall ensure that appropriate personal equipment in the appropriate sizes is readily accessible at the worksite, and shall make accessible any similar alternatives to employees who are allergic to gloves normally provided;
- e. An area or equipment which has blood or other body fluids on it shall be washed down using household bleach diluted with water, or about one cup of bleach to one gallon of water;
- f. Hepatitis B vaccinations shall be made available to all employees who are exposed to or might be exposed to blood or other body fluids at no cost to the employee. Whether an employee accepts or declines the offer of the Hepatitis B vaccine, the employee must sign the Hepatitis B Vaccination Form. Any time after an employee initially declines to receive the vaccine, he or she may opt to take the vaccine if still employed with the district.

Only the employee may accept or decline the Hepatitis B vaccination series.

- g. Post-exposure evaluation and follow up shall be available to all employees who have had an exposure incident. The Hepatitis B vaccination and the post exposure evaluation and follow up shall be provided by the district at no cost to the employee, made available during the employee's regular work hours, and performed by the Douglas County Health Department.
- h. The district shall establish and maintain an accurate record for each employee with occupational exposure. Medical records are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law. These records shall be maintained for the employee's duration of employment plus 30 years.
- i. Training records will be maintained for three years from the date the training was given. These records shall be made available to OSHA representatives upon request.

Winston-Dillard School District

Hepatitis B Vaccination Form

Employee's Name: _____

Social Security Number: _____

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. I understand that if I decline this vaccine, I would continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future, while working for the Winston-Dillard School District, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

- Yes, I want the vaccination.
- No, I do not want the vaccination.

Employee's Signature _____ Date _____

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Winston-Dillard School District 116

OK

Code: GBEC
Adopted: 11/14/07
Readopted: 4/20/11
Orig. Code: GBEC

Drug-Free Workplace

The district shall provide a drug-free workplace.

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the workplace.

This policy applies to all employees, including but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

The district shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's district duties; or knowingly endorse or suggest the use of such substances.

An employee shall, as a condition of employment, abide by the provisions of this policy.¹

1. Definitions

- a. "Controlled substance"~~": A controlled substance~~ shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act, as modified under Oregon Revised Statute (ORS) 475.035~~controlled substance~~.
- b. "Alcohol"~~: Alcohol~~ shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
- c. "Conviction" means a~~": A~~ finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal~~federal~~ or state criminal drug statutes.
- d. "Criminal drug statute" means a Federal~~: A federal~~ or State~~state~~ criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.

¹ Districts directly receiving grants or contracts from the federal government are required to meet this obligation.

- e. “Drug-free workplace” means a²: A site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance[or alcohol].

2. Purpose

The purpose of this policy is to promote safety, health and efficiency by prohibiting, in the workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

3. Applicability

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

4. Prohibitions

An employee shall not, in the workplace, unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol.

5. No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee’s district duties; or knowingly endorse or suggest the use of such drugs.

6. Compliance with Policy²

An employee shall, as a condition of employment, abide by the provisions of this policy.

7.2. Sanctions and Remedies³

- a. The district, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol, or upon having reasonable suspicion (under the section below)7. of an employee’s this policy, of employee unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate action, which may include transfer, granting of leave with or without pay or suspension with or without pay.
- b. Within 30 calendar days of learning of an employee’s criminal drug statute conviction for a violation occurring in the workplace, the district shall:
- (1) Take action with regard to the employee determined to be appropriate action, which may include discipline up to and including termination; and/or

² Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

³ Ibid. p. 1

OK

- (2) Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

~~8.3.~~ Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

- a. Observed abnormal behavior or impairment in mental or physical performance (e.g., ~~for example,~~ slurred speech, ~~or~~ difficulty walking);
- b. Direct observation of use in the workplace;
- c. The opinion of a medical professional;
- d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
- e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

~~9.4.~~ Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program **if** such program is provided by the employer.

~~10.~~ Leave for Participation in Abuse Assistance or Rehabilitation Program

The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

~~11.5.~~ Establishment of Drug-Free Awareness Program

The district shall establish a drug-free awareness program to inform employees of the:

- a. Dangers of drug abuse in the workplace;
- b. Existence of and content of this policy for maintaining a drug-free workplace;
- c. Availability of drug-counseling, rehabilitation and employee assistance programs; and
- d. Penalties that may be imposed for drug abuse violations occurring in the workplace.

~~12.6.~~ Notification by Employee of Conviction⁴

An employee shall, as a condition of employment, notify the district in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

~~13.7.~~ Notification by Winston-Dillard School District of Employee Conviction

The district shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction, for a violation occurring in the workplace, no later than 10 calendar days after learning ~~receiving notice~~ of such conviction.

⁴ Ibid. p. 1

14. ~~Provision of Copy of Policy to Employees~~

~~The district shall provide to each employee a copy of this policy.~~

~~Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.~~

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 336.222](#)

[ORS 342.721](#)

[ORS 342.723](#)

[ORS 342.726](#)

[ORS Chapter 475](#)

[ORS 657.176](#)

[ORS 659A.127](#)

[OAR 581-022-2045](#)

[OAR 581-022-2210](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Winston-Dillard School District 116

OK

Code: GBED
Adopted: 8/13/08
Revised/Readopted: 4/20/11; 1/13/16
Orig. Code: GBED

Medical Examinations/ or Drug Testing *

Medical Examinations

The district may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his/her employment duties as a maintenance worker, custodian and food service employee. Any such requirement will ensure that all persons entering employees in the same job category employment as maintenance workers and/or custodians will complete a physical medical examination regardless of disability.

All offers of employment [may] be made contingent on medical examination results.

Medical examinations will be conducted by a health care professional selected by the district. District-required medical examination expenses will be paid by the district.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

Drug Testing

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy

machinery operators) and positions in which the person is responsible for students' safety and security.¹ The district will designate when and where such testing will be conducted. (*Choose one of the following two options:*) [The cost of the drug test shall be paid by the candidate and reimbursed by the district upon receipt of negative drug test results. The district will not reimburse individuals who test positive for drugs.] ~~[The candidate will pay drug test-related costs.]~~ The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 657.176](#)

[ORS 659A.133](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).
Americans with Disabilities Act Amendments Act of 2008.

¹ Based on *Lanier v. City of Woodburn* — “Safety sensitive” may also include positions that have heavy student contact and in loco parentis responsibility (e.g., teachers, administrators, paraprofessionals), including, but not limited to, instructional assistants and media specialist.)

Winston-Dillard School District 116

Not Applicable

Code: GBEDA
Adopted:

Drug and Alcohol Testing and Record Query - Transportation Personnel *

(This policy is required if the district operates their own transportation services, or if any district staff is required to have a commercial driver's license (CDL).)

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the district shall establish a drug and alcohol misuse prevention program. The district's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education (ODE). The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

The superintendent will develop administrative regulations as needed to implement the district's program including such provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will include training, education and other assistance to employees to promote a drug- and alcohol-free environment.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)
[ORS 825.415](#)
[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (2019).

Winston-Dillard School District 116

NOT APPLICABLE

Code:
Adopted:

GBEDA-AR

Drug and Alcohol Testing and Record Query - Transportation Personnel *

(This administrative regulation is required if the district operates their own transportation services, or if any district staff are required to have a commercial driver's license (CDL).)

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

I. Program Coordinator

The [superintendent] will be designated as the district's drug use and alcohol misuse prevention program coordinator. The [superintendent] will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The [superintendent] will:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;

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- (11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and
- (12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse¹:

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- (a) A verified positive, adulterated, or substituted drug test result;
- (b) An alcohol confirmation test with a concentration of 0.04 or higher;
- (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
- (d) An employer's report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:
 - (i) On duty alcohol use;
 - (ii) Pre-duty alcohol use;
 - (iii) Alcohol use following an accident;
 - (iv) Controlled substance use.
- (e) A SAP's report of the successful completion of the return-to-duty process;
- (f) A negative return-to-duty test; and
- (g) An employer's report of completion of follow-up testing.

- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the Oregon Health Authority, Public Health Division ("OHA") to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
 - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;

¹ <https://clearinghouse.fmcsa.dot.gov/>

- (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
- (5) Documentation of training given to employees.

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- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;
- m. [² Ensure compliance with stand-down prohibitions as set forth by the OTETA. "Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the FMCSA below:
 - (1) The district may seek a waiver of the prohibition against standing down an employee;
 - (2) Requests which include all required information will be submitted to FMCSA for approval.]

2. Pre-employment and Annual Queries from, and Required Reporting to FMCSA

The district is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the district, as required by the OTETA, will be contingent upon the results of a pre-employment query.

- a. The district will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:
 - (1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
 - (2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
 - (4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident; or
 - (d) Controlled substance use.

The district will conduct annual queries³ with the FMCSA on employees subject to such queries as required by law.

[² This is optional language. Keep if the district desires to implement a stand-down policy pursuant to law.]

³ Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

- b. The district will report⁴ to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:

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- (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
- (2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;
- (3) A SAP's report of the successful completion of the return-to-duty process;
- (4) A negative return-to-duty test; and
- (5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- (1) Reason for the test;
- (2) Driver's name, date of birth, and CDL number and State of issuance;
- (3) Employer name, address, and USDOT number;
- (4) Date of the test;
- (5) Date the result was reported; and
- (6) Test result. The test result must be one of the following:
 - (a) Negative (only required for return-to-duty tests administered in accordance with law);
 - (b) Positive; or
 - (c) Refusal to take a test.
- (7) An employer's report of a driver's refusal to submit⁵ to alcohol or drug testing must include the following information:
 - (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
 - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.
- (8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident;
 - (d) Controlled substance use.

⁴ The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

⁵ 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

This report will include the following information:

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- (a) Driver's name, date of birth, CDL number and State of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;
- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the district's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug [and alcohol] test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug [and alcohol] testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years [no later than 14 calendar days after] [before] the driver is used for the first time. The district will provide the written permission of the driver, for release of information, to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began;
- e. ⁶Requests received by the district for release of such information to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a written record and summary of information released, the date, and to whom the information was released;
- f. The district must ask a driver, and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer in the past two years unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug [and alcohol] testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs [and the breath or saliva sample shall be tested for the presence of alcohol];

⁶ Pertains to requests received by the district from other employers.

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- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
 - i. Pre-employment drug [and alcohol] testing will be paid for by the [district] [employee];
 - j. Tests must indicate negative drug test results [and a breath alcohol content level below a 0.02].
 - k. Individuals who fail to meet such drug [and alcohol] requirements [will] [may] not be hired or transferred voluntarily or involuntarily to covered positions;
 - l. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug [and alcohol] testing will not be necessary following a layoff;
 - m. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
 - n. Refusal to submit to drug [and alcohol] testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
 - o. [The individual may request a screening of the split specimen at their own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.]

4. Post-accident Testing

The district shall conduct post-accident testing as follows:

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- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district safety-sensitive functions in which there is a fatality or the employee receives a citation for a moving traffic violation in connection with an injury or tow-away accident:
 - (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - (2) If alcohol testing has not been administered within two hours, the district shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered;
 - (3) If alcohol testing is not administered within eight hours, the district shall cease attempts to administer an alcohol test and shall state and maintain on file a record specifying why the test was not administered;
 - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
 - (5) The employee will contact the [district drug use and alcohol misuse prevention program coordinator] [district official] or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-a-ways, traffic citation issued, etc.).
 - b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;

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- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.
 - (1) The district will [meet] [*exceed] minimum testing rates.
 - (2) [*In exceeding minimum testing rates, the district requires that [] percent of covered employees shall be randomly tested annually for drugs and [] percent shall be randomly tested annually for alcohol.]
- b. The testing rate may be adjusted by FMCSA based on industrywide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

[⁷][Computerized system]^[8]:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers.]

OR

[Manual system:

[⁷ The district should select either "computerized system" or "manual system" language reflected in brackets.]

[⁸ The computerized system, when it can be utilized by the district, is the preferred selection method, under FMCSA guidance.]

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- (1) Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used;
- (2) Cards will be placed into a container from which the required number will be drawn;
- (3) The individual selected by the district to do the drawing will be unbiased;
- (4) All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.]

- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is “done for the year[.]” [Districts with six or less covered employees may annually select a single calendar date for random drug and alcohol testing⁹. The date selected will be kept confidential to ensure that testing is unannounced as required by law.][;]
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Each employee selected for testing shall be tested during the selection period;
- h. Employees shall only be tested for alcohol just before the driver is scheduled to perform safety-sensitive functions, during or just after performing such functions;
- i. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

6. Reasonable Suspicion Testing

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The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

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⁹ The next “calendar year date” for random testing starts from the day after the random testing date.

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- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by a SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the Association for Addiction Professionals (NAADAC). This does not include state-certified counselors.

8. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced¹⁰;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
 - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if the SAP determines the testing is no longer needed.

10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

¹⁰ A follow-up test shall not also serve as a random test, and vice versa.

a. Drugs

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- (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
- (2) A urine sample for drug testing is provided. A “split specimen” (two urine specimen bottles) is prepared from the urine sample;
- (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the OHA certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
- (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
- (5) The MRO will verify negative and positive testing results;
- (6) The MRO will report the verified negative testing results to the district;
- (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
- (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
- (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
- (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the [employee] [district];
- (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- (12) The MRO will report results of the second screening to the employee and the district;
- (13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;
- (14) Detailed drug testing procedures may be obtained by contacting the district’s drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by [¹¹]a qualified breath alcohol technician using evidential breath testing devices;] **OR** [a qualified screening test technician using an alcohol screening device other than an evidential breath testing device;]
- (4) Testing may be conducted at an OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;

[¹¹ The district should select one of the bracketed language options.]

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- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

11. Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

12. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

a. Records related to the collection process:

- (1) [Collection logbook, if used;]
- (2) Documents relating to the random selection process;
- (3) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (4) Documents generated in connection with decisions on post-accident testing;
- (5) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
- (6) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes;
- (7) [[¹²]Calibration documentation for evidential breath testing devices;]
- (8) Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.

b. Records related to each query:

- (1) Documents related to consent of any query;
- (2) Documents related to information received for a pre-employment or annual query;
- (3) Documents related to meeting reporting requirements.

c. Records related to pre-employment verification with a driver's previous employer;

d. Records related to a driver's test results, including:

- (1) The district's copy of the alcohol testing form, including the test results;

[¹² If alcohol testing is provided directly by the district, include the additional record-keeping requirements.]

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- (2) The district's copy of the controlled substance test custody and control form;
- (3) Documents sent by the MRO to the district;
- (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
- (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.

e. Records related to evaluations as follows:

- (1) Records pertaining to a determination by a SAP concerning an evaluation of covered employees' need for assistance;
- (2) Records concerning a driver's compliance with recommendations of the SAP.

f. Records related to education and training as follows:

- (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
- (2) Driver's signed receipt of education materials;
- (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
- (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.

g. Records related to alcohol and drug testing as follows:

- (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
- (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
- (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.

h. Records will be retained by the district as follows:

(1) Five Years:

- (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
- (b) Records of verified positive drug testing results;
- (c) Documentation of refusals to take required drug and/or alcohol tests;
- (d) Employee evaluation and referrals;
- (e) Testing program records including violations;
- (f) A copy of each annual calendar year report summary;
- (g) Equipment calibration documentation when required (See 12. a. (7)).

(2) Three Years:

- (a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.

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(b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.

(3) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(4) One Year:

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Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.

(5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information¹³ to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413)[;] [.]
- (5) [The district will provide access to any drug and alcohol collection and/or testing facility records maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).]

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¹³ Information that must be disclosed to subsequent employers upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

Winston-Dillard School District 116

OK

Code: GBG
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GBG

Staff Participation in Political Activities

District employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member/citizen in a comparable position in public or private employment and within the law.

All district employees of the district are privileged within the limitations imposed by state and federal laws and regulations to choose ~~either~~ side of a particular issue and to support their viewpoints as they desire by vote, discussion or ~~persuading the persuasion of~~ others. Such discussion and persuasion, however, ~~will~~ shall not be carried on during the performance of district/school duties, except in open discussion during classroom lessons that consider various ~~center on a consideration of all~~ candidates for a particular office or various ~~both~~ sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal ~~viewpoints~~ and are not to be interpreted as the district's official ~~viewpoint~~ point of view of the district.

No employee ~~will~~ shall use district facilities, equipment, or supplies in connection with political activities/campaigning, nor ~~will~~ shall the employee use any time during the work/working day for such political activities/campaign purposes.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

OR. CONST., art. XV, § 8.

Winston-Dillard School District 116

DELETE

Code: GBH-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code: GBH-AR

D

Staff, Student and Parent Relations

(The policy is the recommended language; recommend delete this AR; similar language.)

The Board believes that it is appropriate to assure that minor students have frequent and continuing contact with and support from both parents. In concert with that belief, the Board directs the administration to make all reasonable attempts to encourage parents to share in the rights and responsibilities of raising their children even after they may have separated or formally dissolved their marriage.

Further, the Board encourages both parents to be involved in the school affairs of their children, and unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of access to education records and activities of his or her student.

In addition, the noncustodial parent has the following authority:

1. To receive and inspect education records and to consult with school staff concerning the student's welfare and education, to the same extent as those rights are extended the custodial parent;
2. To inspect and receive governmental agency and law enforcement records concerning the student to the same extent as is provided the custodial parent;
3. To consult with any person who may provide care and treatment for the student and to inspect and receive the student's medical, dental, and psychological records to the same extent as provided the custodial parent;
4. To authorize emergency medical, dental, psychological, psychiatric, or other health care for the student if the custodial parent is, for practical reasons unavailable; or
5. To apply to be the student's conservator, guardian ad litem, or both.

It is the responsibility of the custodial parent to provide any court order that curtails the rights of the noncustodial parent at the time of enrollment.

In the absence of such an order, the enrolling parent shall be notified that it is the intent of the school to allow the participation of the noncustodial in the full range of school activities, not to curtail visiting the student at school, picking up the student at school, talking with the student on the telephone while at school, or excusing the student from school.

In the case of joint custody, the district shall adhere to all conditions specified and ordered by the court. The district may request in writing any special requests or clarifications in areas concerning the student and the district's relationship and responsibilities.

Winston-Dillard School District 116

Code: GBH/JECAC
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 4/11/18; 5/15/19
Orig. Code: GBH/JECAC

OK

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student's education records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the district will adhere to all conditions specified and ordered by the court.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.101](#)
[ORS 107.102](#)

[ORS 107.106](#)
[ORS 107.154](#)

[ORS 109.056](#)
[ORS 163.245 - 163.257](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Winston-Dillard School District 116

Code: GBI
Adopted: 10/8/08
Readopted: 4/20/11
Orig. Code: GBI

OK

Gifts and Solicitations

Students and their parents shall be discouraged from giving gifts to district employees. The Board welcomes, as appropriate, the writing of letters by students to staff members expressing gratitude and appreciation.

Individual employees ~~will refrain from~~ ~~will limit~~ giving gifts¹ to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or ~~for~~ retirement gifts. Staff-initiated “sunshine funds” are exempt from this policy.

No staff member may solicit funds in the name of the school or district through the use of, including but not limited to, internet-based or crowd-funding types of fund raising, without the approval of the ~~principal~~ ~~superintendent~~.

Individual employees need to be accountable for maintaining integrity and avoid accepting anything of value offered by another for the purpose of influencing their ~~his~~ ~~her~~ professional judgment.

All employees are prohibited from accepting items of material value from companies or organizations doing business with the district. ~~Material value~~ is defined as \$50 from a single source in a single year.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the schools without the superintendent’s approval. Staff members may not be made responsible or assume responsibility for collecting money or distributing any fund-drive literature within the schools without the superintendent’s approval.

The soliciting of staff by sales people, other staff or agents during on-duty hours is prohibited. Any solicitation should be reported at once to the principal or supervisor. Advertising is not allowed in the building without the superintendent’s approval.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to -244.400](#)
[ORS 339.880](#)

[OAR 584-020-0000 to -0045](#)
[OAR 199-005-0005 to -199-020-0020](#)

¹ “Gift” means something of economic value given to a public official or the public official’s relative or household member without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or household members of public officials on the same terms and conditions; and something of economic value given to a public official or the public official’s relative for valuable consideration less than that required from others who are not public officials. See ORS Chapter 244 for gift definition exceptions.

Winston-Dillard School District 116

OK

Code: GBI-AR
Revised/Reviewed:

Internet-Based, Crowd Funding Solicitation *(Optional. Helpful?)*

All district or school internet-based, crowd funding or other similar types of monetary solicitation shall be in compliance with all district fund-raising policies, requiring preapproval from the ~~[principals]~~ ~~[superintendent]~~.

The ~~[principals]~~ ~~[superintendent]~~ shall monitor the internet-based and/or crowd-funding site to ensure that no student information is disclosed improperly and no images are used without permission.

The ~~[principals]~~ ~~[superintendent]~~ shall ensure that the internet-based and/or crowd-funding site is legitimate, and that the terms of the site are being followed.

All technology requests for funding shall follow appropriate policies and use guidelines.

All district or school funding will be on the district's system.

All technology purchases or request for purchase will be approved by the ~~[director of technology]~~.

All non-monetary items obtained become property of the district and all inventory procedures apply.

All monetary donations shall be recorded in the proper school or district fund. No school or district banking information shall be given out. A check will be requested to be mailed to the [school] [or district] in the name of the [school] [or district] and not to the individual.

A file will be maintained by the [principal] [superintendent] that documents the [principal] [superintendent] approval, details of the project, a print out of the website, copies of all agreements and permission forms, copies of any checks of monetary donation received as well as the inventory listing non-monetary donations.

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D

Winston-Dillard School District 116

OK → REVIEW?

Code: GBJ
Adopted:

Weapons in Schools - Staff *

(Optional policy)

Employees, district contractors and/or their employees and district volunteers shall not possess a dangerous or deadly weapon or firearm on district property or at school-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

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

1. “Dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The superintendent will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the district and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)

[ORS 166.210 to -166.370](#)

[ORS 332.107](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).
Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

Winston-Dillard School District 116

OK

Code: GBK/KGC
Adopted: 4/20/11
Revised/Readopted: 8/12/15; 4/11/18
Orig. Code(s): GBK/KGC

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

The Board establishes a school and working environment that is free of smoke, aerosols and vapors containing inhalants. The use, distribution or sale of tobacco products or inhalant delivery systems by staff on district property, including parking lots, at district-sponsored events, in district-owned, rented or leased vehicles or otherwise while on duty on or off district premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by all others on district property, in district vehicles or at district-sponsored events, on or off district premises, on all district grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport district students to school-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

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

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

Clothing, bags, hats and other personal items used by staff to display, promote or advertise tobacco products or inhalant delivery systems are prohibited on all district grounds, including parking lots, at school-sponsored activities or in district vehicles. Advertising is prohibited in all school-sponsored publications, in all school buildings, on district grounds, including parking lots, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco products and inhalant delivery system industries is similarly prohibited.

~~Staff~~ Violations of this policy by staff ~~[may] [if] will~~ lead to result in disciplinary action up to and including dismissal.

Violations by all others will result in appropriate sanctions as determined and imposed by the superintendent or the Board.

Information about community resources and/or cessation programs to help staff may be provided.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by persons under 21 years of age on or off district grounds or at district-sponsored activities.

This policy shall be enforced at all times. The superintendent will develop guidelines as necessary to implement this policy, including provisions for notification of the district's policy, through such means as staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the district's policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.227](#)
[ORS 339.883](#)
[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)
[OAR 581-021-0110](#)
[OAR 581-053-0230\(9\)\(s\)](#)

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

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

Winston-Dillard School District 116

Code: GBL
Adopted: 10/26/05
Readopted: 4/20/11; 8/12/20; 10/12/22
Orig. Code: GBL

OK

Personnel Records

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees'¹ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the district office to inspect the contents of their personnel file on any day the district office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the district or the district's designated representative on matters of district business;

¹ Includes former employees.

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- 9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the district, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the district pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
- 10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
- 11. Upon request from a prospective employer or a former employee, authorized district officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with Board policy KBA - Public Records. The district will attempt to notify the employee of the request and that the district believes it is legally required to disclose certain records

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 – 339.374](#)
[ORS 339.378](#)
[ORS 339.388](#)

[ORS 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)
[ORS Chapter 659](#)

[ORS Chapter 659A](#)
[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
 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).
 Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Winston-Dillard School District 116

Code: GBM
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 5/20/15; 7/13/16
Orig. Code: GBM

OK

Staff Complaints

(See comment on GBM-AR to make determination about the complaint procedure reference below.)

The superintendent or designee will develop a complaint procedure which will be available for all employees who believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of district personnel policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority, or believe there is evidence that the district created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of district personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal or contract nonextension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The district will use the complaint process in administrative regulation [GBM] [KL]-AR to address any alleged violations of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 659A.199 to -659A.224](#)

[OAR 581-022-2405](#)

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

Winston-Dillard School District 116

Code: GBM-AR
Revised/Reviewed: 5/20/15
Orig. Code(s): GBM-AR

ok

Staff Complaints Procedure

(Refer to Board policy GBM - Staff Complaints for acceptable use of this procedure.)

(Is this complaint procedure stipulated in the collective bargaining agreement? If not, why not just refer to KL-AR?)

Initiating a Complaint: Step One

It is the intent of the district to solve problems and address all complaints as close as possible to their origin. To this end, the complainant should take the complaint to his/her immediate supervisor for initial discussion and possible informal resolution.

The Administrator: Step Two

If the complainant is unable to resolve a problem or concern at step one, within five working days of the meeting with the immediate supervisor, the complainant may file a written, signed complaint with the responsible administrator (usually the principal). This step occurs even if the immediate supervisor was the responsible administrator in step one. The responsible administrator shall evaluate the evidence and render a decision within five working days after receiving the complaint.

The Superintendent: Step Three

Within 10 working days of the meeting with the responsible administrator the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required - KL-AR.) The superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his/her findings and his/her conclusion within 10 working days after receiving the written complaint.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the superintendent's decision. The Board may hold a hearing to review the findings and conclusion of the superintendent, to hear the complainant and to take such other evidence as it deems appropriate. Generally all parties involved, including the school administration, will be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues. The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes. The complainant shall be informed of the Board's decision within 20 working days from the hearing of the appeal by the Board.

Winston-Dillard School District 116

USE GBM-AR OR KL-AR

Code: GBMA
Adopted: 7/13/16
Revised/Readopted: 6/12/17
Orig. Code(s): GBMA

Whistleblower

(Same comment regarding a complaint procedure for policy GBM. GBM-AR? Or KL-AR? Is a separate complaint procedure as GBM-AR required in a collective bargaining agreement?)

When an employee has good faith and reasonable belief the employer has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an employer to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The district will use the complaint process in administrative regulation [GBM] [KL]-AR -Staff Complaints Procedure to address any alleged violations of this policy.

The district shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

[ORS 192.501 - 192.505](#)

[ORS 659A.199 - 659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Winston-Dillard School District 116

Code: GBN/JBA
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 7/13/14; 9/12/18;
8/12/20; 10/14/20
Orig. Code: GBN/JBA

OK

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive or hostile environment.

¹ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) At a school-sponsored activity or program; or 3) Off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

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- 3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance

Oregon Procedures

(Need to make any changes here?)

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
Mr. Rob Boye KEVIN WILSON	Title Coordinator	541-679-3000	BoyeR@wdsd.org WilsonK@wdsd.org

This/~~These~~ individual(s) is/~~are~~ responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

- 1. Student is protected and to promote a nonhostile learning environment;
- 2. Staff member is protected and to promote a nonhostile work environment; or
- 3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to **[immediately]** report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

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Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

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Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person² who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include³:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

² Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

³ Remember confidentiality laws when providing any information.

of

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

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2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity⁴;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

Curriculum and Instruction/Title Coordinator is designated as the Title IX Coordinator and can be contacted at 541-679-3000. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

⁴ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

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The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.⁵ The district shall treat complainants and respondents equitably by providing supportive measures⁶ to the complainant and by following a grievance procedure⁷ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁸

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.⁹ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

⁵ (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁶ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁶ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

⁷ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁸ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

⁹ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

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Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹⁰, or both.

No Retaliation

Neither the district or any person may retaliate¹¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in the school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

¹⁰ Of the United States Department of Education.

¹¹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Winston-Dillard School District 116

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Code: GBN/JBA-AR(1)
Revised/Reviewed: 7/10/02; 4/20/11; 8/12/20;
10/14/20
Orig. Code(s): GBN/JBA-AR(1)

Sexual Harassment Complaint Procedure

Reports and complaints of sexual harassment should be made to the following individual(s):

(Need to make any updates here?)

Name	Position	Phone	Email
MR. KEVIN WILSON			WilsonK@wdsd.org
Mr. Rob Boye	Title Coordinator	541-679-3000	BoyeR@wdsd.org

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 5 working days of receipt of the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent or designee 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

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limited to, holding a hearing, requesting additional information, and adopting the superintendent's or designee's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final.

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

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All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

Winston-Dillard School District 116
620 NW Elwood, Winston OR 97496
541-679-3000

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SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Winston-Dillard School District 116
620 NW Elwood, Winston OR 97496
541-679-3000

ok

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Winston-Dillard School District 116

Code: GBN/JBA-AR(2)
Adopted: 10/14/20
Orig. Code(s): GBN/JBA-AR(2)

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Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

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2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁸ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

⁹ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

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Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹¹ may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹¹ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

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- 4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹²

Other remedies may include educational programming.

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

- 1. Would not constitute sexual harassment, even if proved;
- 1. Did not occur in the district’s education program or activity¹³; or
- 2. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

- 1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
- 2. The respondent is no longer enrolled or employed by the district; or
- 3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹² It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹³ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

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1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

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Federal Law (Title IX) Sexual Harassment Complaint Procedure – GBN/JBA-

AR(2)

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1. General grievance process (from receipt of formal complaint to determination of responsibility): 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁴ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁵

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evident, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.

¹⁴ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁵ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

Winston-Dillard School District 116

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Code: GBNA
Adopted: 4/20/11
Revised/Readopted: 7/13/14; 5/15/19
Orig. Code(s): GBNA

Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by staff, students, or third parties is strictly prohibited and shall not be tolerated in the district.

Retaliation against the victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a report or complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to Teacher Standards and Practices Commission if required by Oregon Administrative Rule (OAR) 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure annual notice of this policy is provided to students, staff, and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 163.197](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 174.100](#)
[ORS 332.072](#)

[ORS 332.107](#)
[ORS 339.250](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.103 - 659A.143](#)

[ORS 659A.199 - 659A.224](#)
[OAR 839-003-0000](#)
[OAR 839-005-0021](#)
[OAR 839-005-0030](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. Seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12117 (2014), 29 C.F.R. Part 1630 (2014), [ADA Title I](#), [Title II](#), [Title III](#), [Title IV](#), [Title V](#) (2018);
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12117 (2018);
Banks, J. v. Elkton School District, 618 F.3d 411 (6th Cir. 2014);
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (revised Feb. 20, 2019),
<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster_2018.pdf>

Winston-Dillard School District 116

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Code: GBNA-AR
Revised/Reviewed: 4/20/11; 5/15/19
Orig. Code(s): GBNA-AR

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises, and nondistrict property if the employee is at any district-sponsored, district-approved, or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity[†], national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other’s race, color, religion, national origin, disability, ~~or~~ sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another

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

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in a deliberate, repeated or hostile and unwanted manner under a person's true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying, harassment, intimidation, or bullying. Staff will refrain from using personal electronic devices or district equipment to harass or stalk another person or people.

8. "Menacing" includes, but is not limited to, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

The principals and the superintendent have responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, or cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student shall immediately report concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation, shall immediately report concerns to their immediate supervisor.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to the immediate supervisor. Reports against the immediate supervisor shall be filed with the principal, reports against the principal shall be reported to the superintendent. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the report shall promptly initiate an investigation. Parents will be notified of the nature of any report involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five school days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The district official(s) conducting the investigation shall notify the person making the report within 10 school days of receipt of the information or report, and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

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Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 school days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within 10 working days.

Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 school days after receipt of the Step 3 decision. The Board may, within 20 school days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board may decide the written report submitted provides sufficient information to allow them to respond. A written decision to the person making the report will be provided within 10 school days after the board completes their review of the matter. The Board will issue a decision within 30 days of receipt of the appeal.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 school days, in open session what action, if any, is warranted. The Board will issue a decision within 30 days of receipt of the appeal.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 school days, in open session what action, if any, is warranted. The Board will issue a decision within 30 days of receipt of the appeal.

Reports against the Board chair may be made directly to the ~~district counsel~~ Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 school days, in open session what action, if any, is warranted. The Board will issue a decision within 30 days of receipt of the appeal.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment 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.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying and documentation will be maintained as a confidential file in the district office.

Winston-Dillard School District 116

DELFT

Code: GBNAA/JFCFA
Adopted: 7/11/12
Orig. Code(s): GBNAA/JFCFA



Cyberbullying

(Cyberbullying is integrated into required policy JFCF for students and in GBNA for staff.)

The Board, in its commitment to providing a positive and productive learning and working environment, will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy in compliance with applicable Oregon Revised Statutes. Any form of harassment using electronic devices, commonly known as “cyberbullying,” by students, staff or third parties is prohibited and will not be tolerated in the district. “Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive educational or working environment may also be considered cyberbullying. Students and staff will refrain from using personal communication devices or district property to harass or stalk another.

The district will take any report of cyberbullying seriously and will investigate credible reports promptly. Students or volunteers are encouraged to report an incident immediately to a teacher or principal, who will take appropriate action. Students or volunteers who make a report are expected, but not required, to preserve evidence of cyberbullying. For example, a student may save or bring a copy of an email, text message, picture or other electronic transmission that the student believes was intended harm, insult or humiliate. Students or volunteers may report cyberbullying anonymously. Remedial action shall not be based solely on an anonymous report.

Failure of an employee to report an act of cyberbullying to their immediate supervisor may be subject to remedial action, up to and including dismissal.

The district may revoke the privilege of a student or third party, who uses district equipment or electronic communication system to engage in cyberbullying, to use any district electronic equipment under the procedures for policy IIBGA - Electronic Communications System. The district may revoke the privilege of a student or third party, who uses a personal communication device to engage in cyberbullying, to bring any personal communication device on district property or district-sponsored activities under policy JFCEB - Personal Communication Devices and Social Media.

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

Students whose behavior is found to be in violation of this policy will be subject to loss of privileges, discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board. The district may also report individuals to law enforcement if necessary.

The district shall incorporate into existing training programs for students and staff information related to cyberbullying and the prevention of, and the appropriate response to acts of cyberbullying.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 to-166.165](#)
[ORS 174.100\(6\)](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351 to-339.364](#)

[OAR 581-021-0055](#)
[OAR 581-022-1140](#)

SB 1555 (2012)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)

Winston-Dillard School District 116

Code: GBNAA/JHFF
Adopted: 3/11/20
Revised/Readopted: 2/09/22
Orig. Code(s): JHFF

ok

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All district employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

⁴“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The district will post in each school building the names and contact information of the employees designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

¹ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁴ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

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Any district employee contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the Title IX coordinator who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district’s administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

The district will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the district, the following:

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1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).

Winston-Dillard School District 116

ok

Code: GBNAA/JHFF-AR
Revised/Reviewed: 3/11/20; 2/09/22
Orig. Code(s): JHFF-AR

Suspected Sexual Conduct Report Procedures and Forms

The district posts in each school building the names and contact information of the district employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator¹ receives a report of suspected sexual conduct that may have been committed by a commission licensee², the designee shall notify Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the superintendent is the alleged perpetrator the report shall be submitted to the Title IX coordinator who shall refer the report to the Board chair.

The district will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC⁴ or ODE⁵ determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor an agent or a volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. ~~If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district~~

¹ A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.

² "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ TSPC investigates reports on commission licensees.

⁵ ODE investigates reports on persons who are not commission licensees.

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| shall prohibit the contractor, agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the district shall create a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Training

The district shall provide information and training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

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The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.

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SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

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Winston-Dillard School District 116

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Winston-Dillard School District 116

ok

Code: GBNAB/JHFE
Adopted: 2/09/22
Orig. Code(s): JHFE

Suspected Abuse of a Child Reporting Requirements**

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors³, agents⁴, volunteers⁵, or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The district will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "Person" could include adult, student or other child.

³ "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁴ "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁵ "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

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If the superintendent is the alleged perpetrator the report shall be submitted to the Title IX coordinator who shall also report to the Board chair.

The district will post the names and contact information of the designees for each school building, in the respective school, designated to receive reports of suspected abuse and the procedures in ~~JHFE/GBNAB/JHFE-AR(1)~~ - Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation ~~JHFE/GBNAB/JHFE-AR(1)~~ - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

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1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail, using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).
 Senate Bill 51 (2021).

Winston-Dillard School District 116

Code: GBNAB/JHFE-AR(1)
Adopted: 2/09/22
Orig. Code(s): JHFE-AR(1)

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Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the Title IX coordinator who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of district administrator who received a copy of the written report.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "Person" could include adult, student or other child.

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The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor agent or volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. ~~If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services.~~ The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁴ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Definitions

1. Oregon law recognizes these and other types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

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- d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. "Child" means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
 3. A "substantiated report" means a report of abuse that a law enforcement agency or DHS determines is founded.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

Failure to Comply

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator's refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the student out in accordance with district procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;

OK

3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

Winston-Dillard School District 116

ok

Code: GBNAB/JHFE-AR(2)
Revised/Reviewed:

Abuse of a Child Investigations Conducted on District Premises

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

Investigator refused to sign. District staff should not deny entry based on refusal to sign.

FOR COMPLETION BY DISTRICT STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

HR10/05/21 | LF

Winston-Dillard School District 116

Code: GC
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GC

OK

Licensed Staff Positions

The superintendent shall establish licensed staff positions necessary to carry out the district's instructional goals of the district.

Positions so established may include leadership positions which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-021-0045](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

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

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Winston-Dillard School District 116

Code: GCA
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 9/11/13; 12/13/17;
3/11/20
Orig. Code: GCA

OK

License Requirements

The Board, in adhering to Oregon Revised Statutes (ORS), shall require all applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The district must be able to verify the current license of applicants offered employment before the Board will consider approving their employment.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach with Board approval for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.
3. Not been employed by the district under this 90 calendar day provision during the previous 12 months with a pending application for the same license.

The district will complete a review of the applicant's employment history and verify through TSPC if there is an ongoing investigation or a substantiated report that may constitute sexual conduct as required by law prior to beginning employment.

The district will verify through TSPC the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the district.

This 90 calendar day teaching option will only be applied to those positions of high need, specialty areas or emergency assignments as determined by the district.

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The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the [superintendent's] office.

END OF POLICY

~~HUMAN RESOURCES~~
SUPERINTENDENT'S

Legal Reference(s):

[ORS 332.505](#)
[ORS 339.374](#)

[ORS 342.120 - 342.203](#)
[OAR 584-050-0035](#)

[OAR 584-200-0020](#)

Winston-Dillard School District 116

Code: GCAB
Adopted: 4/18/12
Revised/Readopted: 7/13/14; 3/11/20
Orig. Code(s): GCAB

OK

Personal Electronic Devices and Social Media - Staff**

Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent or designee. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device not issued by the district and is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on district property or while a staff member is on duty at district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

The district will not be liable for loss or damage to personal electronic devices brought to district property and district-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business.¹ Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school.

Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff shall use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students. Texting a student during work hours is discouraged. Texting a student while off duty is strongly discouraged.

¹ Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

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Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”² for purposes of this policy includes, but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment.

The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Licensed staff are subject at all times to the Standards for Competent and Ethical Performance of Oregon Educators.

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

[ORS 163.432](#)
[ORS 163.433](#)
[ORS 163.684](#)
[ORS 163.686](#)
[ORS 163.687](#)
[ORS 163.688](#)
[ORS 163.689](#)

[ORS 163.693](#)
[ORS 163.700](#)
[ORS 167.057](#)
[ORS 326.011](#)
[ORS 326.051](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 336.840](#)
[ORS 339.372](#)

[OAR 584-020-0000 – 020-0035](#)

Senate Bill 155 (2019)

18 U.S.C. § 1466A (2018).
18 U.S.C. § 1470 (2018).
20 U.S.C. § 7131 (2018).
20 U.S.C. § 7906 (2018).

Copyrights, Title 17, as amended, United States Code (2018); 19 C.F.R. Part 133 (2019).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

² Ibid. p. 1

Winston-Dillard School District 116

NO

Code:
Adopted:

GCBCA/GDBCA

Continuation Coverage Health Benefits

(If you are a self-insured district, this policy is highly recommended.)

In keeping with federal and state legislation, the district will extend the benefit of "continuation coverage" health insurance to all employees eligible under the law.

Coverage under this policy shall be identical to that provided to all other members of the employees' group plan.

Eligible employees must notify the district within a 60-day period from the date of retirement, termination, reduction in hours or layoff that the employee chooses to continue the district-sponsored health plan.

Premiums for continuation coverage will normally be paid by the employee. Payment may be no more than 102 percent of the actual cost of coverage for the first 18 months. For certain employees eligible for coverage from 18 months up to 29 months, payment may be no more than 150 percent of the actual cost of the coverage. The Board will designate the deadline for payment reaching the business office.

Former employees covered by continuation coverage are responsible for notifying the district when such coverage is no longer needed or if the necessity of moving to an individual plan occurs, whichever is sooner.

END OF POLICY

Legal Reference(s):

[ORS 743B.343](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1 to -300bb-8 (2012).
Tanner v. OHSU, 157 Or. App. 502 (1998).

Winston-Dillard School District 116

Code: GCBDA/GDBDA
Adopted: 4/27/05
Revised/Readopted: 4/20/11; 6/21/17
Orig. Code: GCBDA/GDBDA

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Family Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA)^{1}, of 1993, the Oregon Family Leave Act (OFLA)^{2}, of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA), Paid Family Medical Leave Insurance (PFMLI) of 2009 and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

~~FMLA applies to districts with 50 or more employees within 75 miles of the employee's worksite, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.~~

~~OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.~~

In order for an employee to be eligible for the benefits under FMLA, the employee~~he/she~~ must have been employed by the district for at least 12 months, and have worked at least 1,250 hours during the past 12-month period and worked at a worksite that employs 50 district employees within 75 miles of the worksite.

~~Generally, in~~ order for an employee to be eligible for the benefits under OFLA, the employee~~he/she~~ must work an average of 25 hours or more per week during the~~and have been employed at least 180~~ calendar days immediately prior to the first day of the start of the requested family medical leave~~of absence~~. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins; there~~There is no~~ minimum average number of hours worked per week when determining employee eligibility for parental leave. Special requirements apply during public health emergencies.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

^{1} Generally, FMLA applies only to entities with 50 or more employees, however, FMLA applies to all public elementary and secondary educational institutions. See 29 CFR 825.600(b). The rule regarding individual employee eligibility does apply: an employee is only eligible if the employee "is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite." See 29 CFR 825.110(a)(3). Consequently, FMLA applies to districts with fewer than 50 employees, but individual employees will not be eligible to receive benefits.

^{2} OFLA applies to employers with 25 or more employees in Oregon (ORS 659A.153) and OMFLA applies to all public-sector employers in Oregon. (ORS 659A.090(2)) (Oregon BOLI Leave Laws – 2023 Edition)

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PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years³, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.⁴

Federal and state leave entitlements generally run concurrently.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 657B.010](#)
[ORS 659A.090](#)

[ORS 659A.093](#)
[ORS 659A.096](#)
[ORS 659A.099](#)

[ORS 659A.150 - 659A.186](#)
[OAR 839-009-0200 - 0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).
Senate Bill 999 (2023).

³ The wages are not required to have been earned for work in the district.

⁴ See OAR 471-070-1010 for additional information.

Winston-Dillard School District 116

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 4/20/11; 9/11/13; 1/15/14;
8/12/15; 12/09/15; 6/21/17;
2/10/21
Orig. Code(s): GCBDA/GDBDA-AR(1)

OK

Federal Family and Medical Leave/State Family Medical Leave *

Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Employee Eligibility

FMLA benefits are available applies to employees who have been employed by worked for the district for at least 12 months, have (not necessarily consecutive) and worked for at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles immediately preceding the start of the worksite leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

Generally, in order for an employee OFLA applies to be eligible for the benefits under OFLA, the employee must employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins; there. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

- I. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

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2. An employee who has worked for the district for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family-leave would commence.

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. An female employee taking, in any order, some or all of who has taken 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason;
4. An employee unable to work because of a disabling compensable injury² need not requalify in order to use OFLA leave following a period the employee is off work due to the compensable injury; and
5. An employee who has taken serious health condition leave to care for a family member who dies during the employee's serious health condition need not requalify to take leave for the death of that family member.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the district employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by thea

² As defined in ORS 656.005.

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district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

6. ~~Serious health condition of the employee or the employee's covered family member~~ Serious health condition of the employee or the employee's covered family member. Serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care³ or continuing treatment by a health care provider⁴.
 - a. ~~Inpatient care;~~
 - b. ~~Continuing treatment;~~
 - c. ~~Chronic conditions;~~
 - d. ~~Permanent, long-term or terminal conditions;~~
 - e. ~~Multiple treatments;~~
 - f. ~~Pregnancy and prenatal care.~~
7. Parental leave⁵ (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted child or newly placed child in foster care⁶ child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted child or newly placed child in foster care⁶ child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a child in foster care⁶ child or the adoption of a child.
8. Military Caregiver Leave: leave for the care for spouse, ~~childson, daughter~~ or next-of-kin who is a covered ~~servicememberservice member/veteran~~ with a serious injury or illness;
9. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, ~~childson, daughter~~ or parent.

Eligible employees may access OFLA for the following reasons:

³ Inpatient care means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. 29 CFR 825.114.

⁴ Continuing treatment includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR 815.115.

⁵ Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

⁶ {ORS 659A.159 uses the term "foster child." Districts can choose to use either "foster child" or "child in foster care" throughout this AR.}

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1. Serious health condition of the employee or the employee's covered family member. Serious health condition means:

- a. ~~Inpatient care;~~
- b. ~~Continuing treatment;~~
- e. ~~Chronic conditions;~~
- d. ~~Permanent, long-term or terminal conditions;~~
- e. ~~Multiple treatments;~~
- f. ~~Pregnancy and prenatal care.~~
- g.a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;
- h.b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
- i.c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
- j.d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.⁷

2. Parental leave (separate from eligible leave as a result of the child's serious health condition):

- a. Bonding with and the care for the employee's newborn (within 12 months following birth);
- b. Bonding with and the care for a newly adopted child or newly placed child in foster care~~child~~ under the age of 18 (within 12 months of placement);
- c. Care for a newly adopted child or newly placed child in foster care~~child~~ over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
- d. Time to effectuate the legal process required for placement of a child in foster care~~child~~ or the adoption of a child.

3. Sick Child Leave: leave for non-serious health conditions of the employee's child. For OFLA, sick child leave includes absence to care for an employee's child whose school or child care provider has been closed⁸ in conjunction with a statewide public health emergency declared by a public health official.⁹

4. Bereavement Leave: leave related to the death of a covered family member.¹⁰

⁷ This definition is from ORS 659A.150(7). A more detailed definition is available in OAR 839-009-0210(22).

⁸ "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

⁹ The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

- 1. The name of the child being cared for;
- 2. The name of the school or child care provider that has closed or become unavailable; ~~and~~
- 3. A statement from the employee that no other family member of the child is willing and able to care for the child; ~~and~~ With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

¹⁰ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

OK

- 5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or ~~same-gender~~ domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
- 6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same ~~district designated leave year~~ period may be reconfirmed at the start of each qualified leave requested.

Definitions

1. Family member:

a. For the purposes of FMLA, "family member" means:

- (1) Spouse¹¹;
- (2) Parent;
- (3) Child; or
- (4) Persons who are "in loco parentis".

b. For the purposes of OFLA, "family member" means:

- ~~(1) Spouse;~~
- ~~(2) Registered, same-gender domestic partner;~~
- ~~(3) Parent;~~
- ~~(4) Parent-in-law;~~
- ~~(5) Parent of employee's registered, same-gender domestic partner;~~
- ~~(6) Child;~~
- ~~(7) Child of employee's registered, same-gender domestic partner;~~
- ~~(8) Grandchild;~~
- ~~(9) Grandparent; or~~
- ~~(10) Persons who are "in loco parentis".~~
- ~~(11)~~(1) Spouse or domestic partner;
- ~~(12)~~(2) Child or the child's spouse or domestic partner;
- ~~(13)~~(3) Parent or the parent's spouse or domestic partner;
- ~~(14)~~(4) Sibling or stepsibling, or the sibling's or stepsibling's spouse or domestic partner;
- ~~(15)~~(5) Grandparent or the grandparent's spouse or domestic partner;
- ~~(16)~~(6) Grandchild or the grandchild's spouse or domestic partner; or
- ~~(17)~~(7) Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.¹²

¹¹ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

¹² "Affinity" means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

- a. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
- b. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
- c. The expectation to provide care because of the relationship or the prior provision of care;

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2. Child:

- a. For the purposes of FMLA, "child" means a biological or, adopted child, a child in or foster care, ~~child~~, a stepchild, a legal ward or a child of a person standing "in loco parentis", who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental ~~disability~~ ~~impairment~~.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, "child" means the employee's ~~child~~ ~~son or daughter~~ on covered active duty regardless of that child's age.
- c. For the purposes of OFLA, "child" means a biological or, adopted child, a child in, foster care, ~~child~~ or stepchild of the employee, the child of the employee's ~~same gender~~ domestic partner, or a child with whom the employee is or was in a relationship of "in loco parentis".
- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

3. In loco parentis:

- a. For the purposes of FMLA, "in loco parentis" means persons with day-to-day responsibility to care for ~~and~~ financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, "in loco parentis" means person in the place of the parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA ~~and Military Caregiver Leave under FMLA~~, "next of kin" means the nearest blood relative other than the servicemember's spouse, parent, ~~son or child~~ ~~daughter~~ in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Siblings;
- ~~e.~~ Brothers or sisters;
- ~~d.~~ Grandparents;
- ~~e.~~ Siblings of parents and their spouses; and
- ~~f.~~ Aunts and uncles; and
- ~~g.~~ First cousins.

5. Covered servicemembers:

For the purposes of ~~Military Caregiver Leave under~~ FMLA, "covered servicemember" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing ~~receiving~~ medical treatment, recuperation or therapy, ~~or~~ is otherwise in outpatient status, or is otherwise on the temporary disability ~~retired~~ ~~retire~~ list for a serious injury or illness; or a

- d. Cohabitation and its duration and purpose;
- e. Geographic proximity; and
- f. Any other factor that demonstrates the existence of a family-like relationship.

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covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of ~~Military Caregiver Leave under FMLA~~, “covered veteran” means an individual a veteran who was ~~is~~ undergoing medical treatment, recuperation or therapy for a serious injury or illness ~~provided they were~~:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date ~~before~~ the eligible employee first takes FMLA leave to care for the covered veteran, ~~Military Caregiver Leave~~.

7. Public health emergency:

For OFLA a public health emergency means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee’s leave period, the district will use [the calendar year] [any fixed 12-month “leave year”] [the “rolling” 12-month period measured forward~~backward~~ from the date the employee’s ~~employee uses any family and medical leave begins~~] [a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave] [a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences]^{13}. The same method for calculating the ~~one-year~~ 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated ~~12-month~~ leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period¹⁴. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted child or child in foster care, ~~child or~~ the care for an adopted child or child in foster care ~~child~~ after placement, or to care for the employee’s parent’s serious medical condition. Except in specific and unique instances, all qualified

^{13} Beginning July 1, 2024, districts are required to use the final bracketed option for OFLA purposes. See SB 999 (2023). Prior to making a change to the leave period calculation, 60 days’ notice must be provided to employees. FMLA continues to measure the leave year as 12 months, which could result in slight differences for some employees.}

¹⁴ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

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leave under FMLA counts toward an employee's leave entitlement within the ~~district's~~ designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the ~~district's~~ designated leave period. However, ~~an employee may be a woman~~ is entitled to an additional, full 12 weeks of parental leave during the ~~district's~~ designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee~~she~~ has taken prior to the birth of such child during the ~~district's~~ designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the ~~district~~ designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA ~~during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.~~¹⁵ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁶

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the ~~district's~~ designated leave period.

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the ~~district's~~ designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁷. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 ~~months~~ weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁸. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

With the exception of parental leave which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requiring an altered~~requires a modified~~ or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

¹⁵ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

¹⁶ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

¹⁷ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹⁸ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

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When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

1. ~~May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but~~
2. ~~May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.~~

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(30)(a).

When an exempt employee is eligible for OFLA but not FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

Alternate Work Assignment

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state and federal law, including but not limited to the applicable protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements;

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4. The transfer is compliant with state and federal law, including but not limited to the applicable protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position to accommodate the employee's serious health condition, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. ~~The result of such calculation is credited against the eligible employee's leave entitlement.~~

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

For the purposes of FMLA, "instructional school employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

2. Limitation on Leave Near the End of the School Year

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When an eligible school employee requests leave near the end of the school year, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the school year:
 - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
 - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain ~~on~~ leave until the end of the school year, provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family Medical Leave Insurance (PMFLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with OFLA and FMLA when taken for the same purpose. Subject to any related provisions in any applicable collective bargaining agreement [an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period], the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective

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bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.^{19} This includes when an employee is being paid through PMFLI.

The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and ask the employee about the use of available accrued paid leave. ~~if required by the district, that available accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.~~

~~When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.~~

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA or OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²⁰ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Certification

¹⁹ {Coordinate with any language regarding use of accrued leave during PMFLI from GDBDF/GDBDF or any equivalent plan information.}

²⁰ See also ORS 342.934(4)(d) in reduction force situations.

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Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. ~~The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave.~~ If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

Application

Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

The district may request additional information to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the ~~district's~~ employer's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. ~~the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances.~~ Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.²¹

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

²¹ See OAR 839-009-0250(4)(c).

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Medical Certification

The district ~~may~~ shall require an eligible employee to provide medical documentation, when appropriate²², to support the stated reason for such leave. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

Any additional certifications, including second and third opinions, will be in accordance with applicable law.

The district ~~may~~ request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Second and Third Opinions

1. ~~For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.~~

2. ~~For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.~~

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the personnel director.

Posted Notice

²² Medical documentation is not allowed in every situation. Review current laws and guidance for more information.

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The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite that is accessible to and regularly frequented by employees.²³ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.²⁴

Record Keeping/~~Posted Notice~~

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

~~The district will post notice of FMLA and OFLA leave requirements.~~

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

~~For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.~~

²³ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

²⁴ <https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

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EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a

chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

Winston-Dillard School District 116

OK

Code: GCBDA/GDBDA-AR(2)
Revised/Reviewed: 4/20/11; 1/15/14; 8/12/15;
12/09/15; 6/21/17; 2/10/21
Orig. Code(s): GCBDA/GDBDA-AR(2)

Request for Family and Medical Leave

Employee Request for Family and Medical Leave (FMLA) and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

Name _____ Effective date of the leave _____

Department _____ Title _____

Status: Full-time Part-time Temporary

Hire date _____ Length of service _____

Have you taken a family leave in the past 12 months? Yes No

If yes, how many work days? _____ Reason for leave _____

I request family or medical leave for one or more of the following reasons:¹

1. Because of the birth of my child and to care for ~~my child~~ ~~him or her~~. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)
 Expected date of birth _____ Actual date of birth _____
 Leave to start _____ Expected return date _____
2. Because of the placement of a child with me for adoption or foster care. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)
 Age of child _____ Date of placement _____
 Leave to start _____ Expected return date _____
3. To care for a family member² with a serious health condition. (District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)

¹ A physician's certification may be required to support a request for family and medical leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

² "Family member," for purposes of FMLA and OFLA leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of "in loco parentis." Additionally, when defining "family member" under OFLA (but not FMLA leave), the definition includes a grandparent, grandchild, parents-in-law or the parents of the employee's registered domestic partner.

OK

Leave to start _____ Expected return date _____
Please check one: Spouse³ Child Parent Individual who was in *loco parentis* when the employee was a child Parent-in-law or the parent of the employee's registered domestic partner (OFLA leave only) Custodial parent Noncustodial parent Adoptive parent Stepparent Foster parent Grandparent (OFLA leave only) Grandchild (OFLA leave only).

Please state name and address of relation:
Name _____ Address _____

Does the condition render the family member unable to perform daily activities? _____

- 4. Sick child leave due to the closure of a child's school or child care provider.
- 5. For a serious health condition which prevents me from performing my job functions. (District: Use GCBDA/ GDBDA-AR(3)(A) Certification Form)

Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: _____

- 6. To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).
- 7. A qualifying exigency arising from an employee's spouse, ~~childson, daughter~~, or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. (District: Use GCBDA/GDBDA-AR(3)(C) Certification Form)
- 8. To care for a spouse, ~~childson, daughter~~, parent, or next of kin⁴ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed forces. Has leave been taken for the same servicemember and the same injury? Yes No (District: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, u when was the leave taken and for how many work days? _____
- 9. For the death of a family member (OFLA only).

Subject to any related provisions in any applicable collective bargaining agreement, I understand that I may use any available accrued paid leave, including personal and sick leave or available accrued vacation leave during the leave period. ~~I understand that the district requires me to use any available accrued sick leave, vacation, personal leave days or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking leave without pay during the leave period.~~

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is

³ "Spouse" means individuals in a marriage including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

⁴ "Next of kin" means the nearest blood relative of the eligible employee.

OK

scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. (A fitness-for-duty certification may be required.)

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the district's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act leave request form.

Signature of Employee: _____ Date: _____

Winston-Dillard School District 116

OK

Code: GCBDA/GDBDA-AR(3)(A)
Revised/Reviewed: 4/20/11; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(A)

Certification of Health Care Provider Employee's Serious Health Condition

To be Completed by the District:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Discrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached:

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or ~~their~~his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee's name: _____
First Middle Last

To be Completed by Health Care Provider:

Your patient has requested leave under the FMLA. Answer fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e) or the manifestation of disease or disorder in the employee's family members, as defined in 29 C.F.R. 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

OK

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: () _____ Fax: () _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?
 Yes No

If yes, dates of admission: _____

List the dates(s) you treated the patient for the condition: _____

Was medication, other than over-the-counter medication, prescribed? Yes No

Will the patient need to have treatment visits at least twice per year due to the condition?
 Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g. physical therapist)?
 Yes No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? Yes No

If yes, expected delivery date: _____

3. Use the information provided by the district in the "To be Completed by the District" section to answer this question. If the district fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of their/his/her job functions.

Is the employee unable to perform any of their/his/her job functions due to the condition? Yes No

If yes, identify the job functions the employee is unable to perform:

OK

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

1. Will the employee be incapacitated for a single continuous period of time due to their/his/her medical condition, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? Yes No

If yes, are the treatments or the reduced number of hours of work medically necessary?
 Yes No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

hour(s) per day; _____ days per week from _____ through _____

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing their/his/her job functions? Yes No

Is it medically necessary for the employee to be absent from work during the flare-ups?
 Yes No

If yes, explain: _____

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g. one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

OK

Additional Information (Identify the question number with your additional answer):

Signature of Health Care Provider

Date

Winston-Dillard School District 116

Code: GCBDA/GDBDA-AR(3)(B)
Revised/Reviewed: 4/20/11; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(B)

dk

Certification of Health Care Provider Family Member's Serious Health Condition

To be Completed by the District:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of the employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached:

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or ~~their~~ his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee's name: _____
First Middle Last

Relationship and name of family member for whom employee will provide care: _____
Relationship
First Middle Last

If the family member is your child, please provide ~~their~~ his/her date of birth: _____

ok

Describe the care you will provide to your family member and estimate the leave needed to provide such care:

Employee Signature

Date

To be Completed by Health Care Provider:

The employee listed above has requested leave under the FMLA to care for your patient. Answer fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: () _____ Fax: () _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?
 Yes No

If yes, dates of admission: _____

List the dates(s) you treated the patient for their condition: _____

Was medication, other than over-the-counter medication, prescribed? Yes No

Will the patient need to have treatment visits at least twice per year due to the condition?
 Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g. physical therapist)?
 Yes No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? Yes No

ok

If yes, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

When answering these questions, keep in mind that your patient's need for care from the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

1. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? Yes No

Explain the care needed by the patient and why such care is medically necessary:

2. Will the patient require follow-up treatments, including any time for recovery? Yes No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____

Explain the care needed by the patient, and why such care is medically necessary: _____

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? Yes No

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

OK

Explain the care needed by the patient, and why such care is medically necessary: _____

4. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? Yes No

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g. one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)
Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? Yes No

Explain the care needed by the patient, and why such care is medically necessary: _____

Additional Information (Identify the question number with your additional answer):

Signature of Health Care Provider

Date

Winston-Dillard School District 116

Code: GCBDA/GDBDA-AR(3)(C)
Revised/Reviewed: 4/20/11; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(C)

ok

Military Family Leave

Certification of Qualifying Exigency for Military Family Leave

Section 1: (To be completed by the district)

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provide that a district may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.

District Name and Address: _____

Superintendent or designee information: _____

Section 2: (To be completed by the employee)

Complete the information below fully and completely. The FMLA or OMFLA permits the district to require that you submit a timely, complete and sufficient certification to support a request for FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA or OMFLA coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for qualifying leave. The district must give you at least 15 calendar days to return this form to the district.

Employee's Name: _____
First Middle Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation:

First Middle Last

Relationship of covered military member to you: _____

Period of covered military member's active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or called to covered active duty status:

- A copy of the covered military member's active duty orders is attached.
- Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty).
- I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status.

OK

Part A: Qualifying Reason for Leave

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (include the specific reason you are requesting leave):

2. Describe the reason you are requesting OMFLA leave (include the specific reason below, either a) an impending call or order to active duty, or b) impending leave from deployment):

3. A complete and sufficient certification to support a request for qualifying leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military a document confirming the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, school official or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is available written documentation supporting this request for leave attached? Yes No None available

Part B: Amount of Leave Needed

1. The approximate date the qualifying exigency or deployment commenced or will commence is:

_____.

The probable duration of such exigency or deployment is: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency or deployment? Yes No

If yes, estimate the beginning and ending dates for the period of absence: _____

3. Will you need to be absent from work periodically to address this qualifying exigency or deployment? Yes No

If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e. one deployment-related meeting every month lasting four hours) (FMLA only):

Frequency: _____ times per _____ week(s) _____ month(s)
Duration: _____ hours or _____ day(s) per event

ok

Part C: Third Party Certification

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the district to verify that the information contained on this form is accurate (FMLA only).

Name of individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: () _____ Fax: () _____

Email: _____

Describe the nature of the meeting: _____

Part D: Employee Signature

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice.)

Signature of Employee Date

Winston-Dillard School District 116

Code: GCBDA/GDBDA-AR(3)(D)
Revised/Reviewed: 4/20/11; 9/11/13; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(D)

ok

Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Notice and instructions to the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations 29 C.F.R. § 825.310. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employees or employees' family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Section 1

Part A: Employee Information

Complete the employee and covered servicemember information below before giving this form to your family member or ~~their~~ his/her medical provider.

District Name and Address

Name of employee requesting leave to care for covered servicemember:

First Middle Last

Name of covered servicemember for whom employee is requesting leave to care for:

First Middle Last

Relationship of employee to covered servicemember requesting leave to care for:

Spouse Parent Child Next of kin

Part B: Covered Servicemember Information

1. Is the covered servicemember a current member of the regular Armed Forces, the National Guard or Reserves, or a veteran? Yes No

If a current servicemember, please provide the covered servicemember's military branch, rank and unit currently assigned to:

ok

If a qualifying veteran, when was the date of discharge? _____

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? Yes No

If yes, provide the name of the medical facility or unit:

2. Is the covered servicemember on the Temporary Disability Retired List (TDRL)? Yes No

Part C: Care to be Provided to the Covered Servicemember

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

Section 2:

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: Health Care Provider Information

Health care provider's name and business address:

Type of practice/medical specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

Telephone: () _____ Fax: () _____ Email: _____

OK

Part B: Medical Status

- 1. Covered servicemember's medical condition is classified as (check one of the appropriate boxes):
 - (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - Other Ill/Injured – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating.
 - None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition". If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member's Serious Health Condition*.)

- 2. Was the condition for which the covered servicemember is being treated incurred in the line of duty on active duty in the Armed Forces? Yes No

If no, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty? Yes No

- 3. Appropriate date condition commenced: _____

- 4. Probable duration of condition and/or need for care: _____

- 5. Is the covered servicemember undergoing medical treatment, recuperation or therapy? Yes No

If yes, please describe medical treatment, recuperation or therapy:

Part C: Covered Servicemember's Need for Care by Family Member

- 1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for this period of time: _____

- 2. Will the covered servicemember require periodic follow-up treatment appointments? Yes No

If yes, estimate the treatment schedule: _____

- 3. Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointment?
 Yes No

OK

4. Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g. episodic flare-ups of medical conditions)? Yes No

If yes, estimate the frequency and duration of the periodic care.

Signature of Health Care Provider

Date

Winston-Dillard School District 116

OK

Code: GCBDA/GDBDA-AR(4)
Revised/Reviewed: 4/20/11; 9/11/13; 1/15/14;
12/09/15; 2/10/21
Orig. Code(s): GCBDA/GDBDA-AR(4)

FMLA/OFLA Eligibility Notice to Employee

DATE: _____

TO: _____
(Employee's name)

FROM: _____
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

1. _____ The birth of your child or the placement of a child with you for adoption or foster care;
2. _____ A serious health condition that makes you unable to perform the essential functions of your job;
3. _____ A serious health condition of your spouse¹, child (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), grandparent (OFLA leave only), parent-in-law or the parent of an employee's registered domestic partner (OFLA leave only), custodial parent, noncustodial parent, adoptive parent, foster parent for which you are needed to provide care;
4. _____ Sick child leave due to the closure of a child's school or child care provider;
5. _____ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only);
6. _____ A qualifying exigency arising from a spouse, child or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty;
7. _____ Your spouse has been notified of an impending call to active duty, has been ordered to active duty or has been deployed or on leave from deployment;
8. _____ A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, child, parent or next of kin;
9. _____ For the death of a family member (OFLA only).

¹ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

OK

You notified us that you need this leave beginning on _____ (date) and that you expect leave to continue until on or about _____ (date). The FMLA requires that you notify the district as soon as possible if dates of scheduled leave changes or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.² The district will use ~~the calendar year~~ ~~any fixed 12-month "leave year"~~ ~~the 12-month period measured forward from the date the employee's leave begins~~ a "rolling" 12-month period measured backward from the date the employee uses any family medical leave. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period.

Also, your health benefits under FMLA and OFLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You will be reinstated to the same position, or in some cases under state or federal law, to an equivalent position.

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the district for health insurance premiums paid on your behalf during your FMLA and/or OFLA leave.

This is to inform you that *(check appropriate boxes, explain where indicated)*:

1. You are eligible not eligible for leave under FMLA OFLA both FMLA and OFLA.
2. The requested leave may be counted against your annual FMLA leave entitlement OFLA leave entitlement FMLA and OFLA leave entitlements.
3. You will will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by _____ (date) (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used, the following conditions will apply: *(Explain)*
5. a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA and/or OFLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month or pay periods, etc., that specifically cover the agreement with the employee.)*
5. b. You have a minimum 30-day Other: _____ *(indicate longer period, if applicable)* grace period in which to make premium payments. If payment is not timely made, your group health insurance may be canceled. We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during your FMLA and/or OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover

² Oregon Military Family Leave Act allows for 14 days of leave per deployment.

OK

these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.

- 5. c. We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.
- 5. d. Except as noted above, in the event you do not return to work for the district after your FMLA and/or OFLA leave, and the district has paid your share of benefit premiums, you will will not be responsible for reimbursing the district the amount paid on your behalf with the exceptions noted in C.F.R. § 104 (c)(2)(B) of the FMLA.
- 6. You will be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to perform these functions.
 You will not be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition.
- 7. a. You are are not a “key employee” as described in C.F.R. § 825.218 of the FMLA regulations. If you are a “key employee,” reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the district. (FMLA leave only.)
- 7. b. We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (Explain (a) and/or (b) below.)
- 8. While on FMLA and/or OFLA leave you will will not be required to furnish us with periodic reports every _____ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you will will not be required to notify us at least two workdays prior to the date you intend to report for work.
- 9. You will will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (Explain below, if necessary, including the interval between certifications as prescribed in C.F.R. § 825.308 of the FMLA regulations.)
- 10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

Winston-Dillard School District 116

ok

Code: GCBDA/GDBDA-AR(5)
Revised/Reviewed: 4/20/11; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(5)

Sample Designation Letter to Employee - FMLA/OFLA Leave

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice – FMLA/OFLA form GCBDA/GDBDA-AR(6) or the FMLA/OFLA Eligibility Notice form GCBDA/ GDBDA-AR(4), should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA or OFLA.

(Recommend leaving brackets in on this one; it's a template.)

Dear Employee:

On _____ (date) you advised the district that you were requesting a leave that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leave of absence that qualifies for family and medical leave under federal law (FMLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. A leave of absence that qualifies for family and medical leave under state law (OFLA) may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensation injury or illness (unless you refuse a light-duty assignment).

[IF APPROVED: [We have determined the purpose of your requested leave qualifies as family or medical leave under [state] [and/or federal] law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form titled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.]]

[IF NOT APPROVED: [We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.]]

If you have any questions regarding your leave, now or at any time during your leave, please contact, [the personnel office] as soon as possible.

Sincerely,

[Superintendent]

Enclosure (FMLA and/or OFLA Designation Notice form)

CR4/13/17 | RS

Sample Designation Letter to Employee - FMLA/OFLA Leave –
GCBDA/GDBDA-AR(5)

Winston-Dillard School District 116

Code: GCBDA/GDBDA-AR(6)
Revised/Reviewed: 4/20/11; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(6)

ok

Designation Notice – FMLA/OFLA

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected, and the district must inform the employee of the amount of leave that will be counted against the employee's FMLA and/or OFLA leave entitlement.

In order to determine whether leave is covered under the FMLA and/or OFLA, the district may request that the leave be supported by a physician's certification. If the certification is incomplete or insufficient, the district will state in writing what additional information is necessary to make the certification complete and sufficient.

Employee Name: _____ Date: _____

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on _____.

Please be advised:

- Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

- Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement:

- Because the leave you requested will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.

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You will be required to present a fitness-for-duty certification to be reinstated to your position. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position is is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions:

Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.

The certification you have provided is incomplete and insufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is¹:

We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

Your FMLA leave request is NOT APPROVED.

The FMLA does not apply to your leave request.

You have exhausted your FMLA leave entitlement in the applicable 12-month period. (Note: Federal Military Family Leave is on a separate 12-month period.)

Your OFLA leave request is NOT APPROVED.

The OFLA does not apply to your leave request.

You have exhausted your OFLA leave entitlement in the applicable 12-month period.

¹If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.

Winston-Dillard School District 116

OK

Code: GCBDA/GDBDA-AR(7)
Revised/Reviewed: 4/20/11; 6/21/17
Orig. Code(s): GCBDA/GDBDA-AR(7)

Fitness-for-Duty Certification

To: _____ Date: _____

From: _____

Subject: Fitness-for-Duty Certification

Family and medical leave for your own serious health condition ends on (date) _____.
Prior to returning to work you must provide a Fitness-for-Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this Fitness-for-Duty Certification to your health care provider for completion. The district will use this Fitness-for-Duty Certification to determine if you are able to return to work after your leave.

Return the completed Fitness-for-Duty Certification to the district prior to the end of your Family and Medical Leave or by (date) _____.

Fitness-for-Duty Certification

Health Care Provider Completes this Section

Instructions: Please complete all sections in order for the district to determine if the employee is able to return to duty. The employee's position description or a list of essential duties (district specifies which) is attached to this form.

1. The employee is able to return to work full-time without restrictions: Yes No

a. If yes, list the effective date: _____

b. If no, complete the following:

(1) The employee will be able to return to work with no limitation on (date) _____.

(2) I certify that from (date) _____ to (date) _____ the above named employee will be:

(a) Unable to perform the physical requirements of their work; or

(b) Is medically incapacitated: Totally Partially**

**If partially medically incapacitated, complete the following:

(c) Number of hours per day employee is able to work: _____

(d) Number of days per week employee is able to work: _____

ok

(3) List any restrictions on the employee's work: _____

Printed Name of Health Care Provider

Type of Practice

Signature - Health Care Provider

Date

Health care provider: Please return the completed form to the employee/patient.

Attached: Position description/description of essential duties (district specifies which).

Winston-Dillard School District 116

Code: GCBDB/GDBDB
Adopted: 7/10/02
Readopted: 4/20/11; 12/14/22
Orig. Code: GCBDB/GDBDB

ok

Early Return to Work

Efforts will be made, on a case-by-case basis, to reinstate ill or injured employees to work. The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the district.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the district will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the district.

If an employee cannot be reasonably accommodated in their current position, the district will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the district will provide temporary unpaid leave as an accommodation in accordance with state and federal law.

The district will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The superintendent will develop procedures as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)

[ORS 659A.046](#)

[OAR 436-110-0003 - 0900](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Winston-Dillard School District 116

Code: GCBDC/GDBDC
Adopted: 11/14/07
Revised/Readopted: 4/20/11; 7/11/12; 1/15/14;
9/12/18; 5/15/19
Orig. Code: GCBDC/GDBDC

OK

Domestic Violence, Harassment, Sexual Assault, or Stalking Leave

Definitions

1. "Covered employer" means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. "Eligible employee" means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. "Protective order" means an order authorized by Oregon Revised Statute (ORS) 30.866, 107.095(1)(c), 107.700 - 107.735, 124.005 - 124.040 or 163.730 - 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.
4. "Victim of domestic violence" means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. "Victim of harassment" means an individual against whom harassment has been committed as described in ORS 166.065 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. "Victim of sexual assault" means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. "Victim of stalking" means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court's stalking protective order or a temporary court's stalking protective order under ORS 30.866.
8. "Victim services provider" means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

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A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The district may limit the amount of leave, if the employee's leave creates an undue hardship on the district.

The district shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of the employee's intent to take leave unless giving advance notice is not feasible.

The district may require the employee to provide certification that:

1. The employee or minor child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a report from law enforcement indicating the employee or child or dependent was a victim of domestic violence, harassment, sexual assault, or stalking.
2. A copy of a protective order or other evidence from a court, administrative agency, or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault, or stalking.

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3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or a victim services provider that the employee, employee's child or dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, or stalking.

All records and information kept by the district regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use accrued paid leave, including personal, sick, or accrued vacation leave. The ~~employer~~-employee may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available, consistent with Board policies and/or any collective bargaining agreement

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

Winston-Dillard School District 116

ok

Code: GCBDC/GDBDC-AR
Revised/Reviewed: 7/13/16; 9/12/18
Orig. Code(s): GCBDC/GDBDC-AR

Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270- 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee _____ Effective Date of the Leave _____

Department _____ Title _____

Status: Full-time Part-time Temporary Hire Date _____ Length of Service _____

The requested leave is for:

- Myself
- My minor child or dependent

The leave is for:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.
- To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee's minor child or dependent.
- To obtain or assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.
- To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

The following has been provided by the employee to certify the leave:

- A copy of a report from law enforcement indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.
- A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent, evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related

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to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 ~~to~~ 107.735, 124.005 - 124~~to~~ 120.040 or 163.730 ~~to~~ 163.750.

- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee's minor child or dependent is receiving services.

I understand that I may use accrued paid leave, including personal and sick leave or accrued vacation leave the district requires me to use any accrued sick leave, vacation, personal leave days or other paid time subject to established by Board policy(ies) and/or collective bargaining agreement in the order specified by the district.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. I understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state law.

Signature of Employee: _____

Date: _____

Winston-Dillard School District 116

Code: GCBDD/GDBDD
Adopted: 4/13/16
Orig. Code(s): GCBDD/GDBDD

OK

Sick Time

(Does this reflect current practice?)

“Employee” means an individual who is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district.

A district employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works. Paid sick time of 40 hours shall be front-loaded to coaches at the beginning of each year

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year

Sick time shall be taken in 1/4 hourly increments and may be used for the employee’s or a family member’s mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with the Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA). Sick time may also be used in the event of a public health emergency.

The use of sick time may not lead to, or result in, an adverse employment action against the employee. A pattern of abuse of the use of sick time may result in disciplinary actions, up to and including dismissal.

The district reserves the right after three consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the district. An employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take

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reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district at least 24 hours in advance or as soon as practicable.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 342.610](#)

[ORS 653.601 to -653.661](#)

[ORS 659A.150 to -659A.186](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).

Americans with Disabilities Act Amendments Act of 2008.

Winston-Dillard School District 116

Code: GCBDE/GDBDE
Adopted: 11/8/06
Readopted: 4/20/11
Orig. Code: GCBDE/GDBDE

ok

Military Leave of Absence

The district will grant military leave to employees on duty¹ with a uniformed service² in accordance with applicable state and federal law. Employees requesting military leave are required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

Military leave exceeding 15 days is unpaid leave. Employees may use any accrued vacation or similar leave during the period of service exceeding 15 days.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the district's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the district will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to reemployment for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the district of his/her intent to return as follows:

3. Employees who are veterans and reservists returning from training must only inform the district of their training obligations and report back at the next regularly scheduled working period.
4. Employees returning from active duty must notify the district of their intention to return to their former jobs within 90 days of release from duty.

¹ "Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time U.S. National Guard duty and absence to determine fitness for duty.

² "Uniformed service" means the U.S. Armed Forces, the U.S. National Guard, the commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency.

OK

An individual reemployed under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable or bad conduct discharge or under other than honorable conditions.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 408.290](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1-300bb-8 (2012).

I.R.C., U.S.C. 26 § 4980B(f)(4) (2012).

Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. §§ 4301-4334 (2012).

Winston-Dillard School District 116

Code:
Adopted:

GCBDF/GDBDF

Paid Family Medical Leave Insurance *

(Version 1)

{Highly recommended policy. This version is designed for districts who are participating in Paid Leave Oregon (PLO). If the district is using an approved equivalent plan, the district should not adopt this version or use the accompanying administrative regulation: this includes simply replacing “the Department” with the entity administering your equivalent plan. If the district is using an equivalent plan, the district should work with the provider to communicate with staff. Contributions for PLO began on January 1, 2023 with benefits available starting September 3, 2023. Many districts are bargaining aspects of this leave: policy language should not conflict with language in collective bargaining agreements.}

The district participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon (PLO)¹. This includes submitting employee and employer contributions to the Employment Department (“Department”) as required by state law.² The district does not administer PFMLI or PLO. All applications and related questions should be directed to the Department.

Definitions

1. “Family leave” means leave from work taken by a covered individual:
 - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
 - b. To care for a family member with a serious health condition.
2. “Family leave” does not mean:
 - a. Leave described in Oregon Revised Statute (ORS) 659A.159 (1)(d) (non-serious health condition of child or school or child care provider closure due to public health emergency);
 - b. Leave described in ORS 659A.159 (1)(e) (death of a family member); or
 - c. Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).
3. “Family member” means:
 - a. The spouse of a covered individual;
 - b. A child of a covered individual or the child’s spouse or domestic partner;
 - c. A parent of a covered individual or the parent’s spouse or domestic partner;
 - d. A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner;

¹ Paid Leave Oregon is the program developed by the Oregon Department of Employment to administer Paid Family and Medical Leave Insurance.

² The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900). *{For districts with 25 or more employees:}* The employer contribution is 40 percent and the employee contribution is 60 percent of this amount. *{For districts with fewer than 25 employees:}* The employee contribution is 60 percent of this amount and the employer contribution is waived. The amount will be set annually by November 15. See ORS 657B.150. *{Districts may agree to pay the employee contribution, see any applicable employment agreements.}*

- e. A grandparent of a covered individual or the grandparent's spouse or domestic partner;
- f. A grandchild of a covered individual or the grandchild's spouse or domestic partner;
- g. The domestic partner of a covered individual; or
- h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.
4. "Medical leave" means leave from work taken by a covered individual that is made necessary by the individual's own serious health condition.
5. "Safe leave" means leave related to domestic violence, harassment, sexual assault, stalking and relocation for health and safety reasons as provided in ORS 659A.272.
6. "Serious health condition" means an illness, injury, impairment, or physical or mental condition of a claimant or their family member that:
- Requires inpatient care in a medical care facility such as, but not limited to, a hospital, hospice, or residential facility such as, but not limited to, a nursing home or inpatient substance abuse treatment center;
 - In the medical judgment of the treating health care provider poses an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
 - Requires constant or continuing care, including home care administered by a health care professional;
 - Involves a period of incapacity. "Incapacity" is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days. A period of incapacity includes any subsequent required treatment or recovery period relating to the same condition. The incapacity must involve one of the following:
 - Two or more treatments by a health care provider; or
 - One treatment plus a regimen of continuing care.
 - Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as, but not limited to, asthma, diabetes, or epilepsy;
 - Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as, but not limited to, Alzheimer's Disease, a severe stroke, or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;
 - Involves multiple treatments for restorative surgery or for a condition such as, but not limited to, chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three calendar days;
 - Involves any period of disability due to pregnancy, childbirth, miscarriage or stillbirth, or period of absence for prenatal care; or
 - Involves any period of absence from work for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

Eligibility

- To be eligible for PLO benefits, an individual must:

8/30/23 | SL

Paid Family Medical Leave Insurance *– GCBDF/GDBDF

- P**
- a. Be an employee of the district³;
 - b. Earn at least \$1,000 in the base or alternate base year⁴;
 - c. Contribute to the PLO in accordance with state law;
 - d. Experience an event qualifying the employee for:
 - (1) Family leave;
 - (2) Medical leave; or
 - (3) Safe leave.
 - e. Submit an application to Department;
 - f. Have not exceeded maximum paid leave for the year; and
 - g. Have no current disqualifications⁵.

Leave

PLO can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.⁶ Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under PLO must be taken concurrently with any leave taken by an eligible employee under ORS 659A.150 - 659A.186 (OFLA) or under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes.

The district will maintain an employee's existing health benefits while the employee is using leave. The employee will be required to pay the employee's contribution to premiums.

END OF POLICY

Legal Reference(s):

[ORS 657B](#)

[OAR 471-070](#)

[House Bill 912 \(2023\)](#)

[House Bill 999 \(2023\)](#)

[Senate Bill 913 \(2023\)](#)

³ PFMLI is a state-wide benefit, and not unique to the district. An eligible individual does not need to be an employee of the district in order to be eligible for PFMLI, but this policy only applies to employees of the district.

⁴ Pay could come from another Oregon employer.

⁵ Disqualifications may include eligibility for Workers' Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

⁶ In some pregnancy-related situations, employees may be able to take two additional weeks, for a total for 14 weeks.

Winston-Dillard School District 116

OK

Code:
Adopted:

GCBDF/GDBDF

Paid Family Medical Leave Insurance *

(Version 2)

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

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

the Employment Department

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

END OF POLICY

Legal Reference(s):

[ORS 657B.210 – 657B.260](#)

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

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

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

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

Winston-Dillard School District 116

Code: GCBDF/GDBDF-AR
Revised/Reviewed:

Paid Family Medical Leave Insurance (PFMLI)

{Highly recommended administrative regulation (AR). This AR is for use only with Version 1 of policy GCBDF/GDBDF - Paid Family Medical Leave Insurance * and is not intended to be used with an equivalent plan. OSBA does not recommend simply replacing "Employment Department" with the name of the entity administering an equivalent plan.}

Application

Employees may submit applications for Paid Leave Oregon (PLO) to the Oregon Employment Department ("Department").¹ Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.² The Department may require verification from the employee.³ The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.⁴ The district cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department in accordance with Oregon Revised Statute (ORS) 657B.410 and Oregon Administrative Rule (OAR) 471-070-8005.

Employee Notice to District

If the leave is foreseeable⁵, the employee must provide the district with written notice⁶ at least 30 calendar days prior to the leave.⁷ If the leave is not foreseeable⁸ the employee must give oral notice to the district

¹ For application requirements see Oregon Administrative Regulation (OAR) 471-070-1100. Applications can be submitted at <https://frances.oregon.gov/>.

² Exceptions may be granted when the applicant can demonstrate good cause for late submission.

³ See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

⁴ The benefit may be less than the employee's salary. See ORS 657B.050.

⁵ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310.

⁶ Written notice includes, but is not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁷ {OAR 471-017-1310(6) states "An employer that requires eligible employees to provide a written notice before the eligible employee commences leave, must outline the requirements in the employer's written policy and procedures."}

⁸ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.⁹ The district requests as much advanced notice as possible.

The notice must include:

1. The employee's first and last name;
2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the district as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or PLO to satisfy the notice requirements.^{10} Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(10).

Concurrent Use of District-Provided Paid Leave^{11}

The district [allows^{12}] employees to use all or a portion of employer-provided paid leave in addition to receiving PLO benefits. [Example:

An employee applies and is approved for PLO for a personal serious medical condition, which also qualifies for OFLA leave. The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available district-provided paid leave (sick, vacation or otherwise) for days that PLO is received. Because of the overlap with OFLA leave, the employee will be able to choose how much other paid leave to use (which may result in the employee receiving more than 100 percent of their typical salary).]

Return to Work

⁹ An eligible employee who takes safe leave shall give the employer reasonable advance notice of the individual's intention to take safe leave, unless giving the advance notice is not feasible. If other leave also applies (OFLA, FMLA, etc.), notice requirements for those types of leave may also apply.

¹⁰ {A district requiring written notice must outline the requirements in policy and procedures. A copy of the written policy and procedure must be provided to all eligible employees at the time of hire and each time the policy and procedure changes and in the language that the employer typically uses to communicate with the employee.}

¹¹ {Consider any bargaining requirements prior to adopting this language.}

¹² {See Oregon [Bureau of Labor and Industries opinion letter](#), April 7, 2023. Because most PMFLI leave will also qualify for OFLA leave, OSBA recommends allowing the employee to use employer-provided paid leave for all PMFLI. A decision to not allow employees to use employer-paid leave could apply to situations eligible for PMFLI leave, but not OFLA leave.}

Upon completion of leave, the employee is entitled to return to the position held in the district prior to the leave, if that position still exists and if the employee had been employed in the district for 90 days prior to taking leave.¹³ [*For districts with 25 or more employees:*] If the position no longer exists, the employee is entitled to a position equal to their previous position, with equal benefits, pay and other terms and conditions of employment. [*For districts with fewer than 25 employees:*] If the position no longer exists, the employee may be placed in a different position with similar job duties and benefits and pay equal to the previous position.]

Communications Between the District and the Department

Upon receipt of an application or update in information from a district employee for PLO, the Department will notify the district. The district may provide additional information to the Department within 10 days. This information may include, but is not limited to, information about the employee's notice to the district or verification of the employee's continued employment with the district. If the district does not report such information to the Department, the Department will proceed using available information. The district can provide additional information to the Department as it becomes available.

If the Department requests additional information from the district, the district will respond within 10 calendar days.

Once the Department has issued a decision regarding an application submitted by an employee of the district, the Department will notify the district regarding the approval or denial and any applicable dates and periods of leave.

District Notice to Employees

At the time of hire and each time the policy or procedure changes, the district must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;
2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the district before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or PLO program, giving notification of leave under the program, taking leave under the program or claiming PFMLI or PLO benefits are prohibited;

¹³ If the employee's leave also qualifies for OFLA/FMLA protection, see also Board policy GCBDA/GDBDA - Family Medical Leave and its accompanying administrative regulations.

7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹⁴

The district will display the Department’s notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The district will provide this notice poster to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

District Filings

The district will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the district fails to submit required filings or report, or fails to pay all required contributions, the district may be penalized in accordance with OAR 471-070-8520.

{For districts with fewer than 25 employees:} [The district may apply for an assistance grant.¹⁵]

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or PLO, giving notification of leave under PLO, taking PLO leave or claiming PLO benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

Any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

¹⁴ Paid Leave Oregon has provided a model notice, <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>.

¹⁵ See OAR 471-070-3705 - 3710 for eligibility requirements and application.

Winston-Dillard School District 116

Code: GCBE/GDBE
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCBD/GDBE

OK

Vacations and Holidays

(Is this in bargaining agreement(s)? Other agreements? Does policy still guide the discussion?)

Holidays and vacation periods, both paid and unpaid, are determined as a result of negotiations between the district and the employees' exclusive bargaining representatives.

Upon termination from the district, employees eligible to accrue vacation shall be compensated for unused accrued vacation up to 10 days.

All employees not covered by a collective bargaining agreement shall receive holiday and vacation benefits as agreed upon by the Board.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)

[ORS 336.010](#)

Winston-Dillard School District 116

Code: GCC
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCC

ok

Recruitment of Licensed Staff *

The superintendent ~~will~~ shall develop and maintain a recruitment program designed to attract licensed personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the personnel needs of the district and to locate suitable candidates to recommend for employment by the district. Those factors considered will include, but not be limited to, the diverse characteristics of the district.

The search for licensed staff members may extend to a ~~wide~~ variety of educational institutions and geographical areas. It shall take into consideration the diverse characteristics of the district and the requirements of the district affirmative action plan and programs.

Present employees who meet ~~Any present employee may apply for any position for which he or she meets~~ the stated requirements are encouraged to apply for any vacant district position.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 659.805](#)
[ORS 659.850](#)
[ORS 659A.009](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)

[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.409](#)
[OAR 581-021-0045](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.

Winston-Dillard School District 116

OK

Code: GCDGCC-AR
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCD

Hiring of Licensed Staff

(Consider recoding this to an AR; more procedure language than policy.)

Outstanding colleges, universities, and teacher placement agencies shall be among those sources contacted for recommendations of candidates. Visits to such agencies for the purpose of interviewing interested candidates shall be made when practical.

Candidates shall complete an application form and shall supply the district with transcripts of all college work and a college placement order.

All former employment from the first position to the last shall be recorded by the candidate.

Former employers, supervisors, and other references shall be requested to submit estimates of the applicant's work, character, and personality.

Licensure status shall be determined. Candidates shall meet state licensure requirements and standards.

The applicant's work shall be observed whenever practicable.

At least one member of the administrative staff shall interview selected candidates. The purpose of the interview shall be to select teachers of character and intellectual integrity, possessing emotional stability and personalities suitable for living and working with young people.

An employee shall be appointed only upon recommendation of the superintendent. Should a person nominated by the superintendent be rejected by the board, it shall be the duty of the superintendent to make another nomination.

~~END OF POLICY~~

Legal Reference(s):

ORS 332.107

Winston-Dillard School District 116

Code: GCDA/GDDA
Adopted: 11/14/07
Revised/Readopted: 4/20/11; 11/14/12; 1/15/14;
8/12/15; 4/13/16; 7/13/16;
12/13/17; 9/12/18; 10/09/19
Orig. Code: GCDA/GDDA

Criminal Records Checks and Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law.

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

Pursuant to state law, a criminal records check or fingerprint-based criminal records checks shall be required of the following individuals²:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

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

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

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

OK

~~The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions³:~~

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

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

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

~~The district [shall] [shall not] begin the employment of a subject individual or terms of a district contractor [on a probationary basis pending] [before] the return and disposition of the required criminal records checks.~~

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

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

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

~~[The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check [may] [will not] begin [on a probationary basis pending] [before] the return and disposition of a state and national criminal records check based on fingerprints.]~~

~~[A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another~~

³ [If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the positions in the district that require such fingerprinting.]

OK

jurisdiction or in Oregon under a different statutory name or number ~~may~~ ~~will~~ result in immediate termination from the ability to volunteer in the district. ~~§~~

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

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

~~A volunteer may appeal a determination from a criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.~~

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)

[ORS 332.107](#)
[ORS 336.631](#)
[ORS 342.143](#)
[ORS 342.223](#)

[OAR 414-061-0010 – 061-0030](#)
[OAR 581-021-0510 – 021-0512](#)
[OAR 581-022-2430](#)
[OAR 584-050-0012](#)

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

Winston-Dillard School District 116

Code: GCDA/GDDA-AR
Revised/Revised: 11/14/07; 4/20/11; 11/14/12;
1/15/14; 7/13/16; 12/13/17;
9/12/18; 10/09/19; 10/12/22
Orig. Code: GCDA/GDDA-AR

ok

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired employee¹ whether full-time or part-time and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor² whether part-time or full-time into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.

The superintendent will identify contractors who are subject to such requirements.

5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a criminal records check and fingerprinting.
7. A volunteer allowed by the district into a position that has direct, unsupervised contact with students shall undergo an in-state criminal records check.
8. ~~A~~ A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy³ by the district as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.]

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

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

³ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

- ok
9. ~~A~~ volunteer that is not likely to have direct, unsupervised contact with students ~~will~~ ~~will not~~ be required to undergo an in-state criminal records check.~~§~~

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if:

1. The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or
2. The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the TSPC.

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the ODE that impact employment, ~~or contract or volunteering~~ may be appealed as a contested case to ODE;
 - c. All employment, ~~or contract~~ offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, ~~or contract~~ status or the ability to volunteer in the district;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts or ODE forms written or electronic ~~may~~ ~~will~~ result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. ~~A~~ volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number ~~may~~ ~~will~~ result in immediate termination from the ability to volunteer in the district. ~~The district may~~ ~~will~~ remove the volunteer from the position allowing direct, unsupervised contact with students.]
2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send

⁴ Any individual hired within the last three months.

OK

such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

2. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district; or
 - c. Local or state law enforcement agency.
3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, ~~or~~ contract or volunteering.
5. A copy of the fingerprinting results will be kept by the district.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁵, shall be paid by the ~~[individual]~~ [district].
2. ~~¶~~ An individual offered a contract or employment by the district may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.~~¶~~
3. Fees associated with required criminal records checks for volunteers shall be paid by the ~~[individual]~~ [district].
4. ~~¶~~ Fees associated with a required fingerprinting for volunteers shall be paid by the ~~[individual]~~ [district].~~¶~~

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

1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the district upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁶ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

⁵ A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

2. A subject individual ~~may~~ ~~will~~ be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. ~~A~~ volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. ~~If~~ the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual ~~will~~ ~~may~~ be denied the ability to volunteer.
6. ~~A~~ volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form ~~will~~ ~~may~~ be denied the ability to volunteer in the district.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

~~A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.~~

Winston-Dillard School District 116

Code: GCEA
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCEA

ok

Substitute Teachers

Substitute teachers shall be assigned by the principal or designee to fill a temporary vacancy caused by absence of a regular teacher. The assignment shall be made from an approved list of properly licensed and otherwise qualified teachers. Substitute teachers shall, in so far as possible, be made aware of district rules and regulations necessary in carrying out assignments and shall be required to follow them in a reasonable manner.

Substitute teachers shall be paid an amount commensurate with the duties performed.

Pay shall not be less than the minimum required by law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.420](#)

[ORS 342.610](#)
[ORS 342.815](#)

[OAR 584-020-0000](#) to -0045

Winston-Dillard School District 116

Code: GCI/GDI
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): GCI/GDI

OK

Assignment and Transfers

Initial assignment of employees will be made by the superintendent or his/her designee. Assignment of all licensed and classified personnel employed by the district will be under direction of the superintendent.

The superintendent will develop procedures for voluntary and involuntary transfer of employees within the district.

These procedures will be based on filling the district's personnel needs.

END OF POLICY

Legal Reference(s):

[ORS 236.610 to -236.630](#)

[OAR 581-022-2405](#)

Winston-Dillard School District 116

Code: GCKB/GDKB
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCKB/GDKB

ok

Staff Meetings

From time to time both building and district staff meetings shall be held. Unless specifically excused by the principal or superintendent, all staff are required to attend.

Any meeting sponsored or called by a labor organization during contract hours is subject to prior approval by the superintendent or school administrator. Attendance by staff members at meetings scheduled by the labor organization shall be left to the discretion of each employee. Any cost associated with attending a meeting called by a labor organization shall be borne by the individual employee or the labor organization, subject to statutory and collective bargaining agreement provisions.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Winston-Dillard School District 116

Code: GCL
Adopted: 4/20/11
Revised/Readopted: 2/13/13; 1/15/14; 4/12/17
Orig. Code(s): GCL

ok

Staff Development - Licensed

As part of the district continuous improvement plan, the district will establish a short- and long-term professional development plan for licensed staff in order to enhance professional performance and promote achievement of high standards for all students. The plan shall be developed in writing by district administration.

Professional development activities may include, but are not limited to, college courses, workshops, curriculum planning, research, travel, supervision of teacher trainees and other activities approved by the supervisor. District professional development offerings may be planned to help licensed employees meet the requirements of their licenses. The district will provide appropriate, reasonable accommodations to ensure such training, whether provided by the district or through district contracts with third parties, is made available for qualified employees with disabilities.

Requests for release time for attendance at meetings or conferences may be approved by the superintendent or designee as deemed appropriate by the district and with the stipulation that:

1. Requests are to be submitted sufficiently in advance to permit superintendent or designee consideration; and
2. Where release time is granted, a written report will be submitted to the administration after such meeting or conference. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of teachers, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds.

Meetings or conferences for which district funds are contributed — whether for fees, travel or hiring of substitutes — shall directly relate to improved student learning. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of educators, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds or to approve the activity.

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee's supervisor who will verify that the licensed employee has successfully completed the professional development requirements to the superintendent or designee on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

The superintendent or designee will develop administrative regulations, staff professional development handbooks and/or other related materials as may be necessary to implement the district's professional development plans. Administrative regulations shall include professional development procedures and

practices that incorporate plans for the district's improvement and individual building, grade level, student and employee needs and goals.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.125](#)
[ORS 329.704](#)
[ORS 342.138\(3\)](#)

[ORS 342.856](#)

[OAR 581-022-2250](#)
[OAR 581-022-2405](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).
Eugene Educ. Ass'n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Americans with Disabilities Act Amendments Act of 2008.

DELETE

Code: GCL-AR
Revised/Reviewed: 4/12/17
Orig. Code(s): GCL-AR

Staff Development - Licensed

(The first paragraph is somewhat already stated in policy. If no desire to keep the shaded/added text, then consider deleting the AR if keeping only first paragraph.)

The completion of professional development requirements, as set forth in Oregon Administrative Rule (OAR) Chapter 584, Division 255 by the Teacher Standards and Practices Commission (TSPC) for licensing or license renewal, is the sole responsibility of the employee.

1. Each professional licensed staff member employed by the district shall meet the standards as stated in OAR 584-420-0030 for:

a. Learner and Learning

- (1) Learner development;
- (2) Learning differences;
- (3) Learning environments.

b. Content

- (1) Content knowledge;
- (2) Application of content.

c. Instructional Practice

- (1) Assessment;
- (2) Planning for instruction;
- (3) Instructional strategies.

d. Professional Responsibility

- (1) Professional learning and ethical practice;
- (2) Leadership and collaboration.

2. The continuing professional development of each licensed staff member shall conform to the following standards for professional development as stated in OAR 584-255-0020:

a. Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility and goal alignment;

b. Leadership: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who: develop capacity, advocate and create support systems for professional learning;

c. Resources: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring and coordinating resources for educator learning;

- d. Data: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator and system data to plan, assess and evaluate professional learning;
 - e. Learning Designs: Professional learning that increases educator effectiveness and results for all students integrates theories, research and models of human learning to achieve its intended outcomes;
 - f. Implementation: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change;
 - g. Outcomes: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.
3. Each employee is responsible for acquiring the number of continuing professional development units (PDUs) to meet the requirements as stated by the TSPC.
 4. The district will attempt to offer as many professional development activities as recognized needs warrant and resources permit.
 5. Acceptable professional development activities shall be those reviewed and approved by the employee's supervisor or professional development advisor and for which evidence is submitted to verify completion.
 6. Licensed individuals transferring to the district from other districts, including those educators hired without previous district experience, shall submit any PDUs of credit earned to their supervisor or professional development advisor for review.
 7. Upon receipt of evidence from an employee, the employee's supervisor or professional development advisor shall verify completion of the required PDUs for license renewal on the TSPC-provided Professional Educational Experience Report (PEER) form, and submit the form to the superintendent or designee.
 8. The superintendent shall ensure that the required forms are submitted to the TSPC.
- Completed TSPC, PEER forms shall be filed in the employee's personnel file.

Winston-Dillard School District 116

Code: GCN/GDN
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 12/13/17
Orig. Code(s): GCN/GDN

OK

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract nonextension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the teacher's professional growth path;

OK

6. Customized by each district, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students, the school and the district;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

Classified Staff

All classified employees will be formally evaluated [by their immediate supervisor] at least [twice] during their first year of employment and at least [once each year] thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 342.850](#)

[ORS 342.856](#)
[OAR 581-022-2405](#)

[OAR 581-022-2410](#)
[OAR 581-022-2415](#)

Winston-Dillard School District 116

Code: GCPA
Adopted: 7/10/02
Readopted: 4/20/11; 8/12/22
Orig. Code: GCPA

OK

Reduction or Recall of Licensed Staff

When the Board is considering a reduction of staff due to a lack of funds to continue the educational program at its anticipated level or due to the elimination or adjustment of classes due to an administrative decision, it will discuss the matter at a regular or special Board meeting and will consider such factors and alternatives it deems necessary to arrive at a decision.

Using the goals and priorities of the district, the Board shall direct the superintendent to prepare a reduction plan identifying which programs are to be reduced or eliminated for Board approval. As a result of the program reductions or elimination, the superintendent shall bring a list of positions to be cut or eliminated to the Board for approval. The district shall consider cultural or linguistic expertise and seniority, and may consider merit and competence, in accordance with Oregon law.¹

Nothing in this policy is intended to interfere with the right of the district to discharge, remove or fail to renew the contract of a probationary teacher, or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law².

END OF POLICY

Legal Reference(s):

[ORS 342.805 - 342.910](#)

[ORS 342.934](#)

¹ See ORS 342.934 (HB 2001 (2021)) for definitions and requirements.

² ORS 342.805 ~~to~~ 342.937.

Winston-Dillard School District 116

ADOPT!
REVIEW?

Code: GCPA-AR
Revised/Reviewed:

Reduction or Recall of Licensed Staff

(Is this helpful?)

The Board will make the final decision on programs to be kept, cut or eliminated following a review of the reduction plan developed by the superintendent. The Board will determine when staff layoffs become necessary, and will approve positions to be cut or limited as after receiving a recommendation from the superintendent.¹ Individuals that may be impacted by the layoff shall not be discussed by the Board. The affected employees shall be notified within a reasonable time.

[Definitions

1. "Competence" means the ability of a teacher to teach a subject or grade level based on consideration of any of the following:
 - a. Teaching experience within the past five years related to the subject or grade level;
 - b. Educational attainments, which may not be based solely on being licensed to teach; or
 - c. The teacher's willingness to undergo additional training or pursue additional education.
2. "Cultural or linguistic expertise" means the expertise of one teacher, as measured against the expertise of another teacher, based on consideration of any of the following factors:
 - a. A teacher's linguistic ability in relation to an in-district language, as determined by the district using a method of verification or attestation of fluency for all in-district languages;
 - b. A teacher's completion of a teacher pathway program that is implemented by a teacher pathway partnership at the national, state, regional or local level and that has the primary focus of increasing the number of culturally or linguistically diverse teachers; or
 - c. A teacher's current work assignment that requires the teacher to work at least 50 percent of the teacher's work assignment time:
 - (1) At a school where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to one school; or
 - (2) At programs, schools or school districts where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to multiple programs, schools or school districts.
3. "In-district language" means a heritage language or a language other than English that is spoken:
 - a. By five percent or more of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the students enrolled in the schools of the district; or
 - b. At five percent or more of the homes of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the homes of the students enrolled in

¹ Districts are encouraged to consult with legal counsel and any applicable collective bargaining agreements prior to taking any action on reductions of staff.

the schools of the district. “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher.

4. “Qualified” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force.
5. “Qualified teacher with cultural or linguistic expertise” means a teacher who:
 - a. Has more cultural or linguistic expertise than a teacher with more or equal seniority; and
 - b. Has proper licenses or other credentials to fill a remaining position.
6. “Student from a historically underserved background” includes a student who:
 - a. Is an English language learner;
 - b. Is from a racial or ethnic group that has historically experienced academic disparities, including racial or ethnic groups for which a statewide education plan has been developed under ORS 329.820, 329.843 or 329.845 for students who are black, African-American, American Indian, Alaska Native, Latino or Hispanic;
 - c. Is economically disadvantaged; or
 - d. Has a disability.
7. “Teacher” has the meaning given that term in ORS 342.120.]

Procedures

When determining which teachers will be retained when the district reduces staff, the district shall prioritize seniority, except as follows:

1. A district shall retain a qualified teacher with cultural or linguistic expertise who has less seniority if the release of the less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared to teachers without cultural or linguistic expertise.
2. If a qualified teacher with cultural or linguistic expertise is retained as described above and the district is determining which teachers to retain who do not have cultural or linguistic expertise, the district shall prioritize:
 - a. Seniority²; or
 - b. Competence or merit in accordance with law.
3. The district may retain a teacher with less seniority than a teacher being released if the district determines that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

The district shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about reduction in staff or recall of staff. Retained teachers will be properly licensed and qualified, as defined in Oregon statutes, for the positions they fill.

² Seniority shall be calculated from the first day of actual service as teachers with the district, inclusive of approved leaves of absence. In the event there is a tie in calculating seniority, it shall be broken by drawing lots.

The district will develop criteria and procedures for identifying in-district languages, verifying teacher language abilities, reviewing teacher pathway programs and determining which teachers teach in schools with 10 percent or more students from a historically underserved population. Procedures and timelines will be communicated to teachers.

Recall

A teacher who was released due to a reduction in staff will be eligible for recall for 27 months after the last date of release unless waived by a rejection of a specific position. No new teacher shall be hired to any position until staff who remain on a recall list who are licensed and qualified for the position have been given an opportunity to accept the position.

The district shall notify teachers on the recall list of a position opening by registered letter, return receipt requested, at their last known address. Teachers shall have [7] calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional [14] days from date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

If the teacher rejects any position offered for which the teacher is licensed and qualified, or the teacher fails to respond within the specified timeline, the teacher shall forfeit all recall rights.

Staff returning to work shall have all previously accrued sick leave and seniority reinstated, but shall not receive benefits for the period of the release.

Teachers will have recall rights for a maximum 27-month period. If they choose, released teachers may maintain their district insurance and health plans by paying their own premiums as prescribed by law, subject to the rules of the insurance carrier.

[Teachers affected by a reduction in staff may be placed on the substitute list for any position requested when released. They will be notified for those positions requested before other substitutes are notified.]

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Winston-Dillard School District 116

OK

Code: GCPB/GDPB
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCPB

Resignation of ~~Licensed Employees~~ Staff *

A licensed staff member who wishes to resign from ~~his or her~~ their position with the district must give written notice of at least 60 calendar days to the superintendent ~~prior to the date he or she wishes to leave district employment~~ upon or at the time of resignation, subject to terms of any applicable collective bargaining agreement. The superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that ~~he or she~~ they must continue teaching for part or all of the 60-day period. The Board, at its next meeting, shall ratify the action of the superintendent.

Where less than 60 calendar ~~days notice~~ days' notice is given, the ~~Board~~ Board may request the Teacher Standards and Practices Commission to discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

The superintendent is authorized to accept resignations of classified employees effective the day they are received.

END OF POLICY

Legal Reference(s):

[ORS 342.545](#)
[ORS 342.553](#)

[ORS 652.140](#)

[OAR 581-022-2405](#)
[OAR 584-050-0020](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Winston-Dillard School District 116

Code: GCPC/GDPC
Adopted: 10/10/07
Readopted: 4/20/11; 2/10/21
Orig. Code: GCPC/GDPC



Retirement of Staff *

To assist the district in its planning efforts, staff members considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place

Retiring employees are encouraged to coordinate with PERS and the Human Resources Department to ensure that all requirements are met. The superintendent will develop requirements, limitations and procedures for employment as a PERS-retiree¹.

District employees will be allowed to retire under PERS and return to their position in the district.²

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS Chapter 238A](#)
[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).
OR. CONST., art. IX, §§ 10-13.
[House Bill 2296](#) (2023).

¹ The law that allows PERS-retired employees to continue to work for PERS-employers without hour restrictions is set to expire in 2034.

² There must be a break in service for retired employees returning to work.

Winston-Dillard School District 116

Code: GCPC/GDPC-AR
Revised/Reviewed: 10/10/07; 4/20/11
Orig. Code: GCPC/GDPC-AR



Reemployment of PERS-Retired Staff

(This may be outdated language; review and add additional edits as needed, or it is an optional AR.)

Current District Employees

1. In the event that a district employee retires and begins receiving benefits from the Public Retirement Employees System (PERS) prior to the end of the school year, ~~he/she~~ they may be retained by the district in ~~his/her~~ their current position or another position as deemed appropriate by the district ~~until the end of the school year~~ subject to the provisions of ORS 238.082 and the provisions of any applicable collective bargaining agreement.
2. All requests for continued employment by the district must be submitted in writing to the superintendent no later than 30 calendar days before the end of the school year in which the individual has retired from PERS. Requests will be considered based on the following criteria.
3. ~~A licensed employee's change in PERS status shall not, in and of itself, constitute a break in service. A classified employee's seniority will be determined as defined in the collective bargaining agreement, Board policy or individual employment contract.~~
4. Decisions to retain the individual in ~~his/her~~ their current position will be made by the superintendent. The individual will not be required to submit to established district application and interview procedures.
5. Decisions to retain the individual in a position other than the individual's current position, such as a new position or another vacant position will be made by the ~~Board~~ superintendent. The individual ~~may~~ will be required to submit to established district application and interview procedures for such positions, ~~as determined by the Board.~~

An employee that continues employment with the district, after resignation and initiation of PERS will have activated a change of status ~~that~~ which will be managed as follows:

- a. Seniority will cease and begin anew;
 - b. Salary/hourly wages will continue at the same level as prior to the resignation, in accordance with the appropriate labor agreement;
 - c. Employee benefits in accordance with the appropriate labor agreement will continue, as before the resignation without a break.
6. A retired member who is employed as a classified employee or teacher, as defined by ORS 342.120, will remain in the same collective bargaining unit ~~that~~ which included the member before retirement, unless retirees or the assignments (e.g., temporary, substitute, etc.) are specifically excluded from the collective bargaining agreement.
 7. Salary, benefits and length of contract for early retirees who are excluded from the bargaining unit will be determined by the superintendent.

8. Employees who retire during the school year shall not serve past June 30. Decisions on continued employment past that date will be made by the district on a case-by-case basis.

~~9. The maximum hours of work performed by an employee shall not exceed 1039 hours. The employee shall be responsible for submitting a record of his/her hours worked to payroll, at least monthly, to assure that the period of employment does not exceed the statutory maximum.~~

~~10.9. The district will immediately submit an Employment of PERS Retiree form to the PERS office as required by law.~~

Former District Employees

A district employee who retired and left district employment may apply for a subsequent vacancy with the district under the same application and interview procedures as all other applicants for district employment.

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Winston-Dillard School District 116

OK ADOPT?

Code:
Adopted:

GCPD

Discipline and Dismissal of Licensed Staff *

(Helpful? There is also an AR to accompany this policy.)

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)

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[ORS 342.835](#)
[ORS 342.865](#) to -342.910
[ORS 342.934](#)

[ORS 652.140](#)

[OAR 584-020-0040](#)

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Code: GCPD-AR
Revised/Reviewed:

Discipline and Dismissal of Licensed Staff *

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

Discipline

Staff members will be disciplined according to the severity and frequency of the conduct at issue. Discipline may be in the form of verbal reprimand, written reprimand or suspension depending on the circumstances of each case.

1. "Verbal reprimand": The administrator will hold a conference with the employee. The administrator will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored.
2. "Written reprimand": The administrator will hold a conference with the employee. The employee may have a representative present of their choice. The administrator will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored. A "letter of reprimand" shall be written and placed in the employee's personnel file.
3. "Suspension": Employees may be suspended in order to maintain the health and/or safety of other employees and/or students. Employees may also be suspended pending investigation of complaints regarding their job performance or conduct.

Dismissal

1. Probationary Teachers
 - a. Contracts of probationary teachers may be nonrenewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended nonrenewal and reason(s) for nonrenewal must be given to the teacher by March 15 or sooner if so specified in a collective bargaining agreement. Written notice must be given prior to Board action on the nonrenewal. The teacher may request a hearing before the Board.
 - b. Probationary teachers may be dismissed at any time for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended dismissal and reason(s) for dismissal must be given to the teacher prior to Board action on the dismissal. The teacher may request a hearing before the Board.
 - c. The following procedures apply to hearings before the Board:
 - (1) The employee shall receive notice of the time, date and place of the hearing;

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- (2) The hearing shall be in executive session unless the employee has requested an open session;
- (3) The employee shall have an opportunity to be present and be represented by anyone of their choice;
- (4) The district may be represented by anyone of its choice;
- (5) Both parties shall have the opportunity to make opening statements, to call witnesses and to cross-examine the other party's witnesses, to present documentary evidence and to make closing statements;
- (6) The Board shall provide a written statement of the reasons for the final action taken (nonrenewal of contract or dismissal); and
- (7) The Board may, at its option, designate an individual to preside over and conduct the actual hearing.

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[NOTE: These procedures are guidelines only and are subject to change depending on state and/or federal legislation and the actions of state and/or federal courts. These procedures may also be modified by existing collective bargaining agreements or individual employment contracts. These guidelines should be carefully reviewed by the district's attorney before their adoption and implementation.]

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2. Contract Teachers

- a. Contract teachers may be dismissed or their employment contract nonextended when their job performance or conduct falls within one or more of the broad reasons listed in Oregon Revised Statute (ORS) 342.865: inefficiency, immorality, insubordination, neglect of duty including duties specified by written rules, physical or mental incapacity, conviction of a felony or of a crime involving moral turpitude, inadequate performance, failure to comply with such reasonable requirements as the Board may prescribe to show normal improvement and evidence of professional training and growth or any cause which constitutes grounds for the revocation of such contract teacher's teaching license.
- b. The superintendent and employee shall meet to discuss the superintendent's proposed recommendation to the Board regarding dismissal or contract non-extension. The employee may be accompanied by anyone of their choice.
- c. The employee shall be notified if the superintendent intends to recommend dismissal or contract non-extension.
 - (1) The notice shall contain:
 - (a) The statutory grounds upon which the superintendent believes such dismissal or non-extension is justified;
 - (b) A plain and concise statement of the facts relied on to support the statutory grounds for dismissal or non-extension;
 - (c) A copy of ORS 342.805 to 342.934; and
 - (d) The day and time of the Board meeting during which the recommendation will be made.
 - (2) A notice of intended dismissal must be given at least 20 days prior to the time a dismissal recommendation is made to the Board. It must be delivered in person or must be sent by certified mail.
 - (3) Notice of intended dismissal must be sent to the Board and to the Fair Dismissal Appeals Board.

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d. The employee may be present at the Board meeting and be accompanied by anyone of their choice.

P The employee shall receive notice of the Board's action and the reasons for such actions. Notice shall be sent by certified mail, return receipt requested, or in the manner provided by law for the service of a summons in a civil action.

3. Illness/Other Circumstances

R Sick or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 332.507 may be sufficient reason for the Board to place the teacher on leave without pay for the remainder of the regular school year. The district may terminate the teacher's employment without penalty on August 1 if the Board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term and the teacher is not on workers' compensation leave or federal or state family illness leave.

4. Wages

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P Whenever an employee is dismissed or where such employment is terminated by mutual agreement all wages earned and unpaid at the time of discharge or termination shall be payable no later than the end of the first business day after discharge or termination.

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Winston-Dillard School District 116

OK

Code: GCQA/GDQA
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GDQA

Nonschool Employment

All employees are expected to accomplish those tasks required by the district.

No ~~classified~~ employee may hold other employment or conduct a private business during ~~his or her~~ their school district employment if such employment interferes with school duties, responsibilities or efficiency. Outside ~~activities~~ employment ~~are~~ is not to take place during working hours. Under no circumstances may district facilities, equipment or materials be used for nonschool employment or other outside of school activity inconsistent with ORS Chapter 244, board policy, and administrative regulation governing use of district facilities, equipment or materials and provisions of the employee's collective bargaining agreement as applicable.

END OF POLICY

Legal Reference(s):

[ORS 244](#)

[ORS 332.107](#)

Winston-Dillard School District 116

Code: GCQAB
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCQAB

OK

Private Tutoring for Pay

No private tutoring for which a teacher receives a fee will ~~shall~~ be allowed in a district building on district time. District facilities, materials or equipment may be used under the same conditions as this property is made available to the general public.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#)

[ORS 332.505](#)

Winston-Dillard School District 116

OK

Code: GCQABIGBG-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code: GCQAB-AR

~~Tutoring for Pay: Home Bound~~ Services

Students may become eligible for home-bound services as part of their educational program while enrolled as students in the district. To provide home-bound service for district-enrolled students, the district shall follow procedures in obtaining and providing qualified home bound tutors.

1. The superintendent shall seek interested and qualified home-bound tutors. All home-bound tutors shall maintain a valid Oregon Teacher or Substitute Teacher license.
2. For home-bound tutors employed as teachers under the collective bargaining agreement, the district shall include this salary with other district paid salaries and shall pay all benefits occurring to teachers covered by the collective bargaining agreement, the district shall pay only the stated salary.
3. The district shall pay mileage to the home-bound tutor at the current IRS business rate for the round trip mileage between the least of the following locations and the locations at which the home-bound student receives tutoring services:
 - a. Tutor's home to student location where tutoring is provided;
 - b. School location where tutor is employed to student location where tutoring service is provided;
 - c. One way from school location and one way from tutor's residence to student location where tutoring service is provided, if tutor starts and ends at the district school where he or she is employed.

Winston-Dillard School District 116

Code: GCQB
Adopted: 7/10/02
Readopted: 4/20/11; 10/12/22
Orig. Code: GCQB

OK

Research

District staff are encouraged to participate in research for the development and improvement of education. Staff who propose to engage in research, e.g., study toward advanced work or for use in classroom instruction, using district resources or students, will submit a proposal to the superintendent for approval prior to commencing such research. If approved, and the study results in material or practices which may be useful to other district staff, such will be reviewed by administration and may be made available for distribution throughout the district as determined by administration. For the protection of all concerned, privacy rights of students or other individuals involved in such research must be protected.

Research which is conducted by or for an out-of-district individual or organization must be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2022).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

Winston-Dillard School District 116

ok

Code: GCQBA
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code: GCQBA

Copyrights and Patents

The Board asserts the district's proprietary rights to publications, instructional materials and other devices prepared by district employees during their paid work time. The Board also recognizes the importance of encouraging its professional staff to engage in professional writing, research, and other creative endeavors. Publications, articles, materials, models and other items produced by district personnel for district use with district time, money and facilities as part of their job responsibilities remain the property of the district.

The district will ~~shall~~ apply for copyrights and patents when deemed appropriate by the superintendent. Employees will be expected to cooperate in the district's efforts.

In the event that an employee produces items described above partly on ~~their~~ ~~his or her~~ own time and partly on district time, the district reserves the right to claim full ownership. The employee, ~~however~~, may petition the district for assignment of copyright or patent rights. Employees will ~~shall~~ not attempt to copyright or patent such items without the knowledge and consent of the superintendent.

Employees who intend to make application to patent or copyright any item shall furnish to the superintendent full, complete, and prompt information and disclosure with respect to any such item.

If the district does not take appropriate action to seek a patent or copyright within six months after full disclosure by the employee involved, the district shall be deemed to have waived and relinquished any interest in the item.

END OF POLICY

Legal Reference(s):

ORS 332.107

[ORS 332.745](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2016).

Patents, 35 U.S.C. §§ 1-376 (2012).

Winston-Dillard School District 116

Code: GD
Adopted: 4/20/11
Orig. Code(s): GD

ok

Classified Staff/Classified Staff Positions *

“Classified employee” means any district employee not required to hold a teaching license. The superintendent or designee will designate classified employee positions. The essential job functions, ~~and~~ titles and examples of work performed, ~~are to~~ shall be prescribed in a written job description for each position classification.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 332.505](#)
[ORS 659.805](#)
[ORS 659.850](#)
[ORS 659A.009](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)

[ORS 659A.409](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.
Americans with Disabilities Act Amendments Act of 2008.

Winston-Dillard School District 116

Code: GDA
Adopted: 5/25/05
Revised/Readopted: 4/20/11; 8/12/15; 9/13/17;
10/12/22
Orig. Code: GDA

OK

Instructional Assistants

Instructional assistants shall be hired by the superintendent.

All instructional assistants¹ must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years of age or older; and
3. Have standards of moral character as required of teachers.

In addition to the above, instructional assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Instructional assistants² who work in Title IA programs and provide instructional support must have:

1. Completed at least two years of study at an institution of higher education; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

¹ "Instructional assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with the rules established by the TSPC.

² Instructional assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. Instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title IA funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title IA programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

The district will not require individuals newly hired as Title IA instructional assistants who have met another district’s academic assessment to meet the district’s academic assessment standards.

The general responsibilities of an instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor or related service provider with instruction and/or support. The instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent and family involvement activities and media center or computer laboratory support.

Instructional assistants shall not be used by the district or teacher as substitute teachers. The responsibility for classroom supervision remains with the teacher at all times.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[ORS 342.120](#)
[OAR 581-022-2400\(2\)](#)

[OAR 581-037-0005 - 0025](#)
[OAR 584-005-0005\(20\),\(28\)](#)

The Vietnam Era Veterans’ Readjustment Assistance Act., 38 U.S.C. § 4212 (2018).
Title II of the Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2022).
Rehabilitation Act, 29 U.S.C. § 791, 793-794 (2018).

Winston-Dillard School District 116

Code: GDC
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code: GDC

OK

Recruitment of Classified Staff *

The superintendent will ~~shall~~ develop and maintain a recruitment program designed to attract classified personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the district's personnel needs ~~of the district~~ and to locate the most suitably qualified ~~by the district~~ candidates to recommend for district employment ~~by the district~~.

The search for classified staff members may extend to a wide variety of educational institutions ~~agencies~~ and geographical areas. Those factors considered will include, but not be limited to, ~~it shall take into consideration~~ the district's diverse characteristics ~~of the district~~.

Present employees are encouraged to ~~Any present employee may~~ apply for any position for which he or she meets the stated requirements.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.505](#)

[ORS 659.805](#)

[ORS 659.850](#)

[ORS 659A.009](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.109](#)

[ORS 659A.142](#)

[ORS 659A.145](#)

[ORS 659A.233](#)

[ORS 659A.236](#)

[ORS 659A.309](#)

[ORS 659A.409](#)

[OAR 581-021-0045](#)

[OAR 581-022-2405](#)

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

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

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

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

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).

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

Title II of the Genetic Information Nondiscrimination Act of 2008.

Winston-Dillard School District 116

Code: GDIA
Adopted: 4/20/11
Orig. Code(s): GDIA

OK

Notice of Employment *

The Board shall give, in writing, individual notices by May 30 to all employees for whom a teaching license is not required.

The notices shall address reasonable assurance of continued employment as covered in the Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

Legal Reference(s):

[ORS 332.554](#)

[OAR 581-022-2405\(4\)](#)

Winston-Dillard School District 116

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The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student

to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Winston-Dillard School District 116

OK

Code: IA
Adopted: 6/22/05
Revised/Readopted: 4/20/11; 1/15/14
Orig. Code(s): IA

Instructional Goals

In ~~The~~ establishing an effective educational program as part of the students' total education, the district recognizes the importance of developing a partnership that promotes the involvement of staff, parents and the community ~~through such means as 21st Century Schools Councils, local school committees and advisory committees~~.

The district is committed to a continual process of collaborative decision making and goal setting that supports the ~~physical and cognitive growth and development of students around the following~~ characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, race, sex, sexual orientation, ~~gender~~, capability or geographic location;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations, and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Supports the physical and cognitive growth and development of students;
5. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
6. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
7. Provides for rigorous academic content standards and instruction in mathematics, science, ~~language arts~~English, history, geography, economics, civics, physical education, health, the arts and world languages;
8. Provides students with an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
9. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
10. Provides students with the knowledge ~~and~~, skills ~~and~~ ~~positive attitude~~ that lead to an active, healthy lifestyle;

11. Provides students with the knowledge and skills to take responsibility for their decisions and choices;
12. Provides opportunities for students to learn through a variety of teaching strategies;
13. Emphasizes involvement of parents and community in the total education of students;
14. Transports students safely to and from school;
15. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;
16. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;
17. Provides for a safe, educational environment;
18. Provides increased learning time;
19. Provides each student an education experience that supports ~~Supports~~ students' academic growth beyond proficiency in academic content standards and encourages their attainment of challenging and aspirational individual goals [✓][;] [and] ✓
20. ✓ Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement. ✓

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.125](#)

[ORS 336.067](#)
[OAR 581-022-2030](#)

[OAR 581-022-2315](#)

House Bill 2056 (2021).

Winston-Dillard School District 116

OK

Code: IB
Adopted: 4/20/11
Revised/Readopted: 2/09/22
Orig. Code(s): IB

Freedom of Expression**

Students have a general right to freedom of expression within the school system. The district requires that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability, geographic location, sex, sexual orientation or gender identity. Each student organization must have a staff adviser to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

Publications K-8, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be reviewed by the administrator or may be restricted or prohibited pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;

5. Whether specific individuals may be identified even though the material does not use or give names;
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, e.g., if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district.

High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists; that are distributed or generally made available, either free of charge or for a fee, to members of the student body; and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law or regulation; or
6. So incites students as to create a clear and present danger of:
 - a. The commission of unlawful acts on or off school premises;
 - b. The violation of district[or school] policies; or
 - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the superintendent. The superintendent shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent. At the superintendent's discretion, the district's legal counsel may also attend the meeting. The superintendent shall make a decision within three school days of the meeting.

If the complainant is not satisfied with the decision of the superintendent, the complainant may appeal to the Board under established district procedures.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 329.025](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 336.477](#)
[ORS 339.880](#)
[ORS 339.885](#)
[ORS 659.850](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2018).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).
U.S. CONST. amend. I; U.S. CONST. amend. XIV.
OR. CONST., art. I, § 8.
House Bill 3041 (2021).

Winston-Dillard School District 116

OK

Code: IBDJA
Adopted: 4/20/11
Revised/Readopted: 4/11/18
Orig. Code(s): IBDJA

Relations with Home-schooled Students**

The district recognizes the rights of parents to educate students at home and acknowledges the education service district's role in registering and monitoring test results for students who are being taught at home.

Further, the Board is willing to assist parents in this endeavor if a request is made through the superintendent. The district will furnish basic course descriptions, state standards for elementary and secondary education, and when available, may furnish basic instructional materials upon deposit of a loss/damage fee.

Students may, upon parent request, be allowed to participate in district programs such as physical education programs, instrumental and vocal music programs, or other selected options if space and materials are available. Such students must then adhere to regular attendance procedures as established by the school and must avoid disruption of said programs. Parents are responsible for transportation for students attending selected school offerings.

The district shall evaluate transcripts and determine the value of prior credits and number of years of school attendance or equivalent for home-schooled students on a case-by-case basis.

Homeschooled ~~Home-schooled~~ students may participate in available interscholastic activities if the following requirements are met:

1. The student can meet the district eligibility requirements, except the district or class attendance requirements;
2. The student need not meet class requirements of the voluntary association administering the interscholastic activities;
3. The student must meet one of the following:
 - a. The student must achieve the minimum score on an examination from the list adopted by the State Board of Education that places the student at or above the 23rd percentile based on national norms. The examination shall be taken at the end of each school year. The parent or guardian shall submit the examination results to the district. The student may participate while awaiting test results; or
 - b. The district may adopt alternative requirements, in consultation with the parent or guardian, that a student must meet to participate in interscholastic activities, including, but not limited to, a requirement that a student submit a portfolio of work samples to the district for review to determine whether a student is eligible to participate in interscholastic activities.
4. ~~h-~~The student must fulfill the same responsibilities and standards of behavior and performance including related class or practice requirements of other students participating in the interscholastic

activity. The student must meet the same standards for acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation;

5. The student must reside in the attendance boundaries of the school for which the student participates.

“Interscholastic activities” means, athletics, music, speech and other similar or related activities.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 339.030](#)

[ORS 339.035](#)

[ORS 339.450 to -339.460](#)

[OAR 581-021-0026 to -0029](#)

[OAR 581-021-0033](#)

[OAR 581-021-0071](#)

[OAR 581-021-0210](#)

[OAR 581-022-2505](#)

Winston-Dillard School District 116

Code: IBDJA-AR(1)
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IBDJA-AR(1)

Home Schooling – Procedures**

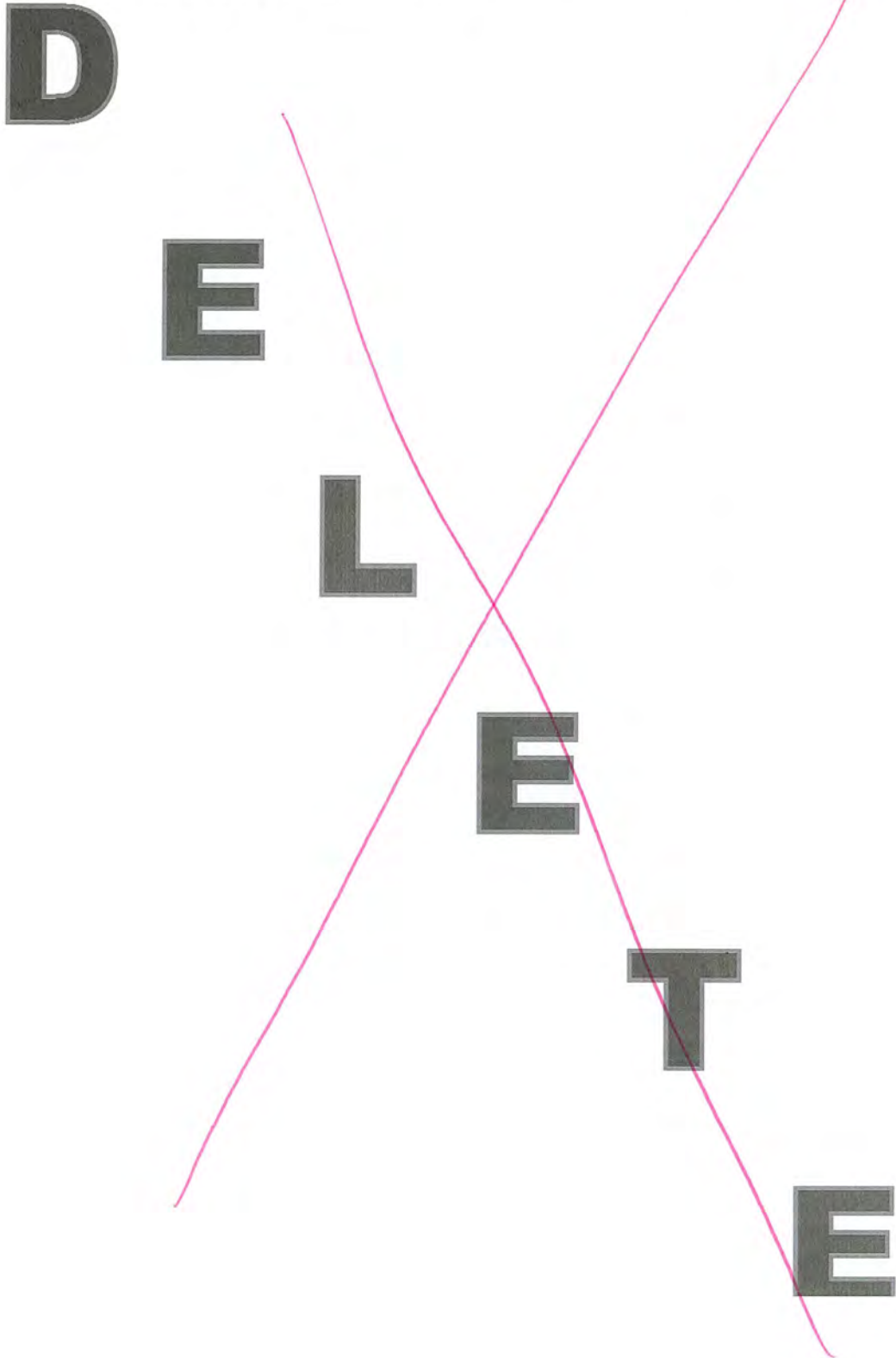
(This restates what is in JEA-AR, which is supported with policy updates from OSBA.)

Home schooling is that situation in which a child is being taught by a parent or a private teacher the courses of study usually taught in grades 1-12 in the public school for a period equivalent to that required of students attending public schools. The procedure for home-schooling students is as follows:

1. When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the Douglas Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. Notification must be received and acknowledged before a student is withdrawn from school, and thereafter before the start of each school year;
2. Each student being taught by a parent or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10:
 - a. If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew;
 - b. If the student never attended public or private school, the first examination shall be administered prior to the end of grade 3;
 - c. Procedures for home-schooled students with disabilities are set out in OAR 581-021-0029.
3. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;
4. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education (ODE);
5. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;
6. All costs for the test instrument, administration and scoring are the responsibility of the parent;
7. In the event the ESD superintendent finds that the student is not showing satisfactory educational progress, the ESD superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.

The district assumes no responsibility for the instruction of the child who is being home schooled. A student enrolling at Douglas High School after a period of home schooling may apply to challenge required courses for credit by examination. Application must be addressed to student services for

directions and processes for challenge examination, one week prior to opening of fall semester, and two weeks prior to opening of the second semester.



Winston-Dillard School District 116

Code: IBDJA-AR(2)
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code(s): IBDJA-AR(2)

Home Schooling – Interscholastic Participation**

(This seems to be restating policy IBDJA. Is there something in here not covered by policy IBDJA?)

A home-school student may participate in interscholastic activities in his or her resident district's attendance area if the student meets all of the requirements of ORS 339.460 and:

1. Achieves a composite test score that is not less than the 23rd percentile on any of the annual achievement tests listed in OAR 581-021-0026; and
2. Submits the student's composite test score to the district prior to participation in an interscholastic activity.

Notwithstanding this rule, any public school student who chooses to be home schooled may participate in interscholastic activities while awaiting test score results.

A district may adopt alternative requirements, in consultation with the parent or legal guardian of a home-school student, that a student must meet to participate in interscholastic activities, including, but not limited to, a requirement that a student submit a portfolio of work samples to a district committee for review to determine whether a student is eligible to participate in interscholastic activities.

Requirements of ORS 339.460 address:

1. Compliance with all rules governing home schooling and provision to the administration acceptable documentation of compliance;
2. Meeting all district eligibility requirements with the exception of:
 - a. The district's school or class attendance requirements; and
 - b. The class requirements of the voluntary association administering interscholastic activities.
3. Achievement of a minimum score on the achievement test required annually;
4. Loss of eligibility;
5. Responsibilities and standards of behavior and performance, including related class or practice and residence requirement;
6. Alternative requirements that a student must meet to participate in interscholastic activities as may be adopted by the district, in consultation with the parent or legal guardian, and consistent with ORS 339.460 (1)(B)(b)(B).

Winston-Dillard School District 116

OK

Code: IC/ICA
Adopted: 1/13/16
Orig. Code(s): IC/ICA

School Year/School Calendar

The Board will approve the school year calendar for the following year no later than its ~~April~~ meeting following due consideration of the recommendation of the superintendent and the input from staff, parents and the community. After Board approval, any modification of the calendar will require Board action.

The superintendent will develop a school calendar that satisfies the requirements of Oregon Administrative Rule 581-022-2320. The calendar will include the number of student days/hours, number of workdays for staff and holidays. The calendar will meet or exceed state requirements. The starting and ending times for the school day will be established annually by the superintendent.

Any instructional hours/Days lost will be made up to ensure that the state-required number of days/hours are met by the district.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 243.650](#)
[ORS 332.075\(1\)\(a\)](#)

[ORS 332.107](#)
[ORS 336.010](#)

[OAR 581-022-2320](#)

Winston-Dillard School District 116

? PLEASE REVIEW

Code: ICB
Adopted:

Religious and Cultural Holidays**

{Optional policy. The district could adopt portions of the policy or make changes to better meet the district’s needs. If the district adopts this policy, OSBA encourages the district to engage the community to determine what the major holidays are in the district’s school community.}

Accommodation for Religious Instruction and Cultural Observance

The district recognizes each student’s individual right to free exercise of religion. The district may accommodate students’ religious or cultural¹ observance, while neither promoting one religion or culture over another nor preferring religion over non-religion. Specific requests for religious or cultural accommodation should be directed to the student’s teacher or principal [in accordance with Board policy IGBHD - Program Exemptions].

Release Time for Religious and Instruction and Cultural Holidays

The district will permit elementary and secondary school students to be released from school each week consistently for religious instruction in accordance with Oregon law [and Board policy JEF - Release Time for Religious Instruction].

Accommodation of Absences for Religious [and Cultural Reasons]

Any student unable to attend classes on a particular day due to religious beliefs [or cultural observance] shall be excused from attendance requirements for that day. No such absence shall be counted against a student in determining eligibility for educational benefits, exclusion from programs, reduction of grades or failure.

Scheduling Around Major Religious and Cultural Holidays

For purposes of this policy, “major religious or cultural holidays”² are holidays, observance of which: (1) is common among adherents of a student’s religion or culture; (2) include ritual or worship obligations or practices that cannot reasonably be fulfilled during school activities;³ and (3) fulfillment of such obligations or practices would necessarily conflict with scheduled school activities.⁴

¹ An example of a major non-religious cultural holiday would be the Chinese New Year.

² Districts are encouraged to engage with the community to identify holidays that are observed by students, staff and community members that would be considered major religious or cultural holidays.

³ For example, holiday-related dietary restrictions may still be observed while at school, but group prayer or ritual hymns may not.

⁴ If such obligations occur in the evening, then there would be no constraints on scheduling such activities during the school day, so long as the students will be timely released to engage in such evening activities.

1. Schoolwide and Gradewide Events. Schools should avoid scheduling important events that by their nature cannot be made up (such as picture day, open house, prom, graduation, and Outdoor School) days that conflict with major religious or cultural holidays that may impact student attendance or participation. Such events shall be scheduled on major religious or cultural holidays only if such scheduling is reasonably necessary to carry out the proper functioning of a school program or course of study, to avoid an unreasonable burden on other students, or if such scheduling is outside the control of school employees.

The district will make a good faith effort to identify major religious or cultural holidays observed in the local community by consulting generally accepted sources of information. Students and families may request that one or more holidays from their religious or cultural tradition be included on the district's list of major religious or cultural holidays under this policy.

2. Field Trips, Cocurricular and Extracurricular Activities. When scheduling other special events such as field trips, try-out plays, concerts and major cocurricular and extracurricular activities, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Staff will inform students and parents of plans as far in advance as possible, so that conflicts with major religious or cultural holidays can be avoided, if it is possible to do so without making burdensome demands on programs or other students, and otherwise accommodated if not. Parents and students are encouraged to communicate their need for accommodation to the school, for major religious or cultural holidays not already recognized by the district.

The field trip approval process will include a question about scheduling and major religious or cultural holidays. For a field trip to be scheduled on a major religious or cultural holiday, an administrator must review and approve the request. Administrator approval is also required to schedule a major cocurricular or extracurricular activity on a major religious or cultural holiday when scheduling is within the control of the school or district.

3. Tests and Assignments. Any tests and assignments a student misses because of religious instruction or religious or cultural observances shall be given to the student at another time. Teachers shall provide students a meaningful opportunity and reasonable time to make up missed classwork, tests, quizzes, and final exam reviews, and to complete homework due on that day or the following school day. When scheduling tests, staff must consider the potential for students to experience conflicts on major religious or cultural holidays. Make-up opportunities will not be required of a student on the school day immediately after a student is absent from school to observe a major religious or cultural holiday.

4. Final Exams. Final exams are scheduled based on the district-adopted calendar. The Board should consider the likely resulting exam schedule and possible conflicts with major religious or cultural holidays as they consider calendar options.

Communication

The superintendent will prepare guidelines implementing this policy, including a list of major religious holidays and cultural holidays, which will be communicated to staff. School staff will be informed at least twice per year of dates of major religious or cultural holidays. Parents will be informed at least annually about this policy and their student's right to request accommodation. Information including a list of major religious or cultural holidays will be made available on the district website. Parents are encouraged to communicate their student's need for accommodation to the school.

The superintendent shall reconsider the scope of this policy and recommend changes to the Board as needed if the total number of school days identified as major religious or cultural holidays is likely to impose an unreasonable burden on the district's ability to schedule important school events.

END OF POLICY

Legal Reference(s):

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

[ORS 336.635](#)

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

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

Winston-Dillard School District 116

DELETE

Code: ID
Adopted: 4/20/11
Orig. Code(s): ID

D

School Day

(See policy IC/ICA)

The number of days of instruction and number of hours of instruction will be determined by the superintendent with final approval by the Board. The district may exceed state requirements. Starting and ending times for the school day will be established annually by the superintendent.

END OF POLICY

E

Legal Reference(s):

[ORS 332.075](#)
[ORS 332.107](#)

[OAR 581-022-1620](#)

L

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T

E

Winston-Dillard School District 116

DELETE

Code: IE
Adopted: 4/20/11
Orig. Code(s): IE

D

Organization of Instruction

The district is organized on a K-12 grade-level plan.

Multiple-level offerings may be established to meet the needs of students' continuous progress and individualized instruction. Instructional groupings will be organized as heterogeneously as possible to promote the attitudes and skills necessary for democratic citizenship.

Any proposed substantial modification or changes in the organization of instruction as adopted by the Board requires final Board review and approval.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.585](#)
[ORS 332.075](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)

[OAR 581-022-1130](#)
[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)

L

E

T

E

Winston-Dillard School District 116

OK

Code: IF
Adopted: 4/20/11
Orig. Code(s): IF

Curriculum Development

The Board believes it is necessary to continually develop and modify the district's curriculum to meet changing needs in technology and fields of knowledge and to assure the full, rounded and continuing development of students. While keeping with the requirements of state law, the Board authorizes the superintendent, in consultation with staff, parents and the community, to review the curriculum periodically and to advise the Board on needed curriculum changes.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.075\(1\)](#)
[ORS 336.035](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2000](#)
[OAR 581-022-2030](#)
[OAR 581-022-2250](#)

[OAR 581-022-2300](#)
[OAR 581-022-2305](#)
[OAR 581-022-2310](#)
[OAR 581-022-2315](#)

Winston-Dillard School District 116

PLEASE REVIEW

Code: IFA
Adopted:

Instructional Research

(Version 2)

(See the district's current version of IFA/IFB. This is an alternate version.)

The district has the responsibility to engage in long-range educational planning in order to advise the Board regarding policy and effective decision making. The district is committed to the position that planning must be supported by appropriate research and evaluation.

The superintendent will establish formal procedures through which district personnel can submit educational research proposals. A major purpose of such research is to contribute to the quality of educational programming and advance the general welfare of students.

Objectives include:

1. Inducing change in the curriculum and techniques under conditions which are conducive to the growth of the educational program;
2. Encouraging and coordinating creative efforts so that duplication, conflict and waste of time may be avoided;
3. Facilitating the teacher-learning process and developing greater effectiveness in teaching;
4. Creating a climate for professional growth through creativity and innovation;
5. Establishing criteria for change in educational practices through innovative development and creativity.

Proposals to involve the district in research originating from sources other than district personnel require prior approval from the superintendent. The basic premise for involving the district in research is the ability of the district to use results.

END OF POLICY

Legal Reference(s):

[ORS 329.704](#)

[ORS 332.107](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Winston-Dillard School District 116

PLEASE REVIEW

Code: IFA/IFB
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IFA/IFB

Curriculum Research/Pilot Projects

(Version 1)

(There is an alternate version of this policy – see version 2)

A pilot project is defined as an educational experiment conducted in a controlled environment for a period of time sufficient to test the applicability and viability of that experiment for fulfilling the present and future needs of the district.

Requests for permission to conduct such projects must be submitted to the superintendent and must be approved by the Board. Pilot projects are subject to compliance with state and federal laws and to Board policy and administrative regulations.

END OF POLICY

Legal Reference(s):

[ORS 329.675 - 329.745](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).

Winston-Dillard School District 116

OK

Code: IFCA
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IFCA

21st Century Schools Councils**

21st Century Schools Councils are mechanisms for implementing shared decision making for school improvement. Shared decision making is one of many strategies to initiate and realize school improvement. It is a process, not an end in itself. Shared decision making provides opportunities for all members of a school community to collaborate, where appropriate, in solving problems, defining goals, and shaping direction for an individual school. The overall purpose of shared decision making is to enhance student achievement through both improvement of the instructional program and delivery of support services.

21st Century Schools Councils neither remove nor replace the legal responsibilities of the Board, the superintendent, district staff or administrators. Site-based decision making through the 21st Century Schools Council means moving some decisions traditionally made by the central office to the building level and, in turn, providing opportunities for staff and community members to participate in some decisions normally made unilaterally by the principal. Collaboration is the essential component in shared decision making.

The establishment and charge of a 21st Century Schools Council shall not interfere with the duties, responsibilities and rights of the duly elected Board.

The Board subscribes to and supports the concept of shared decision making as outlined in Oregon's Educational Act for the 21st Century and delineated in ORS 329.705 governing 21st Century Schools Councils.

1. Each school in the district shall establish a 21st Century Schools Council, whose duties shall include, but are not limited to:
 - a. Development of plans to improve the professional growth of the school's staff;
 - b. The improvement of the school's instructional program; and
 - c. Development and coordination of plans for the implementation of programs under ORS Chapter 329 at the school;
 - d. Administration of grants-in-aid for the professional development of teachers and classified district employees; ~~and~~
 - e. ~~Advising the board in the development of a plan for school safety and student discipline under ORS 339.333.~~
2. Each 21st Century Schools Council shall be composed of the following:
 - a. Not more than half shall be teachers (may include licensed library and/or media specialists and licensed school counselors), elected by licensed teachers of the school site;
 - b. The principal or the principal's designee;

- c. At least one member shall be a classified employee, elected by classified employees at the school site; and
- d. Not more than half of the members shall be parents or legal-guardians of students, elected by parents of students attending the school.

Other members may be designated by the site council from district community that include but are not limited to, local school committee members, business leaders, students and members of the community-at-large.

3. In making recommendations, the 21st Century Schools Council shall:
 - a. Use effective research and assessment to support a recommendation;
 - b. Stay within the district's vision, mission and goals;
 - c. Collaborate with other schools in the district, the district office, and other 21st Century Schools Councils in the district;
 - d. Utilize facilitated shared decision-making;
 - e. Stay within frameworks established by federal law, state law, Oregon Administrative Rules, Board policies, negotiated collective bargaining agreements, and Board-adopted curriculum; and
 - f. Maintain frequent communication with the board in the conceptual stage of plans to develop the knowledgeable support of the Board.
4. The 21st Century Schools Council shall select its own chair or facilitator and recorder.
5. The 21st Century Schools Council shall determine its recommendations and actions through the application of consensus-building.

The 21st Century Schools Council's recommendations addressing significant changes in curriculum or instructional methodology, requiring reallocation of fiscal resources, or having an impact districtwide, must be adopted by the Board before implementation.

If the Board determines that a school site is unable to fulfill the requirement of the 21st Century Schools Council as outlined in this policy, or if the needs of a school site require a different composition, the Board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

The 21st Century Schools Councils may request a waiver of Board policy. A waiver request must be submitted in writing to the superintendent. The superintendent will submit the waiver request and his or her recommendation to the Board for final approval. A policy waiver request will be considered based on the district's mission statement, philosophy, Board-adopted goals and effective schooling tenets.

All 21st Century Schools Council decisions are subject to superintendent and Board review and approval, respectively. In no case will a 21st Century Schools Council, i.e., site council, abrogate any provision of the district's collective bargaining agreements, district contracts, or Board policy, except through the waiver process.

All 21st Century Schools Council meetings shall follow the notice, meeting, and record -keeping requirements of the Public Records and Meetings Law.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#) to -192.690

[ORS 243.650](#)

[ORS 243.782](#)

[ORS 329.125](#)

[ORS 329.704](#)

[OAR 581-020-0100](#) to -0115

[OAR 581-020-0125](#)

[OAR 581-020-0130](#)

Winston-Dillard School District 116

OK

Code: IFD
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IFD

Curriculum Adoption Course Approval

(See policy IIA for curriculum adoption)

Substantive changes to currently approved courses of study must be approved by the Board. However, changes prompted by state mandates, compliance to maintain standards, or minor building level organizational needs not affecting the district generally, need not be brought to the Board for approval.

A “course,” i.e., Latin America, is defined as a subject/class taught within a program (i.e., Social Studies).

The addition or deletion of courses shall require principal approval with review by the superintendent and shall be consistent with district and course goals.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.075](#)

[ORS 332.107](#)
[ORS 336.035](#)

[OAR 581-022-2000](#)
[OAR 581-022-2030](#)

Winston-Dillard School District 116

OK

Code: IFE
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IFE

Curriculum Design, Curriculum Guides and Course Outlines

The curriculum of the district is designed to provide students a range of preparation in academic areas, as well as in developing values and behaviors in interpersonal relations, exploring leisure time activities, preparing for the world of work, and acquiring the broad spectrum of skills necessary for success in life.

Curriculum guides and course outlines will be written available for all courses offered in the district. Academic content standards¹ as adopted by the State Board of Education will be included. Teachers are expected to adhere closely to the course of study adopted by the district. Syllabi shall be written for courses in grades 9-12. Information regarding course offerings and course descriptions shall be available to all students and interested patrons of the district community members, upon request.

END OF POLICY

Legal Reference(s):

[ORS 332.075\(1\)](#)

[ORS 336.035](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-022-2000](#)

[OAR 581-022-2030](#)

[OAR 581-022-2250](#)

[OAR 581-022-2300](#)

[OAR 581-022-2305](#)

[OAR 581-022-2310](#)

[OAR 581-022-2315](#)

¹ [The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).]

Winston-Dillard School District 116

Code: IGAC-AR
Revised/Reviewed: 7/10/02; 4/20/11; 4/11/18
Orig. Code(s): IGAC-AR

OK

Recognition of Religious Beliefs and Customs

Observances of Religious Holidays

The practice of the district shall be as follows:

1. Holidays which have a religious and secular basis may be observed in the public schools;
2. The historical and contemporary values and the origin of religious and secular holidays may be explained in an unbiased and objective manner without sectarian indoctrination;
3. Music, art, literature and drama having religious themes or bases are permitted as part of school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday;
4. The use of religious symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature;
5. The district's calendar should be prepared to minimize conflicts with religious holidays.

Religion in the Curriculum

1. The district supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas.
3. Curriculum and instruction includes theories, views and precepts.
4. Student-initiated expressions to questions or assignments which reflect their religious or nonreligious beliefs are permissible. For example, students are free to express religious or nonreligious belief in compositions, art forms, music, speech and debate.

Traditional Observances

Traditions are a cherished part of the community life and the district expresses an interest in maintaining those traditions which have had a significance to the community.

The practice of the district shall be as follows:

OK

1. A baccalaureate service is traditionally religious in nature and shall not be sponsored by the district. One or more community groups may hold a baccalaureate service on district property or in a district facility, but must conform to the current community use policy.
2. A memorial service which is religious in nature shall not be sponsored by the district. One or more community groups or individuals may hold a memorial service on district property or in a district facility, but must conform to the current community use policy.

Winston-Dillard School District 116

Code: IGAEB
Adopted: 4/20/11
Revised/Readopted: 4/13/16
Orig. Code(s): IGAEB

OK

Drug, Alcohol and Tobacco Prevention, Health Education**

Students have a right to attend school in an environment conducive to learning. Since student drug, alcohol and tobacco use is illegal and harmful and interferes with both effective learning and the healthy development of students, the school has a fundamental legal and ethical obligation to prevent unlawful drug, alcohol and tobacco use and to maintain a drug-free educational environment.

After consulting with parents, teachers, school administrators, local community agencies and persons from the drug, alcohol or health service community who are knowledgeable of the latest research information, the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

Drug Prevention Program

The district's drug, alcohol and tobacco curriculum will be age-appropriate, reviewed annually and updated as necessary to reflect current research and Oregon's Health Education Academic Content Standards.

Drug, alcohol and tobacco prevention instruction will be integrated in the district's health education courses for grades K-12. Students not enrolled in health education shall receive such instruction through other designated courses. At least annually, all high school students, grades 9-12, shall receive instruction about drug and alcohol prevention. Instruction shall minimally meet the requirements set forth in Oregon Administrative Rules.

The district will include information regarding the district's intervention and referral procedures, including those for drug-related medical emergencies, in student/parent and staff handbooks.

"Intervention" is defined as the identification and referral of students whose behavior is interfering with their potential success socially, emotionally, physiologically, and/or legally as a result of prohibited drug, alcohol and/or tobacco use.

Any staff member who has reason to suspect a student is in possession of, or under the influence of unlawful drugs, alcohol, other intoxicants or tobacco on district property, on a school bus or while participating in any district-sponsored activity, whether on district property or at sites off district property, will escort the student to the office or designated area and will report the information to the principal or his/her designated representative.

The principal or designee will:

1. Call law enforcement if deemed appropriate;
2. Call the parents for a meeting;

3. Discuss the incident with student, parents if available and ~~law enforcement police~~ if contacted;
4. Impose the penalty for violations using due process procedures;
5. Tell parents about resources which offer treatment or assistance for young people suffering from drug-, alcohol- or tobacco-related problems.

Students possessing, using and/or selling unlawful drugs, including drug paraphernalia, alcohol and tobacco on district property, in district vehicles, at district-sponsored activities on or off district grounds shall be subject to discipline up to and including expulsion. When considering disciplinary action for a child with disabilities, the district must follow the requirements of Board policy JGDA ~~/JGEA~~ Discipline of Students with Disabilities including those involving functional behavioral assessment, change of placement, manifestation determination and an interim alternative educational setting. Students may also be referred to law enforcement officials.

Each year the administration will meet with law enforcement officials to discuss:

1. Who the school should call for suspected violations of the law or other needs;
2. How school representatives should handle evidence of a suspected offense (i.e., school staff should not taste a substance to ascertain whether or not it is a drug). What about fingerprints? Paraphernalia?
3. What questioning procedures may take place on district property;
4. Other needs of the district and law enforcement to avoid conflicts or confusion before a substance-related incident occurs.

In general, drug-related medical emergencies will be handled like a serious accident or illness. Immediate notification of the community emergency care unit is required. Trained staff members will assist the student in any way possible. Parents shall be contacted immediately. A staff member shall be designated to accompany the student to the hospital or emergency medical facility. Procedures to be taken, including those for students participating in district-sponsored activities off district grounds, shall be included in the district's comprehensive first aid/emergency plan.

The district will actively seek funds from outside sources either independently or through coordinated efforts with other districts, community agencies or the education service district for drug-free schools grants.

A planned staff development program that includes current drug, alcohol and tobacco prevention education, an explanation of the district's plan and staff responsibilities within that plan will be developed by the superintendent. The input of staff, parents and the community is encouraged to ensure a staff development program that best meets the needs of district students.

The district will develop a public information plan for students, staff and parents.

The district's Drug, Alcohol and Tobacco Prevention, Health Education ~~plan~~ policy, related board policies, rules and procedures will be reviewed annually and updated as needed.

END OF POLICY

R7/01/17 | PH

Drug, Alcohol and Tobacco Prevention, Health Education** – IGAEB

Legal Reference(s):

[ORS 163.575](#)

[ORS 336.067](#)

[ORS 336.222](#)

[ORS 339.873](#)

[ORS Chapter 475](#)

[OAR 581-011-0052](#)

[OAR 581-015-2000](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2050](#)

[OAR 581-015-2055](#)

[OAR 581-015-2060](#)

[OAR 581-015-2070](#)

[OAR 581-015-2075](#)

[OAR 581-015-2205](#)

[OAR 581-015-2220](#)

[OAR 581-015-2225](#)

[OAR 581-015-2230](#)

[OAR 581-015-2235](#)

[OAR 581-015-2240](#)

[OAR 581-015-2325](#)

[OAR 581-015-2410](#)

[OAR 581-015-2415](#)

[OAR 581-015-2420](#)

[OAR 581-015-2425](#)

[OAR 581-015-2430](#)

[OAR 581-015-2435](#)

[OAR 581-015-2440](#)

[OAR 581-015-2600](#)

[OAR 581-015-2605](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 581-022-2030](#)

[OAR 581-022-2045](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670; 86.1-86.7 (2017).

Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Winston-Dillard School District 116

ok

Code: IGAEC
Adopted: 4/20/11
Orig. Code(s): IGAEC

Anabolic Steroids and Performance-Enhancing Substances

The district will not tolerate the possession, selling or use of anabolic steroids. In addition, the district will use an evidence-based instructional grade K-12 health education program that seeks to prevent the use of anabolic steroids and performance-enhancing substances. The program will meet additional minimum requirements as defined by law¹.

~~The district will not tolerate the possession, selling or use of unlawful drugs or hormonal substances chemically or pharmacologically related to testosterone. In addition, the district will utilize an evidence based instructional grade K-12 program that shall prevent the use of anabolic steroids and performance-enhancing substances. The program will meet additional minimum requirements as defined by law.~~

Definitions

“Anabolic steroid” includes any drug or hormonal substance chemically or pharmacologically related to testosterone, all prohormones, including dehydroepiandrosterone and all substances listed in the Anabolic Steroid Control Act of 2004. Anabolic steroid does not include estrogens, progestins, corticosteroids and mineralocorticoids.

“Performance-enhancing substance” means a manufactured product ~~for~~ oral ingestion, intranasal application or inhalation containing compounds that contain a stimulant, amino acid, hormone precursor, herb or other botanical or any other substance other than an essential vitamin or mineral; and are intended to increase athletic performance, promote muscle growth, induce weight loss or increase an individual’s endurance or capacity for exercise.

“School district employee” means an administrator, teacher or other person employed by a school district; a person who volunteers for a school district; and a person who is performing services on behalf of a school district pursuant to a contract.

The Board directs the superintendent to ensure that anabolic steroid and performance-enhancing substance abuse by students is addressed and may be a part of the district’s Prevention Program (OAR 581-022-20450413).

~~The district is committed to an aggressive K-12 education program to eliminate abuse of anabolic steroid and performance enhancing substance by students.~~

¹ Additional requirements include prevention strategies, strength-building alternatives and the understanding of health food labels.

The program shall include training for school district employees~~staff~~ who are athletic directors, and/or coaches^{2}, including volunteers and contractors,⁴ at least once every four years in accordance with law.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the code of conduct~~code~~ which may include discipline up to and including expulsion. Students violating the code of conduct prohibiting substance abuse, possessing, selling and/or using unlawful drugs or alcohol or other prohibited substances may be subject to an assessment and, if appropriate, referred to law enforcement officials. When considering disciplinary action for a student with disabilities, the district must follow the requirements of Board policy JGDA/JGEA – Discipline of Students with Disabilities, including those involving functional behavioral assessment, change or placement, manifestation determination and an interim alternative educational setting.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.250](#)

[ORS 342.721](#)
[ORS 342.726](#)

[OAR 581-022-2045](#)
[OAR 581-022-2210](#)

Controlled Substances Act, 21 U.S.C. § 812 (2018); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2019).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2018).

{² Volunteers and contractors are included in the definition of “school district employee,” but can be included in this paragraph if it would help district remember that this training should be made available to some who are not employees under the typical meaning of the word.}

Winston-Dillard School District 116

Code: IGAED
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IGAED

ADOPT?
SIMILAR TO

Safety Instruction

(Similar language is also in policy JHF. Need both?)

Appropriate safety instruction shall be provided for students in order that they will be able to identify hazards, assess risks, and make and execute wise decisions regarding safety.

Safety instruction shall provide for:

1. General safety education goals appropriate to safety instruction coordinated across the curriculum at all grade levels - K-12 and for all classes;
2. Safety instruction in all curriculum areas involving laboratory activities;
3. Instruction in basic emergency procedures for each laboratory, shop, and studio, including identification of common physical, chemical and electrical hazards;
4. Instruction in specific accident prevention procedures for each type of classroom and laboratory;
5. A written and/or performance test for students to measure their knowledge of safe working practices in the laboratory, shop or studio;
6. Fire and earthquake safety instruction in keeping with ORS 336.071. *(This is in policy EBCB.)*

END OF POLICY

Legal Reference(s):

ORS 329.0925

[ORS 332.107](#)

OAR 581-022-2225

Winston-Dillard School District 116

OK

Code: IGAI
Adopted: 4/20/11
Revised/Readopted: 4/16/14; 7/13/16; 10/09/19
Orig. Code(s): IGAI

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The district's health and sexuality education will provide information on menstrual health and will be inclusive and affirming of transgender, non-binary, intersex, and two spirit/indigiqueer students; be positive and not fear- or shame-based; be age-appropriate; be medically-accurate; be culturally responsive; and be accessible for students with disabilities.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.059](#)
[ORS 336.107](#)
[ORS 336.455 - 336.474](#)

[ORS 339.370 - 339.400](#)
[OAR 581-021-0009](#)
[OAR 581-021-0593](#)

[OAR 581-022-2030](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)

Winston-Dillard School District 116

Code:
Adopted:

IGAJ

Traffic Safety Education

(This is required if the district receives money from ODOT to provide driver safety education.)

If a traffic safety education program is provided by the district, the program will be made available to all eligible resident students. The district [will] charge a tuition rate as established by the Board.

Eligible nonresident students [may] enroll in the district's traffic safety education program if resources are available. Nonresident students [will be] charged tuition.

No resident student shall be denied enrollment in the district's traffic safety education program based solely on the ability to pay tuition.

The district will develop procedures for establishing tuition rates, enrolling nonresident students and reducing or waiving tuition.

END OF POLICY

Legal Reference(s):

[ORS 336.790 - 336.815](#)
[ORS 339.141](#)

[ORS 802.110](#)

[OAR 737-015-0010 - 0100](#)

Winston-Dillard School District 116

Code: IGAJ-AR
Revised/Reviewed:

Traffic Safety Education

(This is required if the district receives money from ODOT to provide driver safety education.)

The following procedures shall be used in implementing the district's traffic safety education program.

Tuition Rate

Each year prior to the Board's organization meeting, following July 1, the superintendent will provide the Board with data regarding the district's traffic safety education program. The data shall include the number of available "slots," the number of "slots" filled, the number of resident and nonresident students enrolled, the cost of the program, the amount of state reimbursement and other appropriate information. From this data, the superintendent will propose a tuition rate for Board adoption annually.

Nonresident Student Enrollment

Each August the superintendent will identify districts that might benefit from the district's traffic safety education program.

The superintendent [will] send a letter inviting nonresident student application. Such application shall establish a "waiting list." The waiting list shall be based upon a "first come, first served" basis. When the resident student enrollment is established, the waiting list will be activated.

All students shall be subject to the district's code of conduct, policies and administrative regulations. Violation may result in disciplinary action up to and including removal from the traffic safety education program.

Reduction or Waived Tuition

When a student requests a waiver or reduction of the established fee for traffic safety education, a review committee consisting of [the traffic safety education instructor], [the student's counselor] and [an administrator] shall review the request.

The committee shall only consider students who qualify for free or reduced-price meals under federal child nutrition programs or students whose family believes the tuition is a severe hardship.

Tuition waivers or reductions may result in:

1. Accessing a fund set aside to assist needy students;
2. Setting up a work program with the student;
3. Setting up a "payment plan";
4. Other.

Winston-Dillard School District 116

ok

Code: IGAM
Adopted: 1/25/06
Readopted: 4/20/11
Orig. Code(s): IGAM

Distance Learning

(Does this policy reflect current practice? What needs to be revised?)

The district supports distance learning as a viable methodology for delivering direct classroom instruction, program enrichment and staff development.

Licensed teachers may be assigned to a distance learning program without additional license requirements. Teachers offering instruction via live, interactive satellite must hold a current license either from the employing state or Oregon and pass a nationally recognized basic skills test.

The district may contract with the Superintendent of Public Instruction to provide online courses through the Oregon Virtual School District. The district may also allow students to access the online courses offered by the Oregon Virtual School District.

END OF POLICY

Legal Reference(s):

[ORS 342.140](#)
[ORS 342.173](#)

[ORS 342.400](#)
[ORS 342.192](#)
[ORS 354.410 - 354.430](#)

[OAR 584-036-0017](#) Div 36 does not exist. If this policy is kept I will need to research a new OAR, if applicable.

Winston-Dillard School District 116

Code: IGBA
Adopted: 2/06/08
Revised/Readopted: 4/20/11; 4/18/12; 12/13/17;
9/12/18
Orig. Code(s): IGBA

ok

Students with Disabilities - Child Identification Procedures

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education (EI/ECSE) or special education services. (EI/ECSE). For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Douglas ESD is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Native American¹ Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of public charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five on or before September 1 of the current school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular high school diploma.

¹ The Individuals with Disabilities Education Act uses the term "Indian."

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated and are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

- | | | |
|---------------------------------------|----------------------------------|----------------------------------|
| ORS 332.075 | ORS 343.517 | OAR 581-015-2190 |
| ORS 338.165 | ORS 343.533 | OAR 581-015-2195 |
| ORS 339.115 - 339.137 | | OAR 581-015-2315 |
| ORS 343.151 | OAR 581-015-2040 | OAR 581-015-2480 |
| ORS 343.157 | OAR 581-015-2045 | OAR 581-021-0029 |
| ORS 343.193 | OAR 581-015-2080 | OAR 581-022-2315 |
| ORS 343.221 | OAR 581-015-2085 | |

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(3) (2012).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2017).

Winston-Dillard School District 116

OK

Code: IGBA-AR
Adopted: 4/20/11
Revised/Readopted: 4/18/12
Orig. Code(s): IGBA-AR

Students with Disabilities - Child Identification Procedures

1. The district's child find efforts include ~~District's Child Find Efforts Include:~~
 - a. Public awareness. District child find activities involve local media resources and direct contact activities, such as presentations at community meetings, business group meetings, services agencies or advocacy organizations.
 - (1) The district provides information about special education services in the district and the district's special education referral process to public and private facilities and public charter schools located in the district, including day care centers, homeless shelters, group homes, local or regional correctional facilities ~~county jails~~, hospitals, medical offices ~~offices~~ and other facilities that serve children birth to 21 years of age ~~old~~.
 - (2) The district provides information about special education services and how to make a referral to any migrant education programs operating in the district.
 - b. Notice of confidentiality. Before any major child find activity, the district publishes notice in newspapers or other media, or both, informing parents that confidentiality requirements apply to these activities. Circulation for this notice must be adequate to inform parents within the district's jurisdiction.
 - c. Staff awareness. The district ensures that staff are knowledgeable of the characteristics of disabilities and the referral procedures for students, including preschool children, suspected of having disabilities.
 - d. Communication to parents. District staff shall inform parents about the availability of special education services in the district and provide them with information about initiating referral for special education evaluation, including the information about early intervention/early childhood special education services (EI/ECSE) and the designated referral and evaluation agencies with which the district collaborates.
2. Private School Children with Disabilities:
 - a. The district's child find system applies to children, including those children who are residents of another state, that are enrolled by their parents in private schools, located within the boundaries of the district.
 - b. The district's child find activities for private school students enrolled by their parents in private schools are similar to, and completed within a comparable time period, as child find activities for students in district public schools.
 - c. The district does not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal Individuals with Disabilities Education Act (IDEA) ~~IDEA~~ funds on parentally-placed school students with disabilities.

OK

- d. The district consults with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:
 - (1) How private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers and private school officials will be informed of the process.
- e. The district child find process for parentally-placed private school students ensures the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.

3. Home-Schooled Students with Disabilities

- a. The district collaborates with the education service district~~ESD~~ that serves the district to ensure that the district responds promptly to information about home-schooled students with suspected disabilities.
- b. The district collaborates with home schooling organizations in the district's jurisdiction and provides information about special education services in the district and how to make a referral.
- c. If the district has reason to suspect that a home -schooled student has a disability, the district will obtain parent consent for initial evaluation.

Winston-Dillard School District 116

Code: IGBAB/JO
Adopted: 6/18/08
Revised/Readopted: 4/20/11; 12/13/11; 7/11/12
Orig. Code(s): IGBAB/JO

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Education Records/Records of Students with Disabilities**

“Education records” are those records maintained by the district that are directly related to a student.

The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student’s educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

~~The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student’s appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.~~

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student’s identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student’s records;
2. Request the amendment of the student’s educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB — Personally Identifiable Information);

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- 4. File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and
- 5. Obtain a copy of the district's education records policy.

~~The~~Regarding records to be released to district officials within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials within the agency have legitimate educational interests. School officials may also include a volunteer or contractor who performs an institutional service on behalf of the school.

The district annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA – Directory Information).

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18, those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years of age or older or an emancipated student and the general public.

Records requested by another district to determine a student's appropriate placement may not be withheld.

END OF POLICY

Legal Reference(s):

- | | | |
|-----------------------------|--------------------------------|---|
| ORS 30.864 | ORS 326.580 | OAR 166-400-0010 to -166-400-0065 |
| ORS 107.154 | ORS 339.270 | OAR 581-021-0220 to -0430 |
| ORS 326.565 | ORS 343.177(3) | OAR 581-022-2260 |
| ORS 326.575 | | OAR 581-022-2270 |

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).
 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
 Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).

Winston-Dillard School District 116

OK

Code: IGBAB/JO-AR
Revised/Reviewed: 4/8/09; 4/20/11; 7/11/12;
9/11/13
Orig. Code(s): IGBAB/JO-AR

Education Records/Records of Students with Disabilities Management

I. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, ~~which~~ that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of ~~his/her~~ status as a student, are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in ~~his/her~~ professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after the individual ~~he/she~~ is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the district, and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- a. Full legal name of the student;
- b. Student birth date and place of birth;
- c. ~~Names~~ Name of parents;

- OK
- d. Date of entry in school;
 - e. Name of school previously attended;
 - f. Courses of study and marks received;
 - g. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
 - h. Credits earned;
 - i. Attendance;
 - j. Date of withdrawal from school; and
 - k. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Confidentiality of Student Records

- a. The district shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each district shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each district shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or an eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence ~~that~~ there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The district shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an individualized education program (IEP), ~~IEP~~, or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or an eligible student shall comply with the following procedure to inspect and review a student's education record:

- d. Provide a written, dated request to inspect a student's education record; and
- e. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at their~~his/her~~ expense, choose~~have those records reviewed by a physician or other appropriate professional and have those records reviewed of his/her choice.~~

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's~~students~~ educational records. The district may not charge a fee to search for or to retrieve the education records of a student.

The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.345~~501~~(4) unless authorized by federal law.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

~~Student~~Student's education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the district. The administrator/principal or his~~her~~-designee shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a district official employed by the district as an administrator, supervisor, instructor or staff support member; a person serving on a school board who ~~needs~~need to review an educational record in order to fulfill their~~his or her~~ professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the district would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;

- c. The disclosure is to authorized representatives of:

The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs, or the enforcement of or compliance with federal or state-supported education programs, or the enforcement of or compliance with federal or state regulations.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- (1) Determine eligibility for the aid;
- (2) Determine the amount of the aid;
- (3) Determine the conditions for the aid; or
- (4) Enforce the terms and condition of the aid.

As used in this section “financial aid” means any payment of funds provided to an individual that is conditioned on the individual’s attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:

- (1) Develop, validate or administer predictive tests;
- (2) Administer student aid programs; or
- (3) Improve instruction.

The district may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

- (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
- (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
- (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the district that:

- (1) Designates the individual or entity as an authorized representative;
- (2) Specifies the personally identifiable information being disclosed;

- (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state -supported education programs;
 - (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
 - (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
 - h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
 - i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
 - j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
 - k. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the district determines that there is an articulable and significant threat, the district will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the district may in good faith determine a health or safety emergency;

- l. The disclosure is information the district has designated as "directory information" (See Board policy JOA — Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational

agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term “receives services” includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;

- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061;

~~The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records;~~

- p. The disclosure is to a caseworker or other representative, who has the right to access the student’s case plan, of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

~~The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.~~

6. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or ~~his/her~~ assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student’s personally identifiable information:

- a. The parent(s) or an eligible student;
- b. The school official or ~~his/her~~ assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

7. Request for Amendment of Student’s Education Record

If an eligible student or student’s parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student’s rights of privacy or other rights, ~~the student or parent(s) he/she~~ may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of ~~his/her~~ right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or ~~his/her~~ designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at ~~his/her~~ own expense, ~~choose to be assisted or represented by one or more individuals to assist or represent them of his/her own choice~~, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or a contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why there is ~~disagreement~~ ~~the/she~~ ~~disagrees~~ with the decision of the panel. If a statement is placed in an education record, the district will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or a contested portion is maintained by the district; and
- b. Is disclosed by the district to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

9. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, or detention facility or youth care center in which the student was formerly enrolled, and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The district shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement
Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the district will use your SSN for record-keeping, research, and reporting purposes only. The district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.

Winston-Dillard School District 116

OK

Code: IGBAC
Adopted: 11/16/05
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): IGBAC

Special Education - Personnel

Consistent with Teacher Standards and Practices Commission (TSPC) requirements, the district's personnel are appropriately and adequately prepared to implement special education and related services, and have the content knowledge and skills to serve children with disabilities.

The district takes measurable steps to recruit, hire, train and retain personnel, who are appropriately licensed and endorsed by TSPC, to provide special education and related services to children with disabilities.

The district's plan for providing personnel development programs in the district is found in Board policy GCL - Staff Development - Licensed.

END OF POLICY

Legal Reference(s):

[OAR 584-220-0180](#)

[OAR 584-220-0185](#)

Individuals with Disabilities Education Act 20 U.S.C. § 1412(a)(14)(D) and 20 U.S.C. § 1413(a)(3) (2012).
Assistance to States for the Education of Children with Disabilities 34 C.F.R. § 300.156(d) and 34 C.F.R. § 300.207 (2017).

Winston-Dillard School District 116

OK

Code: IGBAE
Adopted: 2/6/08
Readopted: 4/20/11
Orig. Code(s): IGBAE

Special Education - Participation in Regular Education Programs

The district ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled.

Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

END OF POLICY

Legal Reference(s):

[ORS 343.223](#)

[OAR 581-015-2040](#)

[OAR 581-015-2045](#)

[OAR 581-015-2050](#)

[OAR 581-015-2055](#)

[OAR 581-015-2060](#)

[OAR 581-015-2065](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.114 to -330.118 (2006).

Winston-Dillard School District 116

OK

Code: IGBAE-AR
Revised/Reviewed: 2/6/08; 4/20/11
Orig. Code(s): IGBAE-AR

Special Education - Participation in Regular Education Programs**

1. Placement Decisions of the Student

- a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually, every 365 days;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) As close as possible to the student's home.
- b. The student is educated in the school that the student~~he/she~~ would attend if nondisabled unless the services identified in the IEP cannot ~~feasibly~~ ~~feasible~~ be provided in this setting.
- c. The district ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified ~~in~~ the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.
- d. Placement teams, including the parent, select the least restrictive environment for each student, using the following decision-making process:
 - (1) Completion of the IEP, including determining the student's special education and related services, and determining the extent to which these services can be provided to the student in the regular class;
 - (2) If all IEP services cannot be provided in the regular class, identifying those that must be provided outside the regular class; however, the district will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum;
 - (3) For those services that must be provided outside the regular class, identifying where, on the continuum from least to most restrictive, the services can be provided;
 - (4) Placement is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;
 - (5) In selecting the student's placement, the placement team considers and documents:

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- (a) All placement options considered, including placement options requested by the parent;
 - (b) Potential benefits of placement options that are considered;
 - (c) Any potential harmful effects on the student or on the quality of services that the student~~the or she~~ needs; and
 - (d) Modifications and services considered to maintain the student in the least restrictive placement before concluding that a more restrictive setting is necessary.
- (6) The placement team documents the placement selected, and provides a copy of the determination to the parent;
- (7) If the selected placement is a change from previous placement, the district provides the parent with prior written notice of the change in placement; and
- (8) If the parent requests a specific placement that the team rejects, the district provides a prior written notice of refusal.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to a free appropriate public education (FAPE), FAPE, the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The district takes steps, including providing the supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
 - (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.

Winston-Dillard School District 116

Code: IGBAF
Adopted: 11/16/05
Revised/Readopted: 4/20/11; 4/18/12; 10/12/22
Orig. Code(s): IGBAF

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Special Education - Individualized Education Program (IEP)**

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21 years of age, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district; or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

Legal Reference(s):

[ORS 343.151](#)

[ORS 343.155](#)

[OAR 581-015-2000](#)

[OAR 581-015-2190](#)

[OAR 581-015-2195](#)

[OAR 581-015-2200](#)

[OAR 581-015-2205](#)

[OAR 581-015-2210](#)

[OAR 581-015-2215](#)

[OAR 581-015-2220](#)

[OAR 581-015-2225](#)

[OAR 581-015-2229](#)

[OAR 581-015-2230](#)

[OAR 581-015-2235](#)

[OAR 581-015-2055](#)

[OAR 581-015-2600](#)

[OAR 581-015-2065](#)

[OAR 581-015-2265](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 to -300.6, 300.22 to -300.24, 300.34, 300.43, 300.105 to -106, 300.112, 320.325, 300.328, 300.501 (2012).

Winston-Dillard School District 116

Code: IGBAF-AR
Revised/Reviewed: 2/6/08; 4/20/11; 4/13/16;
10/12/22
Orig. Code(s): IGBAF-AR

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Special Education - Individualized Education Program (IEP)**

1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new

- information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
 - e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
 - f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.
- c. Participation by other agencies:
 - (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
 - (2) If the district refers or places a student in an education service district, state-operated program, private school or other educational program, IEP team membership includes a

representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:
 - (1) The parent and the district consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short-term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
 - (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short-term objectives. The goals and, if appropriate, objectives:
 - (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
 - (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:

- (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
- (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
- (6) A statement describing how the district will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. ~~Individualized COVID-19 Recovery Services[†]~~

~~Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:~~

- ~~a. Special education and related services;~~
- ~~a. Supplementary aides and services;~~
- ~~a. Additional or intensified instruction;~~
- ~~a. Social emotional learning support; and~~
- ~~a. Peer or adult support.~~

~~The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.~~

- ~~a. IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.~~
- ~~b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.~~
- ~~c. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.~~

[†]The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.

- a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.
- b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.

When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.

The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.

After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:

- a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;
- b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services
- e. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.

If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.

Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.

Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.

7.6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

- a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.

- b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

~~8~~.7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes their learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
 - (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and

- (b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) 411-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).

- (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
 - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
5. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

9.8. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

10.9. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.

- e. The district's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

11.10. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive FAPE. ~~a free appropriate public education.~~ In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

12.11. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student's parents) provides FAPE. ~~a free appropriate public education~~ to the student (including services comparable to those described in the student's IEP from the previous district), until the district either:

- (1) Adopts the student's IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student's parents, will provide FAPE. ~~a free appropriate public education~~ to the student, including services comparable to those described in the student's IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in the OARs.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.

- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

Winston-Dillard School District 116

Code: IGBAG
Adopted: 4/8/09
Revised/Readopted: 4/20/11
Orig. Code(s): IGBAG

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Special Education - Procedural Safeguards**

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹ ;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

¹ If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child for further provision of special education or related services.

Procedural Safeguards Notice

1. The district provides to parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
2. The district provides the Procedural Safeguards Notice in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

1. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a ~~FAPE~~ free appropriate public education to the student.
2. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
4. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
5. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.165](#)
[ORS 343.177](#)
[ORS 343.181](#)

[OAR 581-001-0005](#)
[OAR 581-015-2000](#)

[OAR 581-015-2030](#)
[OAR 581-015-2090](#)
[OAR 581-015-2095](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2305](#)
[OAR 581-015-2310](#)

[OAR 581-015-2325](#)
[OAR 581-015-2330](#)
[OAR 581-015-2345](#)
[OAR 581-015-2360](#)
[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.500 to -300.505, 300.515, 300.517 (2008).

Winston-Dillard School District 116

Code: IGBAG-AR
Revised/Reviewed: 4/8/09; 4/20/11; 9/11/13;
12/13/17; 9/12/18; 10/12/22
Orig. Code(s): IGBAG-AR

OK

Special Education - Procedural Safeguards**

1. Procedural Safeguards

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called "eligible students").
- b. The district gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year;
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy; and
 - (4) To the parent and the student one year before the student's 18th birthday or upon learning that the student is emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in their native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of *Procedural Safeguards Notice*

The procedural safeguards notice includes all of the content provided in the *Procedural Safeguards Notice* published by ODE.

3. Parent or Adult Student Meeting Participation

- a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
- c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
- g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
 - (1) Is not an employee of the district or ODE;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
 - (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and

- (4) Represent the student in all matters relating to the provision of FAPE to the student.
- g. A parent may give written consent for a surrogate to be appointed.
 - (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The district may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:

- (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
 - d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
 - e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
 - f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.
 - g. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary goals and transition services.

6. Prior Written Notice

- a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the district:
 - (1) Proposes to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
- b. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the district;
 - (2) An explanation of why the district proposed or refused to take the action;
 - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
 - (6) A description of other options the IEP team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.
- c. The prior written notice is:
 - (1) Written in language understandable to the general public; and

- (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
- (3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Re-evaluation

- a. The district obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
 - (1) The district does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the district does not conduct individual intelligence tests or tests of personality without consent.

¹ "Consent" means that the parent or adult student: a) has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which their consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

- (2) If a parent refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.
 - b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.
10. Consent – Other Requirements
 - a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
 - b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.
 - c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
 - d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.
11. Exceptions to Consent
 - a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent’s right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or education service district (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses ODE for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
 - b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing.
 - c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.
19. Discipline and Placement in Interim Alternative Setting
- See Board policy JGDA - Discipline of Students with Disabilities.

Winston-Dillard School District 116

OK

Code: IGBAH
Adopted: 4/08/09
Revised/Readopted: 4/20/11; 12/13/17; 9/12/18
Orig. Code(s): IGBAH

Special Education - Evaluation Procedures**

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as ~~children in a migrant environment or experiencing houselessness~~ ~~migrant and homeless children~~;
2. Wards of the state;
3. ~~Native American~~ ^{Indian} preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

¹ The Individuals with Disabilities Education Act uses the term "Indian".

The district is responsible for evaluating and determining eligibility for special education services for school-age children. The district is responsible for evaluating children who may be eligible for early intervention/early childhood special education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 - 2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).

Winston-Dillard School District 116

OK

Code: IGBAH-AR
Revised/Reviewed: 2/6/08; 4/20/11; 8/12/20
Orig. Code(s): IGBAH-AR

Special Education - Evaluation and Eligibility Procedures**

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation
 - a. The district conducts re-evaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

- b. The district does not conduct re-evaluation more than once a year unless the parent and district agree otherwise.

5. Evaluation Planning

- a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals as appropriate, must review existing information on the child, including:
 - (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations;
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
 - (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs, or continues to need, early intervention/early childhood special education (EI/ECSE) or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
 - (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
 - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;

- (3) Are used for the purposes for which the assessments or measures are valid and reliable;
- (4) Are administered by trained and knowledgeable personnel; and
- (5) Are administered in accordance with any instructions provided by the producer of the assessments.

- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of ~~this or her~~ ^{his or her} age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement

tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.

- e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
 - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

Winston-Dillard School District 116

Code: IGBAI
Adopted: 2/6/08
Revised/Readopted: 4/20/11
Orig. Code(s): IGBAI

OK

Special Education - Private Schools**

Individuals with Disabilities Education Act (IDEA) IDEA requires special education services for two different groups of private school students: those referred or placed by the district and those enrolled by parents. The law, rules and requirements for these groups of students are vastly different. It is the policy of the district to implement differentiated procedures and services for these groups districts.

The district shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district is provided special education and related services at no cost to the parents, is provided an education that meets the standards that apply to education provided by the district and has all of the rights of a student with a disability who is served by the district.

If a student with a disability has a free appropriate public education available to him/her and the parents choose to place the student in a private school, the district is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the district's boundaries will be included in the district's special education private school student count and the private school students for whom the district may provide services.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2265](#)

[OAR 581-015-2270](#)

[OAR 581-015-2280](#)

[OAR 581-015-2450](#)

[OAR 581-015-2455](#)

[OAR 581-015-2460](#)

[OAR 581-015-2470](#)

[OAR 581-015-2480](#)

[OAR 581-015-2515](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380 - 300.382 (2006).

Winston-Dillard School District 116

OK

Code: IGBAI-AR
Revised/Reviewed: 2/6/08; 4/20/11
Orig. Code(s): IGBAI-AR

Special Education - Private Schools

Approved Private Schools

1. Obligations of the district:
 - a. The district ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
 - b. If the district refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the district ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education (ODE) to provide such education in conformance with an individualized education program (IEP), and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
 - c. Before placing a student with a disability in an approved private school or preschool, the district ensures that the program has current ODE Oregon Department of Education approval to provide special education and related services.
 - d. The district or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/individualized family service plan (IFSP) IFSP development and placement when determining whether to place the child in an approved private preschool or school for special education services.
 - e. For each student age three through 21, the district's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the district ensures that school-age students are district residents or preschool-age children are eligible to receive early intervention/early childhood special education (EI/ECSE) EI/ECSE or special education services.
 - (2) The district initiates and conducts an individualized education program team meeting that includes a representative of the approved private school. If a representative of the approved private school, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the district and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the district initially places a student in an approved private school, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the district or public agency, unless the district or public agency requests by written agreement that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP.

- (4) The district may, by written agreement, request that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the district remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and
 - (b) Ensures the participation of parents and the district or public agency representative.
- (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the district or public agency representative.
- (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
- (7) The district or public agency terminates the placement of students in a private school or preschool if ~~ODE~~the Oregon Department of Education suspends, revokes or refuses to renew the approval of a private school or preschool.
 - (a) The district ensures that every student with a disability who is placed in or referred to a private school or facility by the district as a means of providing special education and related services:
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and
 - (iii) Has all of the rights of a student with a disability who is served by the public agency.
 - (b) The district ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
 - (c) The district initiates and conducts an IEP meeting at which an IEP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school.

2. Out-of-State Placements for Special Education

- a. The district ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
- b. The district maintains documentation of such approval and makes it available to ~~ODE~~the Oregon Department of Education (ODE) upon request.
- c. The district makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the district has:

- (1) Developed an individualized education program;
- (2) The placement team has determined that no appropriate in-state placement options are available.

3. District Responsibility for Students Enrolled by their Parents in Private Schools

- a. The district provides equitable services, funded by a proportionate share of federal special education funds, for resident and nonresident students with disabilities enrolled by their parents in private schools located within district boundaries. Nonresident students include children who are residents of another state.
- b. The district consults with private school officials about procedures and services and provides child find activities, evaluations, reevaluations and eligibility determinations comparable to those provided for the district's public schools.
- c. The district maintains in its records and provides annually to the Oregon Department of Education, a count of the number of parentally-enrolled private school students evaluated, the number found eligible and the number to whom it provides services.

4. Consultation with Representatives of Private School Students with Disabilities

- a. The district consults, in a timely and meaningful way with representatives of private schools and parents of parentally placed private school students with disabilities enrolled in private schools located within the district's boundaries.
- b. Consultation includes:
 - (1) The child find process, including:
 - (a) How parentally-placed private school children with disabilities may participate equitably, as they do not have an individual entitlement to the same level of special education services as children enrolled in public schools; and in the child find process and how parents, teachers and private school officials will be informed of the process;
 - (b) How parents, teachers and private school officials will be informed of the process;
 - (c) How, where and by whom the special education and related services will be provided;
 - (d) The determination of the proportionate amount of federal funds available including how the amount is calculated, the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this is calculated;
 - (e) How services will be apportioned if funds are insufficient, and how and when these decisions will be made;
 - (f) A written explanation of service decisions that the district provides to officials of private schools if the district disagrees with the views of the private school officials about the services to be provided or the methods of providing these services.
- c. Written affirmation and complaint:
 - (1) The district requests a written affirmation, signed by the administrator of each private school participating in the consultation process that a timely and meaningful consultation occurred;

- (2) If private school officials do not provide this affirmation within a reasonable period of time, the district forwards its documentation of the consultation process to the ~~ODE; Oregon Department of Education (ODE);~~
 - (3) The district maintains documentation of its consultation process;
 - (4) The district acknowledges the right of a private school official to submit a complaint to the ~~Oregon Department of Education (ODE)~~ regarding the district's implementation of these requirements. Should such a complaint occur, the district forwards to ODE appropriate documentation, including documentation of the district's consultation process.
- d. The district makes the final decisions with respect to the services to be provided to eligible private school students.
 - e. Child Find for Parentally-Placed Private School Children:
 - (1) The district's child find process includes all resident and nonresident parentally placed students attending private schools located within the district's boundaries.
 - (2) The district provides child find activities that are similar to, and completed within a comparable time period as child find activities for students in the district's public schools.
 - (3) The district consults with private school representatives and parents about how to implement the child find activities and how to keep parents and private school personnel informed.
 - (4) The district ensures the equitable participation of parentally placed private school students in the child find process.
 - (5) The district does not include the cost of conducting child find activities for private school students, including individual evaluations in determining whether it has spent a proportionate share of its federal ~~Individuals with Disabilities Education Act (IDEA)~~ IDEA funds on parentally placed private school students with disabilities.
 - (6) The district ensures an accurate count of these children is made between October 1 and December 1 of each year and uses this count in determining the amount the district spends for services in the subsequent fiscal year.
5. Provisions for serving students placed by their parents in private schools:
 - a. District decisions about the services that are provided to private school students with disabilities are made throughout the consultation process and in accordance with the district's plan for service of parentally-placed private school students and their services plans.
 - b. The services provided to private school students with disabilities are provided by personnel meeting the same standards as personnel providing service in the district program.
 - c. The district may provide private school students with disabilities a different amount of services than students with disabilities attending public schools in the district.
 - d. The district may provide services to private school students with disabilities onsite at the student's private school, including a religious school, to the extent that services can be provided in a religiously neutral setting within the private school. These services will be provided during the student's regular school day, unless stated otherwise in the student's service plan.
 - e. If a parent of a private school student with a disability requests an IEP meeting from the resident district, the resident district will either:

- (1) Hold an IEP meeting within a reasonable time; or
- (2) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting.

6. Evaluation, Reevaluation and Eligibility of Private School Students with Disabilities

- a. The district conducts evaluations, reevaluations and eligibility determinations, in accordance with federal and state laws and regulations, for both resident and nonresident students enrolled by their parents in private schools located within district boundaries.
- b. Eligibility for special education and related services will be determined by the district in the same manner as for public school students with disabilities.
- c. The district in which the private school is located reevaluates private school students with disabilities at least every three years to determine whether the student continues to be eligible for special education, whether the student is or is not currently receiving services under a services plan.
- d. If parents who enroll a student in a private school at their own expense do not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district does not use due process procedures to override the lack of consent. The district does not, and is not required to, consider the child as eligible for special education services in these cases.
- e. If a parent refuses a reevaluation that is necessary to determine whether the student continues to be a student with a disability, and as a result the team cannot determine the student's continuing eligibility, the student will no longer be considered "eligible" and shall not be counted as a private school student with a disability for the purposes of the private school student count.
- f. Following an initial determination of eligibility, and upon any subsequent determination of eligibility, the district will notify the parent in writing that the resident district will make a free appropriate public education available to the student if the student is enrolled in a district program, and conducts a meeting to develop, review or revise the student's services plan.
- g. If the parent does not choose to remove the child from private school to enroll in a district public school, the district initiates and conducts a meeting to develop, review or revise the student's services plan, consistent with the procedures for IEP meetings and timeline and in light of the service provision the district has determined through the consultation process.
- h. The district in which the private school is located does not release evaluation and eligibility determination information or other personally identifiable information to the student's resident district without written parental consent, unless parents seek enrollment in the student's resident district and the resident district requests records.

7. Service Plans

- a. If a student with a disability is enrolled by a parent in a private school the district offers a services plan.
- b. The district ensures that the services plan describes the specific special education and related services the district will provide to the student in light of the services that have been determined through the consultation process.
- c. The district convenes individual meetings to develop, review and revise the services plan consistent with procedures for IEP team membership, parent participation and IEP content, to the extent appropriate.

- d. The district ensures that a representative of the private school attends each meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls.
- e. The district is not required to provide transportation from the student's home to the private school. ~~except in the following circumstances:~~

If necessary for the student to benefit from or participate in the services provided by the district, ~~the district must provide public agency, a private school student with a disability will be provided~~ transportation:

- (1) From the student's school or the student's home to a site other than the private school; and
- (2) From the service site to the private school, or to the student's home, depending on the timing of the services.

8. Property, Equipment and Supplies

- a. The district keeps title to and exercises continuing administrative control of all property, equipment and supplies that the district acquires with IDEA funds for the benefit of private school students with disabilities.
- b. The district may place equipment and supplies in a private school for a period of time needed to implement the service plan of a private school student with disabilities or for child find purposes.
- c. The district ensures that the equipment and supplies placed in a private school:
 - (1) Are used only for implementation of special education activities; and
 - (2) Can be removed from the private school without remodeling the private school facility.
- d. The district removes equipment and supplies from a private school if:
 - (1) The equipment and supplies are no longer needed for special education activities, programs or services; or
 - (2) The district determines removal is necessary to avoid unauthorized use of the equipment and supplies.
- e. The district does not use IDEA funds for repairs, minor remodeling or construction of private school facilities.

9. Separate Classes Prohibited

The district does not use IDEA funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

- a. The classes are at the same site; and
- b. The classes include students enrolled in public school programs and students enrolled in private schools.

10. Funds and Property Not to Benefit Private Schools

- a. The district will not use IDEA funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The district will use IDEA funds to meet the special education needs of students enrolled in private schools, but not for:
 - (1) The needs of a private school; or
 - (2) The general needs of the students enrolled in the private school.

11. Use of School Personnel

- a. The district may use IDEA funds to make public school personnel available in other than public facilities:
 - (1) To the extent necessary to implement any of the requirements related to private school students with disabilities; and
 - (2) If those services are not normally provided by the private school.
- b. The district may use IDEA funds to pay for the services of an employee of a private school to provide services to private school students if:
 - (1) The employee performs the services outside of their~~his/her~~ regular hours of duty; and
 - (2) The employee performs the services under public supervision and control.

12. Federal Funds Available for Services

- a. The district calculates a proportionate share of federal funds available to provide special education and related services to private school students with disabilities using the formula specified in the ~~IDEA, Individuals with Disabilities Act (IDEA).~~
- b. If the district does not expend the proportionate share of funds by the end of the fiscal year, the district obligates the remaining funds to be used in the following year.
- c. ~~Maintenance of Effort.~~ The district does not include child find expenditures in determining whether the district has met its expenditure requirements for parentally placed private school students, but may include the cost of transportation required for students to access required special education services.
- d. The district does not supplant the proportionate amount of federal funds required to be expended for parentally placed private school students.

Winston-Dillard School District 116

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Adopted: 4/8/09
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9/12/18
Orig. Code(s): IGBAJ

OK

Special Education - Free Appropriate Public Education (FAPE)**

1. The district admits all resident school-age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they are advancing from grade-to-grade;
 - b. Who have not graduated with a regular high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)
[ORS 343.085](#)
[ORS 343.224](#)
[OAR 581-015-2020](#)

[OAR 581-015-2035](#)
[OAR 581-015-2040 - 2065](#)
[OAR 581-015-2050](#)
[OAR 581-015-2075](#)
[OAR 581-015-2530](#)

[OAR 581-015-2600](#)
[OAR 581-015-2605](#)
[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113, 300.300 (2017).

Winston-Dillard School District 116

Code: IGBAJ-AR
Revised/Reviewed: 2/6/08; 4/20/11; 4/18/12;
9/11/13; 12/13/17
Orig. Code(s): IGBAJ-AR

OK

Special Education - Free Appropriate Public Education (FAPE)**

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the district, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular high school ~~or modified~~ diploma is no longer entitled to FAPE.
- b. The district provides prior written notice in a reasonable time before a student with a disability, graduates with a regular high school ~~or modified~~ diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school ~~or modified~~ diploma.
- d. Graduation with an alternative document:

- (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.

- (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.
 - e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular ~~or modified~~ diploma.
- 4. Incarcerated Youth
 - a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.
 - b. The district provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an individualized education program (IEP).
 - c. The district's provisions of FAPE ~~do~~ does not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.

- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves children with disabilities attending public charter schools located in the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with Oregon Administrative Rule (OAR) 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The district provides supplementary and related services onsite at a district public charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a public charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any public charter school is by parent choice. Enrollment in any out-of-district public charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
 - (1) The district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 - (2) The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 - (1) That the student no longer is enrolled in the public charter school; and
 - (2) That the district will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the district in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
 - (1) The responsibility of the school district in which the student resides to identify, locate and evaluation students and implement services;
 - (2) The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 - (3) The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the IDEA are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to -2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a FAPE;
- d. Are enrolled in the district.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

- a. A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.
- b. With regard to services required to provide FAPE to a child with disabilities under IDEA, a district:
 - (1) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
 - (2) May not use the child's benefits under a public insurance program if that use would:
 - (a) Decrease available lifetime coverage or any other insurance benefit;
 - (b) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the child outside of the time the child is in school;
 - (c) Increase premiums or lead to the discontinuation of insurance; or

- (3) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures; **and**
- c. Prior to accessing a student’s or parent’s public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student’s parents and must obtain written consent¹ that:
 - (1) States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
 - (2) States the purpose of the disclosure (e.g. billing for services under IDEA);
 - (3) Names the agency to which the disclosure may be made (e.g. Medicaid);
 - (4) Specifies that the parent understands and agrees that the public agency may access the parent’s or student’s public benefits or insurance to pay for services under IDEA;
 - (5) Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
 - (6) Acknowledges the district may not use the student’s benefits under a public insurance program, if that use would:
 - (a) Decrease available lifetime coverage of any other insured benefit;
 - (b) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - (c) Increase premiums or lead to the discontinuation of insurance; or
 - (d) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

10. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

11. Extended School Year (ESY) services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

12. Assistive technology devices or services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

¹ “Consent” means that the parent or adult student a) has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought and b) understands and agrees in writing to the carrying out of the activity for which their consent is sought. Consent is voluntary of the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

Winston-Dillard School District 116

OK

Code: IGBAK
Adopted: 2/6/08
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): IGBAK

Special Education - Public Availability of State Application

The superintendent will be responsible for ensuring that all documents relating to the district's eligibility for funds under Part B of the Individuals with Disabilities Education Act (IDEA) are available to parents of children with disabilities and to the general public for inspection, review and comment.

1. In complying with this requirement the district does not release or make public personally identifiable information.
2. Information available for public review includes, but is not limited to:
 - a. How the district implements policies, procedures and programs for special education, consistent with state and federal requirements;
 - b. Performance of students with disabilities on statewide assessments;
 - c. Results of the state's general supervision and monitoring of district programs for special education, including the timeliness and accuracy of required data submissions;
 - d. District achievement of performance targets established in the State Performance Plan (SPP);
 - e. Financial information related to revenue and expenditures for students with disabilities, including but not limited to, district information about:
 - (1) Identifying the excess costs of educating students with disabilities;
 - (2) Maintaining the financial support for programs and services for students with disabilities (Maintenance of Effort (MOE));
 - (3) Describing available schoolwide programs under Title I of the Elementary and Secondary Education Act (ESEA) or the Every Student Succeeds Act of 2015 (ESSA);
 - (4) Documenting the annual district application for IDEA funds; and
 - (5) Reporting of official audits, complaints and due process hearings.
 - f. District dispute resolution information, including the resolution of state complaints and due process hearings.

END OF POLICY

Legal Reference(s):

State-Administered Programs, 34 C.F.R. § 76.304 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 34 C.F.R. 300.212 (2017).
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 1413, 1418 (2012).

Winston-Dillard School District 116

ok

Code: IGBAL
Adopted: 11/16/05
Readopted: 4/20/11
Orig. Code(s): IGBAL

Special Education - Services for Home-Schooled Students with Disabilities**

If the district receives notice that a parent intends to home school a student with a disability, the district will offer an opportunity for an individualized education program (IEP) meeting to consider providing special education and related services in conjunction with home schooling and will provide written notice to the parent that a free appropriate public education will be provided if the student enrolls in the district. This notice shall be provided annually as long as:

1. The student remains eligible for special education; and
2. The student is exempt from compulsory education as a home-schooled student; and
3. The student is not receiving special education and related services from the district.

END OF POLICY

Legal Reference(s):

[ORS 339.020](#)
[ORS 339.030](#)
[ORS 339.035](#)
[ORS 343.165](#)

[OAR 581-015-2080](#)
[OAR 581-015-2130 to 2190](#)
[OAR 581-015-2210](#)
[OAR 581-015-2310](#)

[OAR 581-015-2315](#)
[OAR 581-021-0026 to -0029](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1427 (2006).

Winston-Dillard School District 116

OK

Code: IGBAL-AR
Revised/Reviewed: 2/6/08; 4/20/11
Orig. Code(s): IGBAL-AR

Special Education - Services for Home-Schooled Students with Disabilities**

Home Schooling for Students with Disabilities

1. As soon as the district learns of the parent's intent to home school or when the district is informed that a resident student with disabilities is home schooled, the district provides written notice to the parent that it stands ready to provide a free appropriate public education if the student enrolls in the district.
2. The district offers and documents to the parent an individualized education program (IEP) meeting to consider providing special education and related services to the student with a disability in conjunction with home schooling.
3. ~~The~~ This district provides an annual written notice that it stands ready to provide a free appropriate public education if the student enrolls in the district as long as:
 - a. The student remains eligible for special education;
 - b. The student is exempt from compulsory education as a home-schooled student; and
 - c. The student is not receiving special education and related services from the district.
4. To consider the provision of special education services, the district convenes the IEP team for a student with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with home schooling. Services may be provided in the home only to the extent that special education or related services would be provided in the home if the student was not home schooled.
5. The district develops an IEP consistent with the requirements for IEP team meetings, IEP team membership and IEP content, with the following exceptions:
 - a. The student's parent shall be treated as both parent and regular education teacher of the student unless the parent designates another individual as the regular education teacher;
 - b. Under "extent of nonparticipation in regular education" the IEP shall state that the student is exempt from compulsory school attendance and regular education is provided through home schooling; and
 - c. The IEP will state how "satisfactory educational progress" will be determined for the student. A parent may use a privately developed plan (PDP) to determine satisfactory progress. If so, the IEP indicates that satisfactory progress will be determined by the PDP team, at parent request. If the student may enroll in a regular education class, pursuant to the district's policy for students who are home schooled, the IEP team includes a regular education teacher.

6. The district ensures that:
 - a. Students with disabilities who are home schooled are reevaluated at least every three years unless waived by mutual agreement of the parent and the district, and not more than once a year unless the parent and district agree otherwise;
 - b. If the team determines a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP, and the parent refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available;
 - c. If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide prior written notice if the district terminates eligibility or services under these circumstances.

Testing and Reporting Requirements

1. If a student with a disability is receiving IEP services from the district and the IEP includes a provision for IEP team assessment of satisfactory educational progress, the district:
 - a. Completes the assessment; and
 - b. Provides the parent with a copy of the results, including a summary statement indicating whether the student has made satisfactory educational progress in light of the student's age and disability.
2. If a student with a disability is receiving IEP services in a core area of instruction, the district includes the student in statewide assessments, unless an exemption is requested by the parent.

Child Find

1. If the district suspects that a home-schooled student has a disability, the district:
 - a. Obtains parent consent for initial evaluation; and
 - b. Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
2. If the student is eligible, the district notifies the parent and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student with a disability.
3. If the parent refuses consent, does not respond or refuses to make the student available, the district documents to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.

School Enrollment

1. If the district permits partial enrollment of home-schooled students in its regular education program, the district will permit students with disabilities to participate to the same extent as nondisabled students, if appropriate, whether or not the student is receiving IEP services from the district.

2. A student who is exempt from compulsory school attendance as a home-schooled student with a disability will continue to be considered an exempt home-schooled student by the district even though the student receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or the district permits partial enrollment of home-schooled students and, pursuant to that policy, the student attends one or more regular education classes, unless partial enrollment is the equivalent of full-time enrollment in the district.

Winston-Dillard School District 116

Code: IGBB
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 10/12/22
Orig. Code(s): IGBB

ok

Talented and Gifted Program and/or Services**

The district is committed to an educational program that recognizes, identifies and serves the unique strengths and needs of students identified as talented and gifted students. Talented and gifted students demonstrate exceptional performance when compared to applicable developmental ~~are those who have been identified as academically talented and/or learning progressions,~~ with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability ~~intellectually gifted.~~

The Board directs the superintendent to develop a ~~process for written~~ identification of ~~process for identifying academically talented and intellectually gifted~~ students in grades K through 12. (See Board policy IGBBA – Talented and Gifted Students – Identification**)

~~A written plan shall be developed that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students and provides an opportunity for the student's parents to discuss with the district the programs and services available to the student and to provide input on the programs and services to be made available to the student.~~

~~The district will develop a written plan of instruction for talented and gifted students~~ in accordance with law. ~~that:~~

1. ~~Includes a statement of the district policy on the education of talented and gifted students (this policy);~~
2. ~~Identifies and assesses special talented and gifted programs and services available in the district;~~
3. ~~States goals related to providing such programs and services, including timelines for achievement;~~
4. ~~Describes the programs and services intended to accomplish stated goals;~~
5. ~~Describes how the district provides parents an opportunity to discuss and to provide input on programs and services for their child;~~
6. ~~Describes how the district will evaluate progress of the plan; and~~
7. ~~States the name and contact information for the district's talented and gifted coordinator.¹~~

~~The district shall submit such plan to the Oregon Department of Education (ODE) as directed.~~

¹ For the list of complete requirements of the plan, see ORS 343.397(1).

The plan will be provided at the school or the district office, when requested, and will be published on the district's website. The district website shall also provide the name and contact information of the district's coordinator of special education and programs for talented and gifted. The district will annually report the name and contact information of the district's TAG coordinator to ODE.

The district may also identify and provide programs for students who demonstrate outstanding ability or potential in creative abilities in using original or nontraditional methods in thinking and producing; leadership abilities in motivating the performance of others in educational or noneducational settings; or unusual abilities in visual or performing arts and/or ability in the visual or performing arts, such as dance, music or art.

Complaints regarding programs and/or services can be filed in accordance with the procedure in the accompanying administrative regulation, IGBB-AR - Complaints Regarding the Talented and Gifted Program and/or Services.

END OF POLICY

Legal Reference(s):

[ORS 343.391 - 343.401](#)
[ORS 343.407 - 343.413](#)

[OAR 581-022-2325](#)
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

Winston-Dillard School District 116

Code: IGBB-AR
Revised/Reviewed: 10/12/22
Orig. Code(s): IGBB-AR

ok

Complaints Regarding the Talented and Gifted Program and/or Services

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

All complaints regarding TAG will be reported to the superintendent. A form is available, but not required. The superintendent may use the form to document and gather relevant information.

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

The review committee may recommend that:

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

~~A recommendation from the review committee will be submitted to the superintendent within 10 working days of receiving the original complaint.~~

The superintendent shall review the committee's recommendation and make a decision. ~~The superintendent's decision~~ will issue a decision within 10 working days of receiving the recommendation.

3. If dissatisfied with the superintendent's decision, the complainant may submit an appeal to the Board within five working days of receiving the decision. The Board will review the findings and conclusion to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. The Board's final decision will be issued in writing or electronic form.

If the complainant, who is a student, a parent or guardian of a student who attends school in the district or a person who resides in the district, remains dissatisfied and has exhausted local procedures, may appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

Timelines may be extended upon written agreement between the district and the complainant.

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

Winston-Dillard School District
620 Elwood St, Winston, OR 97496

TALENTED AND GIFTED PROGRAM AND/OR SERVICES COMPLAINT FORM

Name _____

Address _____

Phone (Daytime) _____ (Evenings) _____

Date of Complaint _____

1. What is the nature of your complaint? _____

2. What is the district currently doing? _____

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

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

5. Other pertinent comments _____

Signature: _____

Winston-Dillard School District 116

ok

Code: IGBBA
Adopted: 4/20/11
Revised/Readopted: 7/13/16; 10/09/19; 10/12/22
Orig. Code(s): IGBBA

Talented and Gifted Students - Identification**

In order to serve talented and gifted (“TAG”) students in grades K through 12, the district directs the superintendent after due consideration of the input of staff, parents and the community to establish an identification process.

This process of identification shall include at a minimum:

1. Use of evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of TAG students under ORS 343.395.
2. Collection and use of multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student’s identification team to make a determination about the identification and eligibility of the students for TAG services, supports and/or programs; with no single test or piece of evidence eliminating a student from eligibility.
3. Use of methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:
 - a. Students who are racially/ethnically diverse;
 - b. Students experiencing disability;
 - c. Students who are culturally and/or linguistically diverse;
 - d. Students experiencing poverty; and
 - e. Students experiencing high mobility.
4. Incorporate assessments, tools and procedures that will inform the development of an appropriate plan of instruction for students who are identified as TAG and describe how information from the assessments, tools and procedures used in the identification for TAG students will be used to support development of the plan of instruction.
5. Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team’s decision and the procedures and data used by the team to make the decision.

The district will provide professional development for staff assigned the responsibility for identification of talented and gifted students.

The identification team may use sources of evidence described in OAR 581-022-2325(3) to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness.

Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon’s content standards and benchmarks. Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of TAG identification. Standardized assessments used for intellectually gifted identification shall include technical documentation demonstrating alignment to research-based best practices inclusive of students from underrepresented populations

When a student is identified for TAG, the district shall inform parents of the programs and services available to their student and provide an opportunity for parents to provide input to, and discuss TAG instruction proposed for their student. The instruction provided shall be designed to accommodate the student’s assessed levels of learning and accelerated rates of learning. Parents may request the withdrawal of their student from TAG at any time.

If a parent is dissatisfied with the identification process or placement of their student, they may submit an appeal through Board policy KL - Public Complaints ~~and~~ or the accompanying administrative regulation, IGBBA-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement**.

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

END OF POLICY

Legal Reference(s):

[ORS 343.395](#)
[ORS 343.407](#)
[ORS 343.409](#)

[ORS 343.411](#)
[OAR 581-021-0030](#)
[OAR 581-022-2325](#)

[OAR 581-022-2330](#)
[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

Winston-Dillard School District 116

Code: IGBBA-AR
Revised/Reviewed: 4/20/11; 7/13/16; 10/12/22
Orig. Code(s): IGBBA-AR

OK

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

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

Informal Process

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

Formal Process

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

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

4. A decision will be made by the program supervisor within 20 working days after receipt of the written request for reconsideration from the parent. The parent shall be notified of the decision in writing and the decision shall be forwarded to the superintendent.
5. The decision may be appealed to the Board through Board policy KL – Public Complaints and may begin at Step 3.
6. If the parent is still dissatisfied, the parent may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

Winston-Dillard School District 116

DELETE

Code: IGBBC
Adopted: 4/20/11
Revised/Readopted: 12/13/17; 10/09/19
Orig. Code(s): IGBBC

Talented and Gifted – Programs and Services**

(This policy language was reorganized and merged into policy IGBB and IGBB A as appropriate; this is no longer relevant. See policy IGBB.)

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student’s access to appropriate services and will develop program and service options.

The Board has established an appeal process for a parent or guardian to utilize if they are dissatisfied with the programs and services recommended for their student that has been identified as talented and gifted, and wish to request reconsideration. The appeal process is identified in administrative regulation IGBB A-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement.

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

END OF POLICY

Legal Reference(s):

[OAR 581-022-2325](#)
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

T

E

Winston-Dillard School District 116

DELETE

Code: IGBBC-AR
Revised/Reviewed: 4/20/11; 12/13/17
Orig. Code(s): IGBBC-AR

D

Complaints Regarding the Talented and Gifted Program

(See IGBB-AR. This is no longer needed.)

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

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

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

The review committee may recommend that:

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

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

3. After consideration of the recommendations, if any, issued by the review committee, the Board will make a decision, and issue a decision within 20 school days of the Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. The Board's final decision will be issued in writing or electronic form.
4. If the complainant, who is a student, is a parent or guardian of a student who attends school in the district or is a person who resides in the district, remains dissatisfied and has exhausted local procedures, an appeal may be filed with the Deputy Superintendent of Public Instruction and is subject to the appeal procedure identified in Oregon Administrative Rule (OAR) 581-002-0040. The district shall provide a copy of the appropriate OAR upon request.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the superintendent or designee.¹

¹ The timelines may be extended upon written agreement between both parties.

TALENTED AND GIFTED STANDARDS COMPLAINT FORM

Name _____

Address _____

Phone (Daytime) _____ (Evenings) _____

Date of Complaint _____

1. What is the nature of your complaint? _____

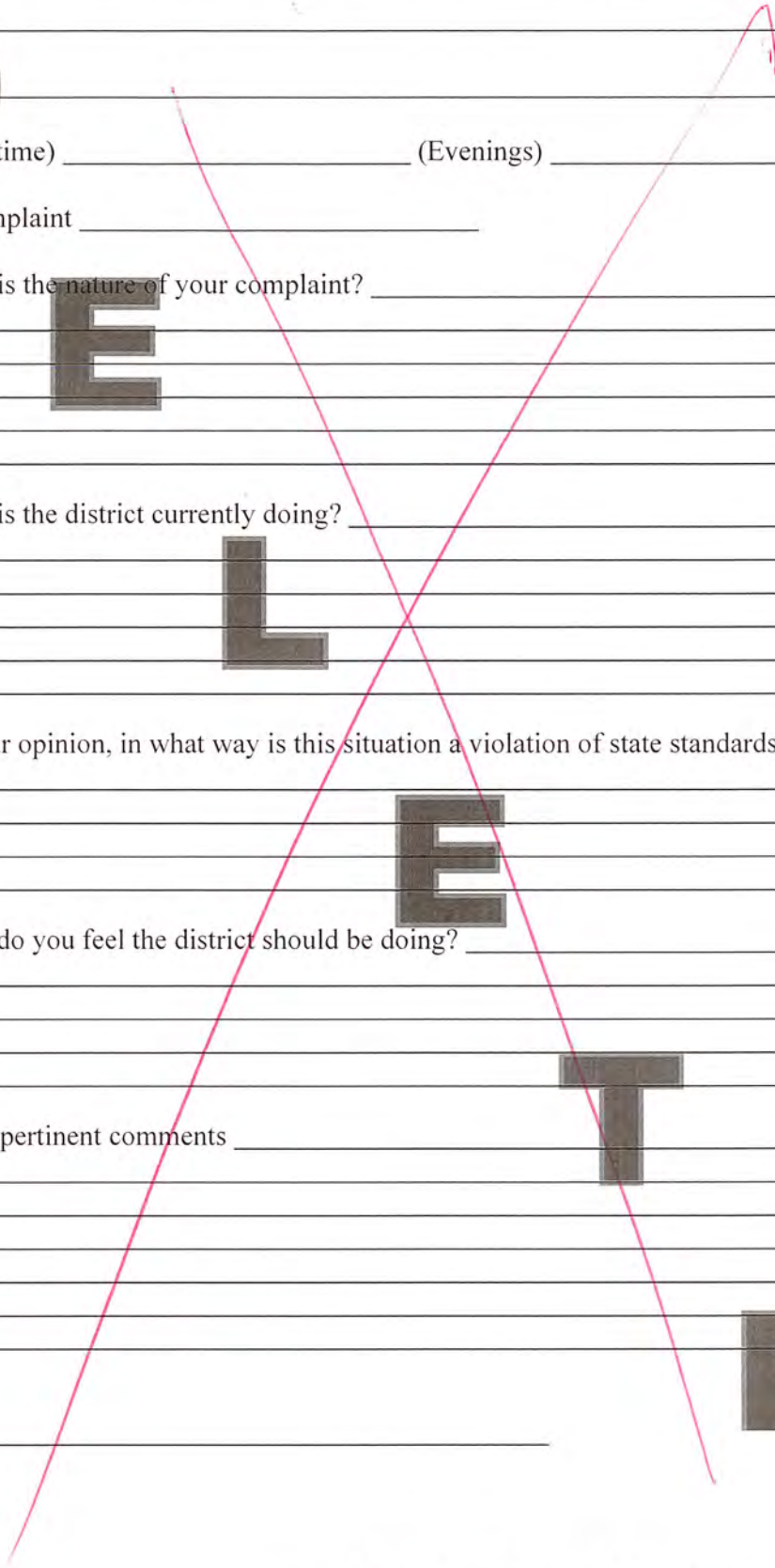
2. What is the district currently doing? _____

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

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

5. Other pertinent comments _____

Signature: _____



Winston-Dillard School District 116

ok

Code: IGBC
Adopted: 11/08/06
Revised/Readopted: 4/20/11; 9/13/17
Orig. Code(s): IGBC

Title IA/Parental and Family Involvement**

The Board recognizes that parental and family involvement is vital to achieve maximum educational growth for students participating in the district's Title IA program. Therefore, in compliance with federal law and the Oregon Department of Education guidelines, the district shall meet with parents and family to provide information regarding their school's participation in the Title IA program and its requirements.

The Board directs the superintendent to ensure that such meetings are held annually, and at a convenient time. All parents and family of participating students shall be invited to attend. Title IA funds may be provided for transportation, child care, home visits or other parental involvement services, as appropriate. The superintendent shall ensure equivalence among schools in teachers, administration and other staff and in the provisions of curriculum materials and instructional supplies.

Parents and family shall be informed of their right to be involved in the development of the district's parental and family engagement policy, Title IA district and school plans and the school-parent compacts.

Parental and Family Engagement Policy

A parental and family engagement policy shall be developed jointly, agreed upon with and distributed to parents and family of participating students. The district shall ensure:

1. Involvement of parents and family members in the joint development of the district's overall Title IA plan, and the development of support and improvement plans.
2. Coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance.
3. Development of activities that promote the schools' and parents' and family capacity for strong parent involvement.
4. Coordination and integration of parent and family engagement strategies with appropriate programs as provided by law.
5. Involvement of parents and family in the annual evaluation of the content and effectiveness of the policy, in improving the academic quality of schools served under Title IA.
6. Identification of barriers to participation by parents in activities who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority.

7. Findings of annual evaluations are used to design evidence-based strategies for more effective parental involvement and to revise, if necessary, the requirements of this policy.
8. Involvement of parents in the activities of schools served under Title IA.

District Title IA Plan

The district's Title IA plan shall ensure that all children receive a high quality education and to close the achievement gaps between children meeting the challenging state academic standards and those children who are not meeting such standards. As a part of the district's overall Title IA plan, the district shall ensure effective involvement of parents and family by promoting activities that support a partnership among the schools, parents, family and the community, and that promotes the improvement of student achievement. The district plan shall describe:

1. How the district will monitor progress in meeting state academic content standards.
2. How the district will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced or out-of-field teachers.
3. How the district will use effective parental involvement practices.
4. The poverty criteria to select school attendance areas for participation.
5. The services provided in both schoolwide and in targeted assisted schools, and educational services outside of those schools as appropriate (e.g., children living in local institutions or a community day school program).
6. The services provided to ~~homeless~~-children and youth **experiencing houselessness**.
7. Effective parent and family engagement strategies used by the district.
8. If applicable, how the district will support, coordinate and integrate services with early childhood education programs including transition to local elementary schools.
9. In consultation with parents, administrators, specialized instructional support personnel, how the district will select the most eligible students in need of services in targeted assisted schools.
10. How the district will implement strategies to facilitate effective transitions of students from middle school to high school, and from high school to post-secondary education.
11. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom.
12. If appropriate, how the district supports programs that coordinate and integrate academic and career technical education, including but not limited to, work-based learning opportunities.
13. Any other information on how the district proposes to use funds to meet the purpose of the Title IA program as the district determines appropriate.

Title IA School Plan

Each Title IA school in the district shall jointly develop a plan and distribute the plan to parents and family members of participating children that:

1. Describes the convening of an annual meeting to inform parents and family members of their school's participation in Title IA and explain the requirements of Title IA.
2. Involves parents and family members in the planning, review and improvement of programs under Title IA.
3. Shall provide assistance to parents of students served by the school in understanding such topics as the State's academic standards and state student academic achievement standards, Title IA plan requirements, state and local academic assessments and how to monitor a student's progress and work with educators to improve the achievement of their student.
4. Shall provide materials and training to help parents work with their student to improve their student's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement.
5. Shall educate teachers, student services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with and work with parents as equal partners, implement and coordinate parent programs and build ties between parents and the school.
6. Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State and local programs, including public preschool programs and other programs that encourage and support parents in fully participating in the education of their children.
7. Shall ensure, to the extent practicable, that information related to school and parent programs, meetings and other activities is sent to the parents of participating students in a format and language the parents can understand.
8. May involve parents in the development of training of teachers, principals and other educators to improve the effectiveness of such training.
9. May provide necessary literacy training from Title IA funds received if the district has exhausted all other reasonably available sources of funding for such training.
10. May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and childcare costs, to enable parents to participate in school-related activities, (i.e., meetings and training sessions).
11. May train and support parents to enhance the involvement of other parents.
12. May arrange school meetings at a variety of times or conduct in-home conferences between teachers or other educators in order to maximize parental involvement and participation.

13. May establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in Title IA programs.
14. May develop appropriate roles for community-based organizations and businesses in parental involvement activities.
15. May adopt and implement model approaches to improving parental involvement.
16. Shall provide such other reasonable support for parental involvement activities consistent with Title IA requirements, as parents may request.

School-Parent Compact

A school-parent compact shall be developed for each of the district's Title IA schools. The compact shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables students to meet the State's academic achievement standards.
2. Describe the ways in which each parent will be responsible for supporting their student's learning.
3. Address the importance of ongoing communication between teachers and parents through:
 - a. Annual parent-teacher conferences at the elementary school level; and
 - b. Frequent reporting to parents on their student's progress.

The district shall provide opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of migratory students, to volunteer and participate in their student's class and observe classroom activities. Information and school reports, to the extent practicable, will be provided in a language parents and family members can understand.

The district's policy, plan and compact shall be reviewed annually and updated periodically to meet the changing needs of parents and the schools, and distributed to parents of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

END OF POLICY

Legal Reference(s):

[ORS 343.650](#)

[ORS 343.660](#)

[OAR 581-037-0005 to -0025](#)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6312, 6318 (2012).

Winston-Dillard School District 116

REVIEW

Code: IGBG
Adopted:

Homebound Instruction

Instruction will be provided to any student whose health or impairment will, as substantiated by a physician's statement, cause the student to be absent from school for at least [10] consecutive school days and who can benefit educationally from such instruction.

The amount of instructional service provided will be related to each student's educational needs and physical and mental health.

END OF POLICY

Legal Reference(s):

[ORS 336.615 to -336.665](#)
[ORS 339.030](#)

[OAR 581-021-0071](#)
[OAR 581-022-2000](#)

[OAR 581-022-2030](#)
[OAR 581-022-2505](#)

Winston-Dillard School District 116

OK

Code: GCQABIGBG-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code: GCQAB-AR

Tutoring for Pay: Home Bound Services

Students may become eligible for home-bound services as part of their educational program while enrolled as students in the district. To provide home-bound service for district-enrolled students, the district shall follow procedures in obtaining and providing qualified home bound tutors.

1. The superintendent shall seek interested and qualified home-bound tutors. All home-bound tutors shall maintain a valid Oregon Teacher or Substitute Teacher license.
2. For home-bound tutors employed as teachers under the collective bargaining agreement, the district shall include this salary with other district paid salaries and shall pay all benefits occurring to teachers covered by the collective bargaining agreement, the district shall pay only the stated salary.
3. The district shall pay mileage to the home-bound tutor at the current IRS business rate for the round trip mileage between the least of the following locations and the locations at which the home-bound student receives tutoring services:
 - a. Tutor's home to student location where tutoring is provided;
 - b. School location where tutor is employed to student location where tutoring service is provided;
 - c. One way from school location and one way from tutor's residence to student location where tutoring service is provided, if tutor starts and ends at the district school where he or she is employed.

Winston-Dillard School District 116

Code: IGBHA
Adopted: 6/22/05
Readopted: 4/20/11; 2/09/22
Orig. Code(s): IGBHA

OK

Alternative Education Programs**

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents or guardians and the community in recommending alternative education programs for Board approval, and in the development of related Board policy and an administrative regulation. Annual evaluation of alternative education programs will be made in accordance with Oregon Revised Statute (ORS) 336.655 and Oregon Administrative Rule (OAR) 581-022-2505. The superintendent will develop administrative regulations as necessary to evaluate the district’s alternative education programs.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. A private alternative education program shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in state law and rules, and federal law, as applicable.

Students, after consultation with a parent or guardian, may be placed in an alternative education program if the district determines that the placement serves the student’s educational needs and interests, and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student’s resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual cost of an alternative education program or an amount equal to 80 percent of the district’s estimated current year’s average per-student net operating expenditure, whichever is less. When contracting with a private alternative education program, the district’s contract will meet the requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.014](#)

[ORS 336.175](#)
[ORS 336.615 - 336.665](#)
[ORS 339.030](#)

[ORS 339.250](#)
[OAR 581-021-0045](#)

[OAR 581-021-0065](#)

[OAR 581-021-0070](#)

[OAR 581-021-0071](#)

[OAR 581-022-2320](#)

[OAR 581-022-2505](#)

[OAR 581-023-0006](#)

[OAR 581-023-0008](#)

Winston-Dillard School District 116

Code: IGBHA-AR(1)
Revised/Reviewed: 10/8/08; 4/20/11
Orig. Code(s): IGBHA-AR(1)

OK

Evaluation of Alternative Education Programs

Date _____

Dear Alternative Education Program Coordinator:

In accordance with Oregon Administrative Rule (OAR) 581-022-2505-1350, the district is required to evaluate alternative education programs annually. Please provide the documentation required below and return to the District office at 620 NW Elwood, Winston, OR 97496 no later than _____. Please include the program name, program coordinator and telephone number. A copy of the district's written evaluation shall be provided to the program coordinator.

Staff

1. Have criminal records checks requirements been met?
 - * Provide list of individuals subject to criminal records checks and copy of Form 581-2283-M from the Oregon Department of Education (ODE).

Curriculum

1. Are students receiving instruction in the state academic content standards and earning to earn diploma credits?
 - * Attach supportive documentation including such evidence as program overview, curriculum guide, course syllabi or other material that demonstrates that program curriculum is aligned with standards.
2. Are statewide assessments Oregon Statewide Assessments administered and the results reported annually to students, parents and the district?
 - * Attach copy of summary report and sample of information reported to student, parents and the district.
3. Are students receiving, at least annually, a report of academic progress?
 - * Attach copy of report used.
4. Does the program meet the physical education requirements of Oregon Revised Statute (ORS) 329.496?
 - * Attach the document that supports the physical education requirements.

Discrimination

1. Does the program comply with nondiscrimination requirements of law? (Program—program does not discriminate based on age, disability, national origin, sexual orientation, gender identity, race, color, marital status, religion, sexual orientation or sex)?
- * Attach student enrollment/withdrawal summary based on above criteria.

Registration (Private alternative education programs only)

1. Is the program registered with the ODE?
- * Attach copy of the registration application and approval from ODE (including the institution identification number assigned by ODE).

Site Evaluation

1. Does the program comply with health and safety statutes and rules?
- * Attach copy of appropriate documentation, including first aid, and emergency procedures plan, healthy and safe schools plan, radon testing plan, such as staff/student handbooks, in-service agenda, plans, fire marshal's report, safety inspection reports, etc.

Tuition and Fees

1. Does the program comply with Oregon Revised Statutes regarding tuition and fees (ORS 337.150, 339.141, 339.147, 339.155)?
- * Attach list of any fees required and explanation.

Contract

1. The program complies with any statute, rule or district policy specified in the contract with the public or private alternative education program.
- * Attach as applicable.
2. Does the contract with the public or private alternative education program state that noncompliance with a rule or statute may result in termination of the contract?
- * Contract on file with district and program, as applicable.

Expenditures

1. Does the program district comply with Oregon Revised Statutes regarding expenditures (ORS 336.635(4-(2)))?
- * Attach annual statement of expenditures.

Advertising

1. Does the program meet the advertising requirements of ORS 339.122?

* Attach a copy of the program description. Is it a virtual public school and is it advertised as such?

Superintendent

Dated

* Compliance indicators are intended as examples only. District may modify, as appropriate.

Winston-Dillard School District 116

OK

Code: IGBHA-AR(2)
Revised/Reviewed: 4/20/11
Orig. Code(s): IGBHA-AR(2)

Evaluation of Alternative Education Programs - District Summary (for district use only)

The district's alternative education ~~program~~ ~~programs~~ evaluator should complete the following and file with materials submitted by the alternative education program coordinator.

Program Name _____ Date _____

Program Coordinator _____

Staff

1. Meets criteria Does not meet criteria

Comments: _____

Curriculum

1. Meets criteria Does not meet criteria

Comments: _____

2. Meets criteria Does not meet criteria

Comments: _____

3. Meets criteria Does not meet criteria

Comments: _____

4. Meets criteria Does not meet criteria

Comments: _____

Discrimination

1. Meets criteria Does not meet criteria

Comments: _____

Registration (Private alternative education programs only)

1. Meets criteria Does not meet criteria

Comments: _____

Site Evaluation

1. Meets criteria Does not meet criteria

Comments: _____

Tuition and Fees

1. Meets criteria Does not meet criteria

Comments: _____

Contract

1. Meets criteria Does not meet criteria

Comments: _____

2. Meets criteria Does not meet criteria

Comments: _____

Expenditures

1. Meets criteria Does not meet criteria

Comments: _____

Winston-Dillard School District 116

Code: IGBHB
Adopted: 3/22/06
Readopted: 4/20/11
Orig. Code(s): IGBHB

OK

Establishment of Alternative Education Programs

The superintendent will develop alternative education program options in compliance with Oregon law. ~~Administrative Rules and Oregon Revised Statutes:~~

1. For students who are unable to succeed in the regular programs because of erratic attendance or behavioral problems;
2. For students who have not met or who have exceeded all of Oregon's academic content standards;
3. When necessary to meet a student's educational needs and interests;
4. To assist students in achieving district and state academic content standards;
5. When a public or private alternative education program is not readily available or accessible.

Alternative education programs implemented by the district are to maintain learning options that are flexible with regard to environment, time, structure and pedagogy.

The examples ~~Examples~~ of alternative education program options available could include:

1. ~~[A separate school];~~
2. ~~[Evening classes];~~
3. ~~[Tutorial instruction];~~
4. ~~[Small group instruction];~~
5. ~~[Large group instruction];~~
6. ~~[Personal growth and development instruction];~~
7. ~~[Counseling and guidance];~~
8. ~~[Computer-assisted instruction];~~
9. ~~[Professional technical programs [or] [Career Technical Education];~~
10. ~~[Cooperative work experience and/or supervised work experience, in accordance with the student's educational goals];~~
11. ~~[Instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges];~~

12. ~~Supervised community service activities performed as part of the instructional program;~~
13. ~~Supervised independent study in accordance with a student's educational goals;~~ and ~~1~~
14. ~~The district's Expanded Options Program.~~

The superintendent will develop an administrative regulation to establish ~~regulations for establishing~~ alternative education programs.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.175](#)
[ORS 336.615 to -336.665](#)
[ORS 339.250](#)

[ORS Chapter 340](#)
[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)

[OAR 581-021-0071](#)
[OAR 581-022-2320](#)
[OAR 581-022-2505](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Winston-Dillard School District 116

Code: IGBHB-AR
Revised/Reviewed: 6/22/05; 4/20/11
Orig. Code(s): IGBHB-AR

OK

Establishment of Alternative Education Programs**

Proposals from students or parents or guardians of students for the establishment of an alternative education program shall be submitted in writing to the superintendent.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic content standards of the district and the state.

Proposals for alternative education programs shall include the following:

1. Goals;
2. Criteria for enrollment;
3. Proposed budget;
4. Staffing;
5. Location;
6. Assurance of nondiscrimination.

Proposals must be submitted to the superintendent prior to October 1 for programs to be implemented the following school year.

The superintendent will establish an evaluation committee to review proposals based on district criteria. The committee shall provide a written report to the superintendent by December 10 stating why the proposal should be accepted, rejected or modified.

The superintendent’s recommendation to accept, reject or accept with modifications will be presented to the Board for consideration by February 1. The superintendent will provide notification of the Board’s final decision.

Winston-Dillard School District 116

Code: IGBHC
Adopted: 6/22/05
Readopted: 4/20/11
Orig. Code(s): IGBHC

OK

Alternative Education Notification**

General notification of the alternative education program law and the availability of existing programs, and the procedures to request the establishment of new alternative education programs shall be (contained in the student/parent handbook) distributed each year.

Individual notification to students and parents or guardians regarding the availability of alternative education programs will shall be given semiannually, or when new programs become available under the following situations, as appropriate:

1. When two or more ~~Upon the occurrence of a second or any subsequent occurrence of a severe disciplinary problems occur~~ ~~problem~~ within a three-year period (Severe disciplinary problems will be defined in the ~~code of conduct~~);
2. When ~~the district finds a student's attendance is~~ ~~pattern to be so erratic that the student is not benefitting from the educational program~~ (Erratic attendance will be defined on a case-by-case basis.);
3. When ~~an the district is considering~~ ~~expulsion is being considered as a disciplinary alternative as deemed appropriate by the superintendent~~ (for reasons other than a weapons policy violation);
4. When a student is expelled ~~pursuant to ORS 339.250 (3) as deemed appropriate by the superintendent~~ (for reasons other than a weapons policy violation);
5. When an emancipated minor, parent, or legal guardian applies for a student's exemption from compulsory attendance on a semiannual basis ~~as provided in ORS 339.030 (2)~~;

~~Individual~~ A written notification shall be **hand delivered** or **sent by certified mail**. Parents or guardians shall receive individual notification prior to an actual expulsion.

The ~~written notification shall of appropriate and accessible alternative programs must include, but is not limited to, the following:~~

1. ~~The student's~~ ~~Student~~ action which is the basis for consideration of alternative education;
2. A ~~list~~ ~~Listing~~ of the alternative education programs ~~for available to this student;~~
3. The program ~~recommendations~~ ~~recommended~~ for the student based on the student's learning ~~styles~~ ~~style~~ and needs;
4. Procedures for enrolling the student in the recommended program, ~~and~~

The notice will be provided in a ~~When the parent or guardian's language the parents or guardians is other than English, the district must provide notification in a manner that the parent or guardian can understand.~~

The superintendent will develop notification procedures in accordance with Oregon Revised Statutes.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 336.175](#)
[ORS 336.615 to -336.665](#)
[ORS 339.250](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-021-0076](#)

[OAR 581-022-2320](#)
[OAR 581-022-2505](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Winston-Dillard School District 116

Code: IGBHC-AR
Revised/Reviewed: 6/22/05; 4/20/11
Orig. Code(s): IGBHC-AR

Alternative Education Notification**

[District]
[Address]

Date: _____

To: the Parent of _____

From: _____

RE: Notification of Alternative Education

Your student qualifies for alternative education as a result of the following student action:

Alternative education programs available for your student at this time consist of:

The recommendation of district staff members for your student is:

Procedures for enrolling your student in the recommended program are as follows:

[Superintendent]

Date

Winston-Dillard School District 116

Code: IGBHD
Adopted: 7/10/02
Readopted: 4/20/11; 7/12/23
Orig. Code(s): IGBHD

Program Exemptions**

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

The district will determine if credit will be granted for any alternative activity.

END OF POLICY

Legal Reference(s):

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

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

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

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

Winston-Dillard School District 116

OK

Code: IGBHE
Adopted: 12/12/07
Revised/Readopted: 4/20/11; 12/13/11; 9/13/17;
12/13/17; 9/12/18
Orig. Code(s): IGBHE

Expanded Options Program**

The Board is committed to providing additional educational options to eligible students enrolled in grades 11 and 12 to continue or complete their education, to earn concurrent high school and college credits and to gain early entry into post-secondary education. The district’s Expanded Options Program (EOP) will comply with all requirements of Oregon law (ORS 340) and give priority status to “at-risk” students.

Eligible Students

Eligible students may apply to take courses at an eligible post-secondary institution through the Expanded Options Program. A student is eligible for the EOP if ~~the student:he/she:~~

1. Is 16 years of age or older at the time of enrollment in a course under the EOP;
2. Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits to be in grade 11 or 12, but the district has allowed the student to participate in the program;
3. Has developed an educational learning plan;
4. Has not successfully completed the requirements for a high school diploma. A student who has graduated from high school may not participate; and
5. Is not ~~an~~ a foreign exchange student enrolled in a school under a cultural exchange program.

Student Notification

Prior to February 15 of each year, the district shall notify all high school students and the parent or guardian of students of the EOP for the following school year. The district will notify a transfer high school student, or a student returning to high school after dropping out of school, of the EOP if the student enrolls after the district has issued the February 15 notice. The district will notify a high school student who has officially expressed an intent to participate in the EOP, and the student’s parent or guardian, of the student’s eligibility status within 20 business days of the expression of intent.

It is a priority for the district to provide information about the EOP to high school students who have dropped out of school. The district shall establish a process to identify and provide those students with information about the program. The district shall send information about the program to the last-known address of the family of the student.

The notice must include the following:

1. Financial arrangements for tuition, textbooks, equipment and materials;
2. Available transportation services;
3. The effect of enrolling in the EOP on the student's ability to complete high school graduation requirements;
4. The consequences of failing or not completing a post-secondary course;
5. Notification that participation in the EOP is contingent on acceptance by an eligible post-secondary institution; and
6. District timelines affecting student eligibility and duplicate course determinations;
- ~~7. Exclusion of duplicate courses as determined by the district;~~
- ~~8. The process for a student to appeal the district's duplicate course determination to the Superintendent of Public Instruction or the Superintendent's designee under ORS 340.030;~~
- ~~9. Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident high school.~~

Enrollment Process

Prior to May 15 of each year, a student who is interested in participating in the EOP shall notify the district of ~~the~~^{his/her} intent to enroll in eligible post-secondary courses during the following school year. A high school transfer student or a student returning to high school after dropping out of school ~~dropout~~ has 20 business days from the date of enrollment to indicate interest.

The district shall review with the student and the student's parent or guardian the student's current status toward meeting all state and district graduation requirements and the applicability of the proposed eligible post-secondary course to the remaining graduation requirements.

A student who intends to participate in the EOP shall develop an educational learning plan in cooperation with an advisory support team. An advisory support team may include the student, the student's parent or guardian and a teacher or a counselor. The educational learning plan may include:

1. The student's short-term and long-term learning goals and proposed activities; and
2. The relationship of the eligible post-secondary courses proposed under the EOP and the student's learning goals.

A student who enrolls in the EOP may not enroll in eligible post-secondary courses for more than the equivalent of two academic years. A student who first enrolls in the EOP in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

Duplicate Courses

The district will establish a process to determine duplicate course designations. The district will notify an eligible student and the student's parent or guardian, of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

A student may appeal a duplicate course determination to the Board based on evidence of the scope of the course. The Board or designee will issue a decision on the appeal within 30 business days of receipt of the appeal. If the appeal is denied by the Board or designee, the student may appeal the district's determination to the Superintendent of Public Instruction or designee under ORS 340.030.

~~Expanded Options Program~~ Annual Credit Hour Cap

The number of quarter credit hours that may be awarded by a high school under the EOP is limited to an amount equal to the number of students in grades 9 through 12 enrolled in the high school multiplied by a factor of 0.33. For example, the cap for a high school with 450 students in grades 9 through 12 would be 148.5 ($450 \times 0.33 = 148.5$). (The caps must be established separately for each high school.)

At the district's discretion, the district may choose to exceed both the individual high school level cap and the aggregate district level cap. If the district has more eligible students than are allowed under the credit hour cap the district shall establish a process for selecting eligible students for participation in the program. The process will give priority for participation to students who are "at risk." An "at-risk student" means: (1) a student who qualifies for a free or reduced price lunch program; or (2) an at-risk student as defined by rules adopted by the State Board of Education if it has adopted rules to define an at-risk student.

If the district has not exceeded the credit hour cap, the district shall ensure that all eligible at-risk students are allowed to participate in the EOP and may allow eligible students who are not at-risk to participate in the program.

Post-Secondary Institution Credit

Prior to beginning an eligible post-secondary course, the district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the course. If there is a dispute between the district and the student regarding the number or type of credits that the district will or has granted to a student for a particular course, the student may appeal the district's decision to the Board^{1}.

Credits granted to a student shall be counted toward high school graduation requirements and subject area requirements of the state and the district. Evidence of successful completion of each course and credits granted shall be included in the student's education record. A student shall provide the district with a copy of the student's grade in each course taken for credit under the EOP. The student's education record shall indicate that the credits were earned at an eligible post-secondary institution.

¹ {ORS 340.040(3) allows a student to appeal through an "appeals process adopted by the school district board."}

Financial Agreement

The district shall negotiate in good faith a financial agreement with the eligible post-secondary institution for the payment of actual instructional costs associated with the student's enrollment, including tuition and fees, textbooks, equipment and materials.

Waiver

A district may request an EOP^a waiver from the Superintendent of Public Instruction² if compliance with the EOP^a:

1. ~~Compliance would adversely impact the finances of the district; or if all conditions identified in ORS 340.083(1)(b)³ exist.~~
2. ~~Accel Programs are offered by the district (i.e., Dual Credit, Sponsored-Based Dual Credit, Assessment-Based Dual Credit, Articulated Career Technical Education (CTE) courses, two-plus-two programs, Advanced Placement (AP), International Baccalaureate Programs or other locally developed program that offers Accelerated College Credit to their respective high school student).~~

Student Reimbursement

Students are not eligible for any state student financial aid for college coursework, but students may apply to the district for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course. All textbooks, fees, equipment and materials provided to a student and paid for by the district are the property of the district.

Transportation Services

The district may provide transportation services to eligible students who attend eligible post-secondary institutions within the education service district boundaries of which the district is a component district.

Special Education Services

The district of an eligible student participating in the EOP shall be responsible for providing any required special education and related services to the student. If a post-secondary institution intends to provide

² Oregon Department of Education

³ The district does all of the following:

1. Offers a dual credit program, a two-plus-two program, an advanced placement program, an International Baccalaureate program or any other accelerated college credit program;
2. Ensures that at-risk students who participate in the accelerated college credit programs are not required to make any payments for participation in the programs; and
3. Has a process for participation in the programs that allows:
 - a. All at-risk students who are eligible students to participate in the programs;
 - b. At-risk students to earn the number of credit hours established by the State Board of Education by rule under ORS 340.080; or
 - c. For an increasing number of at-risk students who are eligible students to participate in the programs each school year based on demand and appropriateness and as provided by a plan developed by the school district.

special education and related services to an EOP participant, the institution shall enter into a written contract with the district of the student. The contract shall include the following at a minimum:

1. Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parent or guardian and district agree otherwise;
2. Immediate notification to the district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;
3. Immediate notification to the district if the student engaged in conduct that may lead to suspension or expulsion; and
4. Immediate notification to the district of any complaint made by the parent or guardian of the student regarding the student's participation in the program at the institution.

District Alternative Programs

The EOP does not affect any program, agreement or plan that existed on January 1, 2006, between the district and a post-secondary institution, which has been continued or renewed.

Any new program, agreement or plan that is developed after January 1, 2006, and is intended to provide access for public high school students to a post-secondary course, may be initiated at the discretion of the district and the post-secondary institution.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)

[ORS 336.615 - 336.665](#)
[ORS Chapter 340](#)

Every Student Succeeds Act, 20 U.S.C. §§ 1111-1605; §§ 3111-3203 (2018).
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2018).
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2022); 28 C.F.R. Part 35 (2022).
Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12133 (2018).
Rehabilitation Act, 29 U.S.C. §§ 791, 794 (2018).
Title IX of the Education Amendments, 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 (2022).
Individuals with Disabilities Education Act, as amended, 20 U.S.C. §§ 1400-1401, 1411-1416 (2018); 34 C.F.R. Part 300 (2022).

Winston-Dillard School District 116

OK

Code: IGBHE-AR(1)
Revised/Reviewed: 12/12/07; 4/20/11; 12/13/11;
12/13/17; 9/12/18
Orig. Code(s): IGBHE-AR(1)

Annual Expanded Options Program Notification

Douglas High School
1381 Douglas Blvd.
Winston, Oregon 97496
Phone: 541-679-3001

Date: _____

Student/Parent(s) or Guardian(s): _____

Address: _____

Dear _____,
(Student/Parent(s))

This notice is required by law to notify you of potential opportunities under the Expanded Options Program (EOP) for your student. Your student may qualify as an eligible student to participate in the EOP for the following school year if your student meets the criteria below.

Your student may be permitted to participate if ~~the student~~ ~~he/she~~ is an eligible student applying to an eligible post-secondary institution for an eligible post-secondary course. An "eligible student" means a student enrolled in a public school and who:

1. Is 16 years of age or older at the time of enrollment in a course under the EOP;
2. Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits to be in grade 11 or 12, but the district has allowed the student to participate in the program;
3. Has developed an educational learning plan as described in Board policy IGBHE - Expanded Options Program;
4. Has not successfully completed the requirements for a high school diploma; and
5. Is not an ~~foreign~~-exchange student enrolled in a school under a cultural exchange program.

An "eligible post-secondary institution" means:

1. A community college;
2. A public university listed in ORS 352.002; and
3. The Oregon Health and Science University.

An “eligible post-secondary course” means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree. It includes academic courses, career and technical education courses and distance education courses. It does not include a duplicate course, which is defined as “a course with a scope that is identical to the scope of another course”.

Purpose

The purpose of this program is to:

1. Allow eligible students who participate in the EOP to enroll full-time or part-time in an eligible post-secondary institution; and
2. Provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the EOP.

Graduation and Course Credit

Participating in the EOP will not adversely affect your student’s ability to graduate because credit received from successfully completing an eligible post-secondary course may be applied toward high school graduation requirements. If, however, your student does not receive a passing grade in the eligible post-secondary course, your student may not receive credit toward high school graduation.

Selection

An eligible student may apply for the EOP, but an eligible student who applies may not be accepted because of space limitations. Enrollment in the EOP may be limited because of caps on total credit hours that will be awarded by the high school. Unless notified otherwise, the total number of credits awarded under the EOP by each high school equals one-third of its enrollment in grades 9 through 12. (For example, if high school enrollment in grades 9 through 12 is 1,000 students, the high school may award no more than 330 credit hours for all students in the EOP.) If qualified applications to the EOP exceed space limitations, the district will establish a process that gives priority to “at-risk students”.

Enrollment and Participation

To be eligible, participation in the EOP depends on your student’s acceptance by an eligible post-secondary institution to take an eligible post-secondary course. Your student will not be eligible for state financial aid. Your student will have all costs paid for by the district in the same manner as if your student was attending the public high school. The district will pay for textbooks, fees, equipment or materials and any other cost associated with enrollment. You will be responsible for providing transportation to the eligible post-secondary institution. The district and the eligible post-secondary institution may be able to arrange transportation services, although this service may not always be available, depending on circumstances. If your student receives special education services, the district will continue to provide special education services under an individualized education program (IEP).

Your student is expected to comply with the same behavior and attendance standards as if the student was attending the public high school. Failure to successfully complete an eligible post-secondary course or

make satisfactory progress in the course may result in no credit received toward graduation, removal from the EOP, disciplinary action or referral to law enforcement.

Your student may participate in the EOP for no more than two years. After two years, your student is no longer eligible. If your student is in grade 12 when ~~he or she~~ first enrolled, ~~they~~enrolls, ~~he/she~~ may participate no more than the equivalent of one academic year in the EOP. If your student is enrolled in high school full-time and ~~he/she~~ is taking a post-secondary course, ~~they~~~~he/she~~ will not be awarded credit for that course under the EOP. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

If your student intends to enroll in a course that is already offered by the district, *i.e.*, a duplicate course, your student will not be eligible to participate in the EOP. You will be notified within 20 business days after the student has submitted the list of intended courses if a specific course is denied and is considered a duplicate course. A “duplicate course” is one with a scope that is identical to the scope of another course. Your child should consider district-provided, educational alternative programs that offer post-secondary level courses.

If you disagree with the district’s assessment that a course is a duplicate course as determined by the district, you may appeal the decision under the procedures outlined below.

Contested Decisions/Appeal

If you disagree with the district’s determination that a course is a duplicate course, you may appeal to the Board. Your appeal must be in writing and contain at a minimum the following information: (1) name of student; (2) name of post-secondary course; (3) detailed description of post-secondary course; (4) name of duplicate course offered by high school; (5) detailed description of duplicate course offered by high school; and (6) reasons why you believe course is not a duplicate. You must initiate your appeal within five days of receiving notification that the post-secondary course is a duplicate.

The Board will issue a written decision on the appeal within 30 business days of receipt of the appeal.

If dissatisfied with the Board’s decision, you may appeal the decision to the Superintendent of Public Instruction or designee under Oregon Revised Statute (ORS) 340.030.

Student Notification to District

If you have questions, please call the district office. Please respond to this notice before May 15 if your student intends to enroll in an eligible post-secondary course during the following school year. If your student decides to enroll in an eligible post-secondary course, we will schedule a meeting with your advisory support team to develop an educational learning plan that addresses your student’s short-term and long-term academic and career goals. Thank you for your cooperation.

Sincerely,

Principal

Winston-Dillard School District 116

Code: IGBHE-AR(2)
Revised/Reviewed: 12/12/07; 4/20/11
Orig. Code(s): IGBHE-AR(2)

OK

Expanded Options Program Checklist

Each school year, the district will ensure that the following protocol is followed:

- Review and make any updates to the letter that each high school principal will send at the end of the year by _____.
(Date)
- Review and enter into any agreements with eligible institutions by _____.
(Date)
- Compile list of all resident students who have dropped out and eligible for EOP and confirm their last known address by _____.
(Date)
- Send notification letter to all "eligible students," and to students who have dropped out at their last known address by _____, but no later than February 15th.
(Date)
- Review all student notifications submitted before May 15th.
- Review all notices of acceptance from post-secondary institutions sent to district.

Confirm the following by _____:
(Date)

1. Whether student is "eligible" Yes No
2. Whether post-secondary institution is "eligible" Yes No
3. Whether post-secondary course is "eligible" Yes No
4. Whether post-secondary institution has accepted the student Yes No

(Must be all "yes" to proceed. If not, student may initiate appeal process.)

- Confirm that district has agreement with post-secondary institution for each accepted student

(If no agreement on file, enter into agreement with post-secondary institution immediately. If agreement on file, proceed to next step.)

- Schedule meeting with student's advisory support team
- Confirm that advisory support team met with student

Winston-Dillard School District 116

ok

Code: IGBI
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 9/13/17; 2/09/22
Orig. Code(s): IGBI

Bilingual Education**

Students whose primary language is a language other than English will be provided appropriate assistance until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction and other educational activities.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal or signed communication in a language they can understand.

END OF POLICY

Legal Reference(s):

[ORS 336.079](#)

[OAR 581-021-0046](#)

[OAR 581-022-2310](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6801-7014 (2018).

Winston-Dillard School District 116

DELETE

Code: IGCG
Adopted: 10/8/08
Readopted: 4/20/11
Orig. Code(s): IGCG

Service Learning

(Service learning is part of career-related learning experiences included in graduation requirements (OAR 581-022-0102(5).)

The Board supports the concept of service learning as a teaching methodology and encourages its use in the schools. As used in this policy, "service learning" means a teaching/learning strategy requiring students to develop and apply knowledge and skills through challenging projects that meet real community needs. Citizenship, academic subjects and skills are taught through learning activities tied to academic content standards and/or local performance standards.

The superintendent may develop and implement service learning with the input of staff, students, parents, community and higher education, as appropriate.

Recommendations for curriculum revisions that require the addition or deletion of existing courses represent a change in the courses and/or units of credit required for graduation and/or impact existing staffing patterns shall be submitted to the Board for approval. All other recommended changes must be submitted by the principal to the superintendent for approval.

The superintendent is directed to identify existing district policies, administrative regulations and other district practices that may be barriers to effective implementation of service learning. Identified policies will be referred to the Board for review and revision, as appropriate. The superintendent will also submit service learning funding needs to the Board as part of the budget planning process.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.175](#)

[ORS 336.183](#)
[ORS 341.315](#)

[OAR 581-022-1130](#)

Winston-Dillard School District 116

Code: IGD
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IGD

OK

Cocurricular/Extracurricular Activities

Cocurricular/Extracurricular activities will be organized, supervised activities conducted under the sponsorship of the district.

Cocurricular/Extracurricular activities are considered to be any activity such as, but not limited to, student government, contests, athletics and clubs. Participants in these activities will be subject to the basic rules pertaining to cocurricular/extracurricular activities and the district's student code of conduct.

These rules are to be followed and enforced by activity coaches or advisors. Offenses will be handled by district-approved procedures.

Students who represent the school in voluntary activities may be required to conform to dress and grooming standards approved by the superintendent and may be denied the opportunity to participate if those standards are not met.

Activity advisors or coaches who issue any additional rules for individual activities must obtain approval from the superintendent [or designee] prior to allowing participation.

~~The Board shall maintain a student activity program appropriate to the maturity of students, and as varied as staff and facilities permit. The program shall be designed to offer for the greatest possible number of students worthwhile athletic and leisure time interests, wholesome recreational and social activity, and opportunity to develop skills in artistic and cultural activities as well as in democratic and cooperative management for these activities.~~

~~Supervision: Whenever or wherever held, when conducted under the name of the school or district, or any class or organization thereof, extracurricular activities shall be under the general supervision of the district personnel.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.240](#)

[ORS 339.250](#)

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

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Havercamp v. Unified Sch. Dist. No. 380, 689 F. Supp. 1055 (D. Kan. 1986)

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).

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

Winston-Dillard School District 116

Code: IGDA
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IGDA

OK

Student Organizations

The district encourages curriculum-related student organizations. District staff will ~~will~~ facilitate such organizations and district resources may be used to support them. The district may also support student organizations which are not directly curriculum related.

The principal will ~~will~~ develop general guidelines for student organizations. Among other provisions, such guidelines will ~~will~~ require the assignment of at least one staff advisor to each student organization.

Voluntary student-organized clubs which are not curriculum-related may meet on school ~~district~~ premises during noninstructional time. If the content of such a club's meetings is religious in nature, school ~~district~~ staff may attend only in a nonparticipatory manner. Staff may be assigned to attend such meetings for custodial purposes only, but will ~~will~~ not be compelled to attend a meeting if the content of the speech at the meeting is contrary to that person's beliefs.

END OF POLICY

Legal Reference(s):

[ORS 339.880](#)
[ORS 339.885](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).
Lamb's Chapel v. Center Moriches Unified Sch. Dist., 508 U.S. 384 (1993).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Winston-Dillard School District 116

Code: IGDA-AR
Revised/Reviewed: 4/20/11
Orig. Code(s): IGDA-AR

OK

Student Organizations

All members of the school community including staff, administrators and the Board are responsible for the activities that are conducted in the schools. It is important, therefore, to the orderly use of district facilities that the use of all space be approved and planned in advance. An attempt shall be made to present a balance of viewpoints.

Students may be permitted to hold meetings on district property before or after the regular student school day under the following conditions:

1. The meeting shall be scheduled in advance following Board policy KG - Community Use of District Facilities;
2. All meetings must be approved by the principal or designee;
3. The meeting may be sponsored by school officials, official school clubs or organizations and nonschool organizations.

In addition to the requirements of Board policy, the following restrictions shall apply:

1. Normal class activities shall not be interrupted;
2. The meeting shall not incite hazard to person or property;
3. No group which encourages or advocates the violation of federal laws, state laws or school ~~rules~~ laws shall be granted use of district facilities;
4. No speaker who encourages or advocates breaking the law shall be invited to speak.

If a crowd is anticipated, a crowd control plan shall be filed in the building administration office two days in advance of the meeting for final approval.

Students may have the right to gather informally during the regular student school day provided they meet the following criteria:

1. Students gathered informally shall not disrupt the orderly operation of the educational process;
2. Students gathered informally shall not infringe upon the rights of others to pursue their activities.

Student organizations may be curriculum related or voluntary student-initiated clubs that are not curriculum related.

“Curriculum-related” student organizations must meet one of the following:

1. Group's subject matter is actually taught (or will soon be taught) in a regularly offered course;
2. Group's subject matter concerns the body of courses as a whole; or
3. Participation in the group is required for a particular course or results in academic credit.

“Voluntary student-initiated clubs” must:

1. Be voluntary and student initiated;
2. Not be sponsored by the school, the government or its agents or employees;
3. Not materially and substantially interfere with the orderly conduct of educational activities within the school;
4. Not be directed, controlled, conducted or regularly attended by “nonschool” persons.

Definitions

1. “Noninstructional time” ~~means time~~—Time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends;
2. “Sponsorship” ~~means an act~~—Act of promoting, leading or participating in a meeting. The assignment of a teacher, administrator or other school employee to a meeting for **custodial** purposes does not constitute sponsorship of the meeting.

The Equal Access Act preserves the authority of the school, its agents and employees to maintain order and discipline on district premises, to protect the well-being of students and staff and to assure that their attendance at meetings is voluntary.

Schools may prohibit meetings which would materially and substantially interfere with the orderly conduct of educational activities within the school.

In a “limited open forum” situation, schools may not deny equal access of fair opportunity to, or discriminate against student-initiated clubs on the basis of religious, political, philosophical or other content of the speech at such meetings.

If the meetings are religious, the school may not influence the form of any religious activity.

Winston-Dillard School District 116

Code: IGDB
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IGDB

OK

Student Publications (Grades K-8 only)

District Sponsored

Students' First Amendment rights to freedom of expression and equal protection of the law will be observed regarding district-sponsored in regard to student publications, whether school-sponsored or non-school-sponsored. The observance of these rights must be balanced against the legitimate needs duty of educating students in an orderly manner to protect the educational process rights of all.

Some student publications, such as annual yearbooks and school newspapers, may be educational devices developed as part of the curriculum to benefit primarily those who compile, edit, and publish them. Such publications include those in print or electronic form. Staff advisers will be assigned to guide students engaged in these activities. Any commercial advertisements in such publications will conform to Board policy and administrative regulation any guidelines developed by the board or administration.

Students may be required to submit publication content for approval prior to distribution publication. When approval is required, school administrator the administrator must make available to students the standards which will be used to determine granting in determining the grant or denying denial of permission to publish. Such guidelines will be specific and will be directed toward ascertaining which publications will cause substantial disruption of district or material interference with school activities or contain libelous or obscene content intrusions into school affairs or the lives of others.

Prior restraints will contain precise criteria which spell spelling out what is prohibited forbidden so that a student will understand. A definite, specific and brief time limit will be set within which school officials must approve or disapprove distribution. To be valid, these publication. Such guidelines must prescribe provide a procedure for appeals from students.

All Publications

It will be the responsibility of local school administrator the administration to develop and circulate reasonable and specific rules regulations setting forth the time, manner, and place in which distribution of student publications may occur. Students who become subject to discipline for failure to comply with distribution rules will be granted procedural due process rights.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)

[ORS 339.880](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Winston-Dillard School District 116

Code: IGDB-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code(s): IGDB-AR

OK

Student Publications

(Grades K-8 Only)

Student publications subject to review by school administrators include those which are:

1. School sponsored (i.e., supported by district funds, equipment, etc.);
2. Part of the established curriculum;
3. Of benefit primarily to those who compile, edit and publish them;
4. Not by policy or practice, open for indiscriminate use by the general public or students individually or as a group; or
5. Activities which students, parents, and members of the public might reasonably perceive to bear the sanction or approval of the district.

Student publications will ~~shall~~ be reviewed by staff advisors and may be reviewed by other district administrators prior to printing and distribution. Materials may be modified or removed from publications for legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the reading audience;
3. The material is poorly written, inadequately researched or biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified even though the material does not use or give names; or
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates, or condones the use of profane language or advocates or condones the commission of unlawful acts.

(Is this still working?)

Modifications or removal of items may be appealed in accordance with established district procedures. The [principal] shall schedule a meeting within [three school] days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the [principal]. At the [principal's] discretion, the district's legal counsel may also attend the meeting. The [principal] shall make his/her decision within [three school] days of the meeting. The [principal's] decision shall be final and binding on all parties.

Winston-Dillard School District 116

ok

Code: IGDD
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IGDD

Student Performances

Instructors are encouraged to arrange for individual students and groups to provide public performances, in ~~such areas~~ activities such as band, choir, drama, art, speech and vocational technical, when ~~they~~ ~~such~~ ~~performances~~ contribute to educational process objectives, and when they do not interfere with other scheduled activities or classes within the school, as follows:

1. All performances involving students ~~will~~ ~~shall~~ be approved by the principal;
2. The extended use of one particular group ~~will~~ ~~shall~~ be discouraged;
3. Students participating in a performance ~~will~~ ~~shall~~ conduct themselves in accordance with ~~the student~~ ~~conduct code adopted by the district~~, ~~a way as to bring credit to their school~~;
4. Performances ~~that~~ ~~which~~ are scheduled outside school hours are preferred. Performances during school hours should be limited, ~~whenever possible~~, to the class period during which the activity is usually taught to that particular student or students.

Student groups may participate in district activities and with ~~patriotic and civic~~ groups in the community upon the approval of the principal. Proceeds given students for participating or performing ~~will in such~~ ~~activities~~ ~~shall~~ be placed in student ~~body~~ accounts.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#) [OAR 581-021-0050](#)
[ORS 332.107](#) [OAR 581-021-0055](#)

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Winston-Dillard School District 116

Code: IGDF
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 7/13/16
Orig. Code(s): IGDF

OK

Student Fund-Raising Activities

Students may carry out fund-raising activities in which no outside fund-raising agency or contract is utilized, with permission of the principal and under the direct supervision of the appropriate advisers. Where funds are to be raised through an outside agency or contracted activity, the activity must receive prior approval from the superintendent.

Activities that include fund raising for charitable or other causes not relating to school activities, must obtain prior approval from the principal and the superintendent, ~~and the Board.~~

A student or staff member may not solicit funds in the name of a school in the district or in the name of the district through the use of internet-based or crowd-funding types of fund raising, without the approval of the ~~principal~~ ~~superintendent~~.

Fund-raising projects involving the sale of products must also be approved by the activity sponsor and by the principal, before the activity is initiated. Solicitation of funds is expressly prohibited without the superintendent's consent.

If fund raising consists of selling food and beverage items to students during the regular or extended school day, the food and beverage items must comply with state and federal nutrition standards, rules and laws. This does not apply to food and beverage items sold at school-related or nonschool-related events for which parents and other adults are a significant part of the audience.

END OF POLICY

Legal Reference(s):

[ORS 336.423](#)
[ORS 339.880](#)

[OAR 137-025-0020 to -0530](#)
[OAR 581-022-2260\(2\)](#)

Federal Smart Snacks in School Rules, 7 C.F.R. Part 210.11 (2017).

Winston-Dillard School District 116

ok

Code: IGDF-AR
Revised/Reviewed: 7/13/16; 7/11/18
Orig. Code(s): IGDF-AR

Student Fund-Raising Activity Request and Verification

Please fill out all sections and return to the principal or designee 30 days prior to initiating the fund-raising activity.

Date: _____

Name of individual, group or activity making this fund-raising activity request: _____

Reason for the fund raiser (please be specific): _____

Description of fund raiser¹ (i.e., what is the product, when will it be sold, where will it be sold, who will it be sold to, etc.): _____

Start and end dates for the fund raiser: _____

Anticipated revenue: _____

This activity has been screened for Title IX compliance: Yes No

Signature of Screener

Signature of Individual

Signature - Representative of Organization

If this is a joint fund raiser, write down the name(s) of the partner(s): _____

Approved – Date: _____

Not Approved – Date: _____

Reason for Denial: _____

Signature of Principal or Designee

Date

Signature of Superintendent

Date

¹ If fund raising consists of selling food and beverage items to students during the regular or extended school day, the food and beverage items must comply with state and federal nutrition standards, rules and laws. This does not apply to food and beverage items sold at school-related or nonschool-related events for which parents and other adults are a significant part of the audience. (ORS 336.423)

Winston-Dillard School District
Student Fund-Raising Activity Verification Form

Date: _____

To Whom it May Concern:

The Winston-Dillard School District does hereby authorize:

(Name of Individual or Group Receiving Authorization)

to sell _____,
(Name of Product/Item for Sale)

for the purpose of raising funds for _____,
(Funds to be Used for)

from (dates) _____ to _____.

Signature of Person Authorizing Sales

Date

Signature of Fund-Raising Coordinator

Date

Any questions regarding this fund-raising activity should be directed to the person authorizing sales.

Winston-Dillard School District 116

Code: IGDG
Adopted: 7/10/02
Readopted: 4/20/11; 1/11/12
Orig. Code(s): IGDG

ok

Student Activity Funds Management

Student activity funds shall be defined as those funds which include all moneys raised or collected by and/or for school-approved student groups and organizations, excluding those moneys budgeted in the general fund.

Student activity fund moneys shall be collected and expended for the purpose of supporting the school's cocurricular/extracurricular activities program.

Cocurricular/Extracurricular activities are comprised of the group of school-sponsored activities, under the guidance or supervision of qualified adults, designed to provide opportunities for students to participate in such experiences on an individual basis, in small groups or in large groups — at school events, public events, or a combination of these — for purposes such as motivation, enjoyment, and/or improvement of skills. Participation is usually not required and school credit usually will not be given.

Student activity funds shall be administered within each local school. The principal and the person in charge of the student activities program shall be responsible for administration of the building student activity funds. A student representative of the school recognized student organization shall serve as a representative of that organization in administration of the student activity funds.

The student-treasurer of the school-recognized student government organization may serve as a representative of that organization in partial administration of the building's student activity funds.

All student activity fund expenditures must be approved by the staff advisor and/or the principal and student representative of the student group or program. All expenditures from the general student activity funds must also be approved by the school recognized student government organization. All expenditures from a specific account of student activity funds related to other school-district recognized student groups [shall be expended to benefit the specific club or organization, and in so far as possible, to benefit those students currently in school who have contributed to the accumulation of those funds. Such expenditures] must be approved by the members of that organization and their staff advisor. Expenditures from student activity funds will not result in a negative balance to the fund.

All student activity fund moneys shall be receipted and deposited according to district policy and acceptable accounting procedures.

Student activity funds and other fees and cash collections shall be audited annually.

END OF POLICY

Legal Reference(s):

Winston-Dillard School District 116

Code: IGDH
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IGDH

OK

Contests for Students

The district ~~will~~ shall cooperate with individuals, community organizations and agencies desiring to sponsor contests in keeping with the purposes and educational aims of the school; when such activities can be integrated into the school program without disruption or loss of instructional time for the student, and without imposing an unreasonable added workload on the staff. Participation by students in contests must be approved by the principal.

The activity sponsor ~~will~~ shall be responsible for the preparation and circulation of all informational materials; and for other administrative work required in the grading, judging; or evaluation of the participants' work.

The following ~~will~~ statement shall be used as a guide in determining participation in contests:

1. The primary educational aims of the school and the needs and interests of students must be a consideration at all times;
2. The school must not be used to promote private or commercial interests;
3. The school must not be used for direct sales promotion of individual competitive goods or services;
4. All materials or activities initiated by private sources must be judged on grounds of their direct contribution to educational values, factual accuracy; and good taste.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Winston-Dillard School District 116

ok

Code: IGDJ
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 4/11/18; 5/15/19
Orig. Code(s): IGDJ

Interscholastic Athletics Activities**

The Board recognizes the integral role interscholastic activities¹ play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, advisors, student participants, and others associated with the district's ~~high school~~ activities programs and events² shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and any associated voluntary organization³ of the Oregon School Activities Association (OSAA) and the fundamental values of sportsmanship. Each will be held accountable for their actions.

The district and its schools may only be members of and pay fees, if any, to a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities if the organization:

1. Implements and adheres to equity focused policies that:
 - a. Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic activity;
 - b. Prohibit discrimination;
 - c. Permit a student to wear religious clothing in accordance with the student's sincerely held religious belief and consistent with any safety and health requirements; and
 - d. Balance the health, safety, and reasonable accommodation needs of participants on an activity-by-activity basis.

2. Maintains a transparent complaint process that:
 - a. Has a reporting system to allow participants of interscholastic activities or members of the public to make complaints about student, coach, or spectator behavior;
 - b. Responds to a complaint made within 48 hours of the complaint being received; and
 - c. Resolves a complaint within 30 days of the complaint being received unless the organization determines that there is good cause to extend the timeline for resolving the complaint.

¹ Interscholastic activities includes: for students any grade from kindergarten through grade 12, athletics, music, speech and other similar or related activities; for students in any grade from kindergarten through grade eight, activities that are offered only before or after regular school hours and that may, but are not required to, involve interaction among other schools.

² This applies to only OSAA sanctioned activities and events.

³ Includes a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

3. Develops and implements a system of sanctions against schools, students, coaches, and spectators if a complaint is verified; and
4. Performs an annual survey of students and their parents to understand and respond to potential violations of equity focused policies or other discrimination.

{⁴} The district shall allow homeschooled students that reside in the district, and students eligible to attend attending a public charter school and enrolled in a high school equivalency program⁵ that reside in the district, and students who reside in the district and attend a public charter school which does not provide interscholastic activities, the opportunity to participate in available interscholastic activities when the requirements found in Oregon law are met.

Interscholastic activities when provided by the district will comply with Title IX and other nondiscrimination laws.

{⁶} District employees, students, parents, alumni, and activity volunteers are prohibited from inducing or attempting to induce a student to attend a district school for interscholastic activity eligibility or participation. The principal, activities director, advisors and coaches are each responsible for ensuring student participants meet all district and OSAA eligibility requirements of participation and those of the associated voluntary organization. The principal {or designee} is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors have all required certifications prior to assuming their duties. The principal {or designee} shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

Volunteers may be approved to assist with district activities with prior approval from the principal.

The principal shall investigate all allegations of district student ineligibility, staff recruitment violations or other student or staff conduct that may violate Board policies, administrative regulations, and/or the OSAA rules and regulations of the associated voluntary organization. The principal shall notify the superintendent {or designee} of conduct that violates the terms of this policy and report to the associated voluntary organization if OSAA as required.

An employee determined to have violated Board policies and/or rules and regulations of the associated voluntary organization {OSAA will} may be subject to discipline, up to and including, dismissal. A student in violation of Board policies and/or the OSAA rules and regulations of the associated voluntary organization will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of Board policies and/or the OSAA rules and regulations of the associated voluntary organization shall be subject to discipline, up to and including, removal from district programs and activities and such other sanctions as may be deemed appropriate by the district.

⁴ {This policy content is required practice but is not required policy language.}

⁵ “High school equivalency program” means a program provided to assist a student in earning a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test.

⁶ {The remaining policy content is optional, but highly recommended language to inform about and support governance of activities (see beginning bracket here; ending with last paragraph of policy – see closing bracket).}

Employees, volunteers, or students in violation of such policies, OSA rules and/or regulations will be required to remunerate the district in the event of fines are assessed by OSA as a result of their actions.

The superintendent will develop procedures, as necessary, to implement this policy, including a process to ensure that all district rules governing the conduct of students, staff, and volunteers engaged in district activities are regularly reviewed and updated.

The district will annually review interscholastic activities and participation to determine whether the current offerings reflect the students the district serves.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 332.075\(1\)\(e\)](#)
[ORS 332.107](#)
[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)
[OAR 581-021-0045 – 0049](#)
[OAR 581-022-2308\(2\)](#)
[OAR 581-026-0005](#)

[OAR 581-026-0700](#)
[OAR 581-026-0705](#)
[OAR 581-026-0710](#)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2022).
Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).
Senate Bill 1522 (2022).

Winston-Dillard School District 116

OK? REVIEW

Code: IGDK
Adopted:

Nonschool-Sponsored Study and Athletic Tours/Trips/Competitions

The district does not sponsor, endorse or financially contribute to the variety of outside-sponsored study and athletic tours/trips/competitions available to students.

The district does not recruit for, or have input into, the selection of programs, many of which are not open to all students. Such tours, trips and competitions are under the sole guidance and control of the sponsoring organizations/groups.

Students who raise funds for their personal participation in such activities may not raise moneys for such travel as a representative of the school. The district or individual school name may not be used unless the communication clearly identifies the sponsor as a group other than the school. Students may not use school supplies, materials or facilities in conjunction with such trips or their related fund raising.

Staff members are prohibited from using their contact with students to advertise or recruit for summer or other holiday travel which involves their supervision of students. Staff will not advise parents regarding selection of such trips or tours for their children. The counseling center may contain pamphlets which will assist parents who have questions about selection of such a tour.

Parents are advised to consider carefully the activities that are available to their children. Parents have an obligation to ensure that patrons of the district do not assume such activities are school sponsored or funded.

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)
[ORS 332.107](#)

[ORS 339.880](#)

[OAR 581-021-0045](#)

Davidson v. Or. Gov't Ethics Comm'n, 300 Or. 415 (1985).

Winston-Dillard School District 116

Done

Code: IHGA
Adopted: 3/22/06
Readopted: 4/20/11
Orig. Code(s): IHGA

Alternative Instructional Programs

(See IGBHB.)

In addition to the regular curriculum and courses offered, it is possible for students, with prior administrative approval, to obtain credit from the following alternative instructional programs and activities:

1. Community college courses;
2. Correspondence courses;
3. Outdoor school;
4. Educational travel;
5. Challenge tests;
6. Independent study;
7. Online courses;
8. The Expanded Options Program;
9. Others approved by the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 336.135 - 336.183](#)
[ORS 336.615 - 336.665](#)
[ORS 336.790 - 336.815](#)
[ORS Chapter 340](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-022-1130](#)

[OAR 581-022-1350](#)
[OAR 581-022-1620](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Winston-Dillard School District 116

Code: IIA
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 7/13/14
Orig. Code(s): IIA

OK? VERSION 2

Instructional Resources and/or Instructional Materials

(Version 1)

(There is an alternate version available – see version 2)

The Board is responsible for the selection of instructional materials. The Board delegates to district professional personnel the authority for the selection of instructional and library media materials in accordance with the policy below.

Selection Objectives

When reviewing and selecting instructional materials, the objectives will be:

1. To select materials that will provide improvements in content, organization and teaching methods;
2. To ensure accurate and up-to-date content that includes new concepts, insights and facts;
3. To provide for sequential growth from level to level;
4. To provide a fair representation of the many religious, ethnic and cultural groups and their contributions to our American heritage;
5. To provide recognition of minority groups and women by placing them frequently in positions of leadership and example. There will be no instructional resources and materials free of discrimination or bias or prejudice toward sex, sexual orientation, race, religion, national origin, marital status, disability or age racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias.

The instructional materials will contain appropriate readability levels, support the district's adopted curriculum content, provide ease of teacher use, be attractive and durable and be purchased at a reasonable cost.

The district will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.

Textbooks and other instructional materials adopted by the Board shall be selected by the appropriate professional personnel in consultation with parents and citizens the community. The input of staff and students will be encouraged. Final decisions on purchase will rest with the superintendent or designee, subject to official adoption by the Board in the case of textbooks and other instructional materials.

Selection Criteria

All materials selected will be consistent with the following principles:

1. Materials that enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served;
2. Materials that stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
3. A background of information which will enable students to make intelligent judgments in their daily lives;
4. Materials on opposing sides of controversial issues, so that young ~~citizens~~ people may develop, under guidance, the practice of analytical reading and critical thinking;
5. Materials representative of the many religious, ethnic and cultural groups, showing their contributions to ~~our~~ heritage.

The above principles will serve as a guide in the selection of all instructional and library media materials.

To be in compliance with the requirements of federal law, the Board directs the superintendent to distribute curriculum materials and instructional supplies to district schools in such a manner that ensures all schools receive equivalent materials.

Any resident or employee may challenge the appropriateness of the district's instructional materials. The district will provide a procedure to process such challenges.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.840](#)
[ORS 337.120](#)
[ORS 337.141](#)
[ORS 337.150](#)
[ORS 337.260](#)

[ORS 337.511](#)
[ORS 339.155](#)

[OAR 581-011-0050 - 0117](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)

[OAR 581-022-2310](#)
[OAR 581-022-2340](#)
[OAR 581-022-2350](#)
[OAR 581-022-2355](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).
House Bill 3041 (2021).

Winston-Dillard School District 116

OK - ADUPT

Code:
Adopted:

IIA

Instructional Resources/Instructional Materials (Version 2)

The Board believes that proper care and judgment should be exercised in selecting basic instructional materials. While the Board retains the authority to approve district instructional materials adoptions, it authorizes the superintendent to develop and implement administrative regulations governing how selections are determined. Such procedures will provide for administrator, staff, parent, student and community involvement and employ suitable selection criteria to ensure that the recommended instructional materials will meet the needs of the program, students, teachers and community.

The district will review instructional materials in accordance with the State Board of Education adoption cycle. Each instructional program and basic instructional materials will be reviewed on a seven-year cycle and recommendations for appropriate instructional materials will be made.

Recommended instructional resources and materials will be free of racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias. The instructional materials will contain appropriate readability levels, support the district's adopted curriculum content, provide ease of teacher use, be attractive and durable and be purchased at a reasonable cost.

The district will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.

All basic instructional materials recommended for adoption need to be approved for use by the Board. Prior to Board approval, parents[. students] and interested district patrons will have the opportunity to review the recommended instructional materials and be encouraged to provide opinions about them and their use in the classrooms.

All supplementary materials and library [media] resources will be selected cooperatively by teachers, principals, librarians and sometimes with the assistance of students and parents. Recommended supplementary materials and library [media] resources will also be free of racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias. The instructional materials will contain appropriate readability levels, support the district's adopted curriculum content, provide for ease of teacher use, be attractive and durable and be purchased at a reasonable cost.

To be in compliance with the requirements of federal law, the Board directs the superintendent to distribute curriculum materials and instructional supplies to district schools in such a manner that ensures all schools receive equivalent materials.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)

[ORS 336.840](#)

[ORS 337.120](#)

HR10/05/21 | LF

Instructional Resources/Instructional Materials – IIA

[ORS 337.141](#)
[ORS 337.150](#)
[ORS 337.260](#)
[ORS 337.511](#)
[ORS 339.155](#)

[OAR 581-011-0050 - 0117](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2310](#)

[OAR 581-022-2340](#)
[OAR 581-022-2350](#)
[OAR 581-022-2355](#)

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).
House Bill 3041 (2021).

PROPOSED

Winston-Dillard School District 116

OK

Code: IIA-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code(s): IIA-AR

Instructional Materials Selection

(Review for current practice. There are some additional proposed ARs to consider if there is any desire for any changes in practice. Call if there are questions. OSBA is revising some of its model language around challenge to instructional materials and library materials. If this is working, then maybe leave as is and wait for updated model language to consider.)

Selection of Instructional Materials

1. Responsibility for Selection of Materials
 - a. The responsibility for the selection of instructional materials is delegated to the superintendent. For the purposes of this procedure the term “instructional materials” includes print and nonprint materials including digital content of software in a format such as electronic and Internet or web-based material or media (not equipment), whether considered classroom materials or media center materials.
 - b. While selection of materials involves many people (principals, teachers, parents, students, supervisors, community persons, and library-media specialists), the responsibility for coordinating the selection of most instructional materials and making the recommendation for purchase rests with licensed media personnel for library-media center materials and a team of teachers for classroom instructional materials.
 - c. Responsibility for coordinating the selection of instructional materials for distribution to classes shall rest with the superintendent or designee. For the purpose of this regulation the term “instructional materials” includes print and nonprint material provided in multiple copies for use by a total class or a major segment of such a class.
2. Procedure for Selection
 - a. Media
 - (1) In purchasing materials for the media center, the library-media specialist under the supervision of the building principal, shall evaluate the existing collection and the curriculum needs and shall consult reputable, professionally prepared selection aids and other appropriate sources. For the purpose of this procedure, the term “media” includes all materials considered part of the library-media collection, plus all nonprint instructional materials housed in resource centers and classrooms.
 - (2) Recommendations for purchase shall be solicited from staff and students.
 - (3) Gift materials shall be judged by the district’s instructional materials objectives and selection criteria and shall be accepted or rejected by those criteria.
 - (4) Selection is an ongoing process which should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.
 - b. Instructional Materials

- (1) Instructional materials committees may be appointed when appropriate at the time that adoption areas are determined. Appropriate subject and instruction level shall be included in each committee.
- (2) The general criteria for materials selection shall be followed by the committees.
- (3) The committee shall present its recommendation(s) to the superintendent.
- (4) The superintendent shall submit the committee's recommendation(s) to the Board for adoption.

Objections to Instructional Materials

Any resident of the district may raise objection to instructional materials used in the district's educational program despite the fact that the individuals selecting such materials were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material.

The district official or staff member receiving a complaint regarding instructional materials shall try to resolve the issue informally. The materials shall remain in use unless removed through the procedure in this regulation.

The district official or staff member initially receiving a complaint shall explain to the complainant the district's selection procedure, criteria, and qualifications of those persons selecting the material.

The district official or staff member initially receiving a complaint shall explain to his or her best ability the particular place the objectionable material occupies in the education program and its intended educational usefulness, or refer the complaining party to someone who can identify and explain the use of the material.

In the event that the person making an objection to material is not satisfied with the initial explanation, the person raising the questions should be referred to the principal or his or her designee. If, after private counseling, the complainant desires to file a formal complaint, the person to whom the complainant has been referred shall provide a Reconsideration Request Form with sufficient instruction to assure that the complainant understands what is required for a formal complaint.

The individual receiving the initial complaint shall advise the principal of the initial contact no longer than the end of the following school day, whether or not complainant has apparently been satisfied by the initial contact. A written record of the contact shall be maintained by the principal.

Request for Reconsideration

1. Any resident or employee of the district may formally challenge the appropriateness of instructional materials used in the district's educational program. This procedure is to provide a forum for those persons in the schools and the community who are not directly involved in the selection process.
2. All school offices shall keep on hand and make available Reconsideration Request Forms. All formal objections to instructional materials must be made on this form.
3. The Reconsideration Request Form shall be signed by the complainant and filed with the superintendent or his or her designee.

4. Within five business days of the filing of the form, the superintendent or his or her designee shall file the material in question with the reconsideration committee. The committee shall recommend disposition to the superintendent.
5. Generally, access to challenged material shall not be restricted during the reconsideration process. However, in unusual circumstances the material may be removed temporarily by following the provisions of this regulation.

The Reconsideration Committee

1. The reconsideration committee shall be made up of nine members:
 - a. One teacher designated by the superintendent;
 - b. One school library-media specialist designated by the superintendent;
 - c. One member of the administrative staff designated by the superintendent;
 - d. Five members from the community appointed by the Board; and
 - e. One student selected annually by the student council.

No person involved in the original selection of the material shall serve on the reconsideration committee.

2. The chair of the committee shall not be an employee or officer of the district. The secretary shall be an employee or officer of the district.
3. Special meetings may be called by the superintendent to consider temporary removal of materials in unusual circumstances. Temporary removal shall require a three-fourths vote of the committee.
4. The committee shall receive all Reconsideration Request Forms from the superintendent or his or her designee.
5. The procedure for the first meeting following receipt of a Reconsideration Request Form is as follows:
 - a. Distribute copies of written request form;
 - b. Give complainant or a group spokesman an opportunity to talk about and expand on the request form;
 - c. Distribute reputable, professionally prepared reviews of the material when available;
 - d. Distribute copies of challenged material as available.
6. The committee may request that individuals with special knowledge be present to provide information.
7. The complainant shall be kept informed by the superintendent concerning the status of the complaint throughout the committee reconsideration process. The complainant and known interested parties shall be given appropriate notice of such meetings.
8. The committee shall make its decision in either open or, when permitted by law, closed session. The committee's final decisions shall be:
 - a. To take no removal action;

- b. To remove all of the challenged material from the total school environment;
 - c. To limit the educational use of the challenged material. The sole criteria for the final decision is the appropriateness of the material for its intended educational use. The vote on the decision shall be by secret ballot. The written decision and its justification shall be forwarded to the superintendent for appropriate action and to the complainant.
9. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection or use of the material.
 10. Requests to reconsider materials which have previously been before the committee must receive approval of a majority of the committee members before the materials will again be considered. Every Reconsideration Request Form shall be acted upon by the committee.
 11. Committee members directly associated with the selection of the challenged material shall be excused from the committee during the deliberation on such materials. The superintendent may appoint a temporary replacement for the excused committee member, but such replacement shall be of the same general qualifications as the person excused.
 12. If the complainant is not satisfied with the decision, a request may be made that the matter be placed on the agenda of the next regularly scheduled meeting of the board.

**Reconsideration Request Form for Re-evaluation of Instructional Material
(Submit to Superintendent)**

BOOK OR OTHER PRINTED MATERIAL IF APPLICABLE:

Author _____ Hardcover Paperback Other
Title _____ Publisher _____ Date of Pub. _____

DIGITAL MATERIAL IF APPLICABLE:

Title _____ Producer (if known) _____
Type of Material (filmstrip, motion picture, etc.) _____

Request initiated by _____ Telephone _____
Address _____ City _____ Zip _____

Person making the request represents Self Group or Organization

If group, name of group _____

1. To what in the item do you object? (Please be specific, cite pages, frames, other identifying location, etc.) _____

2. In what way do you find this item objectionable? (i.e., religious grounds, lack of academic merit, lack of literary merit) _____

What evidence substantiates your objection? (i.e., in what way is your religious position offended; what do you cite as a lack of academic merit; please be specific as possible so that the committee can readily find the evidence you offer) _____

3. In your opinion, what harmful effects upon students might result from use of this item?

4. What components of this item outweigh the instructional value of the piece? _____

5. Did you review the entire item? If not, please specify the sections you did review. _____

6. Do you feel additional experts in the field of education and/or the discipline represented be considered? Would you identify an expert whose authority you would accept? _____

7. What would you like the school to do about this material?

- Do not use it with my student
- Withdraw it from use
- Send it back to the selection team for reevaluation
- Other

8. In place of this item would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended? _____

9. Do you wish to make an oral presentation to the Review Committee?

- Yes No If yes, please call the superintendent's office at 541-679-3000.

DATE

SIGNATURE

PRINTED NAME _____

PROPOSED - OK!

Winston-Dillard School District 116

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

Instructional Materials/Program Adoption Procedure

1. Prior to an adoption study, teachers, administrators, parents, citizens and students may suggest materials they feel should be considered for adoption. Their specific suggestions or recommendations should be submitted to the curriculum coordinator/curriculum administrator of the content area to be reviewed.
2. The curriculum coordinator/curriculum administrator will compile and present all suggestions listed in Step 1 to the review committee. The review committee will be comprised of the curriculum committee and at least two parents selected by the curriculum coordinator/curriculum administrator to represent elementary and secondary levels.
3. In order to inform constituents of the review process, an announcement will be made at a regular Board meeting, a press release will be written and parents will be notified at each building within one month of the committee's first meeting.
4. The committee will conduct a preliminary study of materials suitable for basic adoption. Publishers and curriculum consultants may be invited to participate in the study. Material under consideration for adoption by the committee will be available for review by district constituents upon request. An evaluation/rating instrument will be employed for all program/instructional materials considerations. The committee will decide whether to first initiate a pilot or trial use of a particular series or text or to proceed directly with an adoption. Any trial use or pilot should be coordinated and compatible with the proposed revisions in the curriculum guide. The proposed pilot or trial use must have approval of the principal and the teachers involved.
5. After a trial use in the classroom and/or committee review, the committee will release results of its evaluation on the programs/instructional materials studied to the [superintendent] [cabinet]. Specific recommendations will be prepared and forwarded to the [superintendent] [cabinet]. The committee must show evidence of having used an evaluation or instrument to ensure conformity with curriculum program goals.
6. The [cabinet] will review the recommended adoption and ensure that:
 - a. Appropriate procedures have been complied with;
 - b. Compatibility exists with other texts or skills presented at the same grade level in other curriculum areas;
 - c. The cost is within budgeted amounts.

The [cabinet] may forward a recommendation to the superintendent either accepting the adoption proposal or referring it back to the committee for revision or further study.
7. The superintendent will decide after reviewing the recommendation to either send the proposal back to the committee for further review or to forward it to the Board for approval.

8. The Board may rule on the adoption recommendation or direct the superintendent to further action as it deems appropriate or conducive to reach established goals and objectives.

9. **P** is the principal's responsibility to implement and maintain the district-adopted instructional materials/programs. Exceptions to the district-adopted instructional materials/programs could occur only after following the procedure defined below:

- a. **R** If a teacher has a concern regarding the effectiveness/appropriateness of the program adoption in the teacher's assignment area, the teacher may submit that concern in writing to the administrator. If the administrator shares that concern, the administrator may refer the concern to the superintendent. The superintendent will refer the concern to the curriculum administrator/coordinator for a recommendation. The superintendent will issue a decision on the concern after receiving the recommendation;
- b. **O** If an administrator has a concern regarding the effectiveness/appropriateness of the program adoption, or if the administrator would like to field test/pilot a specific program, the concern or the request to pilot/field test must be submitted to the superintendent for a decision. Should any pilot or field test justify continuation beyond a single school year, the continued use requires the superintendent's approval.

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Winston-Dillard School District 116

APPT?

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

Challenge of Instructional Materials

1. Inquiries

- a. Any inquiry made to an administrator regarding instructional material by any person(s) shall be made known to the staff member(s) using the material. The staff member(s) shall be made aware of the person(s) making the inquiry.
- b. The administrator shall then arrange for the person(s) making the inquiry to meet with the staff member(s) using the material in an effort to resolve the issue informally.
- c. The administrator shall inform the person(s) making the inquiry that if they are not satisfied with the outcome of the informal process, they may file a formal written challenge.

2. Challenges

- a. All formal challenges shall be in writing on the district form prepared for this purpose and must be submitted to the superintendent.
- b. Upon receipt of a written challenge, the superintendent shall, within 10 student contact days, activate and appoint the review committee and provide a copy of the written challenge to the staff member(s) involved.
- c. The review committee shall consider the challenge within 10 student contact days of the committee's activation and appointment by the superintendent.
- d. The review committee, once activated and appointed, shall recommend to the superintendent whether or not the challenged material should be withdrawn from use during the review process. The superintendent may withdraw challenged material following receipt of the recommendation from the review committee until final resolution is reached by the Board.
- e. Following a review of the challenged material, the review committee shall submit its report and recommendation to the superintendent for presentation to the Board. Copies of the recommendation shall be provided to the person(s) filing the challenge and to the staff member(s) involved.
- f. The Board shall announce its decision at the next Board meeting following receipt of the committee's recommendation. If the Board's decision is contrary to the recommendation of the review committee, the reasons will be communicated, in writing, to the review committee.
- g. The review committee shall be appointed by the superintendent and shall be composed as follows:

(1) [District employees (7):

- Representing the high school level
- representing the middle school level
- representing elementary school level
- representing the district at large
- administrator;

[Patrons (6):

- Representing the high school level
- representing the middle school level
- representing elementary school level
- representing the district at large;

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- (2) ~~At least four of the district employees shall be licensed teachers. Members shall be selected from a list of people having expressed their willingness to serve on this committee~~;
- (3) ~~Members will serve terms of [three] years on a rotating basis with the initial terms set by the superintendent (one-third shall serve one year, one-third shall serve two years, and one-third shall serve three years)~~;
- (4) ~~The review committee shall be chaired by a district office administrator appointed by the superintendent and shall be a non-voting member of the committee;~~
- (5) ~~The committee chair shall be responsible for documenting all proceedings, for adherence to established procedures and guidelines and for preparing and presenting the report and recommendation to the Board based on the minutes of the meeting(s). Additionally, the chair will send copies of the committee's report and recommendation to the person(s) filing the challenge and the staff member(s) involved.~~

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3. Procedures to be followed by the ~~review committee~~.

- a. Review "Challenge of Instructional Material" administrative regulation;
- b. Establish a calendar for the review of the challenged material;
- c. Review the challenged material considering the theme, concept, vocabulary, and illustrations as they apply to:
 - (1) The appropriateness of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (2) The appropriateness of the material's level of difficulty; and
 - (3) The appropriateness of the material for the age group(s) with which it was used.
- d. Request that the staff member(s) involved submit a written explanation of their use of the challenged material, specifically addressing its relationship to the established curriculum and course objectives;
- e. An opportunity will be provided to person(s) filing the challenge, staff member(s) involved, outside consultants, lay people, other staff members or other individuals to offer oral or written testimony on the challenge within such procedures and limitations as may be established by the chair with the consensus of the committee;
- f. Review and discuss possible options for recommendation, including:
 - (1) Continued use of the material as used, with no reservations;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, etc.;
 - (3) No further use of the material as a part of the regular or support curriculum in the district.
- g. Procedures for voting:
 - (1) A quorum (one-half the committee membership plus one) shall be present to act upon any business to come before the committee;
 - (2) All motions and votes shall be recorded and reported in the minutes of the meeting(s);
 - (3) Votes will be recorded from only the members present at the time of the vote;
 - (4) A simple majority of those present is required for a motion to pass;
 - (5) Roll call votes may be taken.

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- h. Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee’s recommendation. Action shall be taken on that motion and any subsequent motions within the procedures outlined in section 3.g. above and consistent with parliamentary procedure;
- P** i. All meetings of the review committee are subject to the Public Records and Meetings Law pursuant to Oregon Revised Statute (ORS) 192.610 to 192.690.

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Winston-Dillard School District 116

P IIA-AR(3)
Reviewed/Reviewed:

Challenge Request for Instructional Materials (Submit to superintendent)

Title: **R** _____ Publisher: _____ Date of Pub.: _____

Author **R** _____

Type of media: Hardcover Paperback Digital Other: _____

Producer/Source (if known): **O** _____

Request initiated by: _____ Phone _____

Address _____ City _____ Zip _____

Person making the request represents **P** Self Group or organization

Name of Group (or organization): _____

1. To what in the item do you object? (Please be specific and cite pages, frames, etc.)
O _____

2. In your opinion, what are the harmful effects upon students that might result from the use of this item?
S _____

3. Do you perceive any instructional value in the use of this item?
E _____

4. Did you review the entire item? Yes No

5. If not, what sections did you review? _____

6. Should the opinion of any additional experts in the field be considered? Yes No **D**

7. Please list suggestions, if any: _____

8. What would you like the school to do about this material?

- Do not use it with my student.
- Withdraw it from use.
- Send it back to the selector or selectors for evaluation.
- Other _____.

9. In place of this item, would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended?

10. Do you wish to make an oral presentation to the Review Committee? Yes No

If yes, please call the superintendent's office at [_____].

Signature _____

Date _____

References:

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Winston-Dillard School District 116

OK

Code: IIABB
Adopted: 4/20/11
Revised/Readopted: 12/13/11
Orig. Code(s): IIABB

Use of Feature Films, Videos or Other Media**

(See proposed AR)

The Board recognizes the showing of commercially produced and rated feature films, and videos and other media may have a legitimate purpose in a school's educational program. Since the content of these feature films, videos or other media customarily is designed for general audience viewing, the Board feels certain precautions should be taken to ensure the showing of a particular film-media is consistent with the educational values espoused by the district. Only films rated G, PG or PG-13 may be shown as part of the (K-8) school program. The Board directs procedures be developed to accomplish this objective, including the provision that a parent has the opportunity to preview the film and that a parent must give prior consent before his/her student may view a film rated PG or PG-13.

The Board directs administrative regulations be developed to accomplish this objective, including the provision that parents or guardians have the opportunity to preview a film when practicably possible and that parents or guardians must give prior consent before their student views a film rated PG, PG-13 or R. Certain R-rated films or portions of these films may have an educational value as they relate to a specific topic. These films may be shown (grades 9-12) upon the approval of the principal and upon notification of parents allowing them the opportunity to preview the film and that the parent must give prior consent before his/her student is allowed to view the R-rated film. The title of these films must be included in the class syllabus prior to the beginning of the course, and an alternative assignment for equal credit must be available for students that are not given parental permission.

All copyright laws must be followed.

Any media materials that are not rated are subject to the approval of the administrator prior to viewing.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Winston-Dillard School District 116

Code: IIABB-AR
Revised/Reviewed:

OK

Use of Feature Films, Videos or Other Media

Prior to showing a feature films and videos or other non-rated media in a school, the instructor must seek the written approval of the principal. At least five days prior to the showing, the instructor shall submit to the principal (in writing) the following information on the particular films, videos or other media:

1. Title and brief description;
2. Purpose for the showing;
3. Match with course objectives;
4. Proposed date of showing;
5. When and how parents or guardians will be notified, or if necessary, grant consent;
6. Audience rating G, PG, PG-13 or R.

The showing of all feature films or videos with a G rating requires only prior notice to parents or guardians from the instructor, who will summarize in writing the information in the above points 1., 2., 4. and 6.

Additionally, feature films or videos with a PG or PG-13 rating, or other non-rated media, will require consent from parents or guardians before a student views the film, video or other non-rated media.

Instructors are required to preview all films, videos or other non-rated media before showing to students.

Only films or videos rated G, PG or PG-13 or other approved non-rated media may be shown as part of the school program. Parents or guardians may have the opportunity to preview films, videos or other non-rated media when practicably possible and that parents or guardians must give prior consent before their student views a film rated PG or PG-13 or other non-rated media.

Certain R-rated films or portions of these films may have an educational value as they relate to a specific topic. These films may be shown only in grades 9-12 upon the approval of the principal and upon notification of parents allowing them the opportunity to preview the film and that the parent must give prior consent before their student is allowed to view the R-rated film. The title of these films must be included in the class syllabus prior to the beginning of the course, and an alternative assignment for equal credit must be available for students that are not given parental permission.

Edited or non-rated films and videos or other nonrated media will be shown at the discretion of the administrator.

The notification to parents or guardians for the showing of G movies at the secondary level will be at the discretion of the administrator.

Winston-Dillard School District 116

Code: IAD
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IAD

ok

Special Interest Materials

In general, supplementary printed materials from ~~commercial, political, religious, or other~~ nonschool sources should have the approval of the superintendent or designee before being used in the schools. This approval may be given to materials that are of obvious educational quality, ~~which~~ supplement and enrich text; and reference book materials for definite school courses; and ~~which~~ are timely.

Printed materials from nonschool sources should not be displayed or distributed in the schools or on the school grounds without approval of the superintendent or designee. Students may not be used as agents for distributing nonschool materials to the homes without the superintendent's approval.

Teachers may use special aids such as models, films, slides, pictures, charts, and exhibits for educational purposes with the express approval of the superintendent or principal even though ~~although~~ these materials may bear the name of a commercial business firm that provided the aid.

Educational films and all video rentals secured from or through commercial sources ~~will shall~~ be approved by the principal prior to their use in the schools.

All copyright laws regulating the use of such material ~~will shall~~ be strictly followed ~~adhered to~~.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 339.880](#)

Copyrights, 17 U.S.C. §§ 101-1332 (2012); 19 C.F.R. Part 133 (2017).

Winston-Dillard School District 116

Code: IIBGA
Adopted: 7/26/06
Revised/Readopted: 4/20/11; 1/14/15; 7/14/21
Orig. Code(s): IIBGA

ok

Electronic Communications System

The district's electronic communication system will be used to provide statewide, national and global communications opportunities for staff and students and for the advancement and promotion of teaching and learning.

The superintendent will establish administrative regulations for the use of the district's electronic communication system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using e-mail, social media, chat rooms and other forms of direct electronic communication;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors; and
8. Installing measures designed to restrict minors' access to materials harmful to minors.

Administrative regulations developed shall ensure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

Administrative regulations will be consistent with sound guidelines as may be provided by the Oregon Department of Education and/or the Oregon Government Ethics Commission, copyright law, and will include a complaint procedure for reporting violations.

Failure to abide by district policy and administrative regulations governing use of the district's electronic communications system may result in the suspension and/or revocation of system access. Additionally,

student violations may result in discipline up to and including expulsion. Staff violations may result in discipline up to and including dismissal. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

[ORS 167.060 - 167.100](#)
[ORS Chapter 192](#)
[ORS 260.432](#)

[ORS 332.107](#)
[ORS 339.250](#)
[ORS 339.270](#)
[OAR 581-021-0050](#)

[OAR 581-021-0055](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Children's Internet Protection Act, 47 U.S.C. §§ 254(h) and (l) (2018); 47 C.F.R. Section 54.520 (2019).
Copyrights, 17, U.S.C. §§ 101-1332 (2018); 19 C.F.R. Part 133 (2020).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2018).
Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8107 (2018); 34 C.F.R. Part 84, Subpart F (2020).
Controlled Substances Act, 21 U.S.C. § 812, Schedules I through V (2018); 21 C.F.R. §§ 1308.11-1308.15 (2020).
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).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018); 34 C.F.R. Part 99 (2020).
Every Student Succeeds Act, 20 U.S.C. § 7131 (2018).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Winston-Dillard School District 116

Code: IIBGA-AR
Revised/Reviewed: 7/26/06; 6/15/11; 1/14/15;
7/14/21
Orig. Code(s): IIBGA-AR

ok

Electronic Communications System

Definitions

1. “Technology protection measure,” as defined by the Children’s Internet Protection Act (CIPA), means a specific technology that blocks or filters Internet access to visual depictions that are:
 - a. “Obscene,” has the meaning given such term in Section 1460 of Title 18, United States Code;
 - b. “Child pornography,” has the meaning given such term in Section 2256 of Title 18, United States Code; or
 - c. Harmful to minors.
2. “Harmful to minors,” as defined by CIPA, means any picture, image, graphic image file or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
 - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. “Sexual act and sexual contact,” as defined by CIPA, have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. “Minor,” as defined by CIPA, means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in district schools.
5. “Inappropriate matter,” as defined by the district, means material that is inconsistent with general public education purposes and the district’s vision, mission and goals, as determined by the district.
6. “District proprietary information” is defined by the district as any information created, produced or collected by district staff for the business or education purposes of the district including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the district’s business.
7. “District software” is defined by the district as any commercial or staff developed software acquired using district resources.

General District Responsibilities

The district will:

1. Designate staff as necessary to ensure coordination and maintenance of the district's electronic communications system which includes all district computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the district's electronic communications system including copies of district policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Allow staff use of personal electronic devices to access the district's electronic communications system when it is consistent with district board policies and administrative regulations (See Staff User Agreement);
4. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the district's electronic communications system;
5. Use only properly licensed software, audio or video media purchased by the district or approved for use by the district. The district will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
6. Install and use server virus detection and removal software;
7. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the principal may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
8. Prohibit access by minors to inappropriate matter on the Internet and World Wide Web;
9. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including "hacking" and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, social media, chat rooms, applications and other forms of direct electronic communication;
10. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites, applications and in chat rooms;
11. Determine which users and sites, accessible as part of the district's electronic communications system, are most applicable to the curricular needs of the district, and may restrict user access accordingly;
12. Determine which users will be provided access to the district's electronic communications system;
13. Program its computers to display a message reinforcing key elements of the district's electronic communications system policy and administrative regulation when accessed for use;

14. Notify appropriate system users that:

- a. The district retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the district's information system are the district's property and are to be used for authorized purposes only. Use of district equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the district's system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
- b. Files and other information, including e-mail, sent or received, generated or stored on district servers are not private and may be subject to monitoring. By using the district's system, individuals consent to have that use monitored by authorized district personnel. The district reserves the right to access and disclose, as appropriate, all information and data contained on district computers and district-owned e-mail system;
- c. The district may establish a retention schedule for the removal of e-mail;
- d. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
- e. Information and data entered or stored on the district's computers and e-mail system may be subject to disclosure if a public records request is made or a lawsuit is filed against the district. "Deleted" or "purged" data from district computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the district;
- f. The district may set quotas for system disk usage. The district may allow system users to increase their quota by submitting a written request to the Principal stating the need for the increase;
- g. Passwords used on the districts electronic communications system will be changed at 90 day intervals;
- h. Transmission of any communications or materials related to activities prohibited by ORS 260.432 is not allowed.

15. Ensure all student, staff and nonschool system users complete and sign an agreement to abide by the district's electronic communications system policy and administrative regulations. All such agreements will be maintained on file in the school office;

16. Notify users of known copyright infringing activities and deny access to or remove the material.

Electronic Communications System Access

1. Access to the district's electronic communications system is authorized to:

Board members, district employees students in grades K-12 with parent approval and when under the direct supervision of staff, and district volunteers, district contractors or other members of the public as authorized by the system coordinator or district administrators consistent with the district's policy governing use of district equipment and materials.

2. Students may be permitted to use the district's electronic communications system, when consistent with board policy and administrative regulations, for school and instructional related activities. Personal use of district-owned computers or devices including Internet and e-mail access is

permitted when consistent with board policy and administrative regulations and when during the school day.

Staff and Board members may be permitted to use the district's electronic communications system to conduct business related to the management or instructional needs of the district or to conduct research related to education and when in compliance with Board policy and administrative regulations. Personal use of the district's system or district-owned computers or devices including Internet and e-mail access by district staff may be permitted when consistent with Oregon ethics laws, Board policy and administrative regulations, when used on school property, and when on own time

District staff and Board members may use the district's electronic communications system, district-owned computers or devices including Internet and e-mail access for personal use under the same terms and conditions that access is provided to the general public under the district's policy governing use of district equipment and materials.

Volunteers, district contractors and other members of the public may be permitted to use the district's electronic communications system for personal use when consistent with Board policy, general use prohibitions and guidelines/etiquette and other applicable provisions of this administrative regulation.

General Use Prohibitions and Guidelines/Etiquette

Operation of the district's electronic communications system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient use of the district's system.

1. General Use Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the district's electronic communications system for:
 - (1) Unauthorized solicitation of funds;
 - (2) Distribution of chain letters;
 - (3) Unauthorized sale or purchase of merchandise and services;
 - (4) Collection of signatures;
 - (5) Membership drives;
 - (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software or file share music, videos or other materials on the district's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the district's equipment, software, materials or data or those of any other user of the district's system or any of the agencies or other networks connected to the district's system;
- d. Attempts to evade, change or exceed resource quotas or data usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes, but not limited to, material which may be interpreted as:

- (1) Harmful to minors;
 - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the district;
 - (3) A product or service not permitted to minors by law;
 - (4) Harassment, intimidation, bullying, menacing, threatening, or a bias incident;
 - (5) Constitutes insulting or fighting words, the very expression of which injures or harasses others, or which includes a symbol of hate;
 - (6) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
 - (7) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the district's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator and consistent with applicable Board policies pertaining to student directory information and personally identifiable information. Personal student contact information may include photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on the district's electronic communications system, unless authorized by the system coordinator or when consistent with school or educational related activities and with prior parent approval when necessary;
- i. Attempts to represent self on behalf of the district through use of the district's name in external communication forums, e.g., social media, chat rooms, without prior district authorization;
- j. Attempts to use another individual's account name or password, failure to provide the district with individual passwords or to access restricted information, resources or networks to which the user has not been granted access.

2. Guidelines/Etiquette

System users will:

- a. Adhere to the same standards for communicating online that are expected in the classroom and consistent with Board policy and administrative regulations;
- b. Respect other people's time and cyberspace. Use real-time conference features such as video/talk/chat/Internet relay chat only as approved by the supervising teacher or system coordinator;
- c. Take pride in communications. Check spelling and grammar;
- d. Respect the privacy of others. Do not read the mail or files of others without their permission;
- e. Cite all quotes, references and sources;
- f. Adhere to guidelines for managing and composing effective e-mail messages:
 - (1) One subject per message – avoid covering various issues in a single e-mail message;
 - (2) Use a descriptive heading;
 - (3) Be concise – keep message short and to the point;

- (4) Write short sentences;
 - (5) Use bulleted lists to break up complicated text;
 - (6) Conclude message with actions required and target dates;
 - (7) Remove e-mail in accordance with established guidelines;
 - (8) Remember, there is no expectation of privacy when using e-mail. Others may read or access mail;
 - (9) Always sign messages;
 - (10) Always acknowledge receipt of a document or file.
- g. Protect password confidentiality. Passwords are not to be shared with others. Using another user's account or password or allowing such access by another may be permitted with supervising teacher or system coordinator approval only;
 - h. Communicate only with such users and/or sites as may be authorized by the district;
 - i. Be forgiving of the mistakes of others and share your knowledge. Practice good mentoring techniques;
 - j. Report violations of the district's policy and administrative regulation or security problems to the supervising teacher, system coordinator or administrator, as appropriate.

~~Use of appropriate etiquette is expected of all users while using the district's electronic communications system and is explained in district training sessions.~~

Complaints

The district's established complaint procedure in Board policy KL - Public Complaints and accompanying administrative regulation may be used to process complaints or concerns about violations of policy and administrative regulations.

Violations/Consequences

1. Students
 - a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of access to the district electronic communications system access up to and including permanent loss of privileges.
 - b. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established district procedures.
2. Staff
 - a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
 - b. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by Oregon Administrative Rules (OAR) 584-020-0041.

- d. Violations of ORS 244.040 may be reported to Oregon Government Ethics Commission (OGEC).
3. Others
 - a. Other guest users who violate general electronic communications system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
 - b. Violations of law may be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

Telephone/Membership/Other Charges

1. The district assumes no responsibility or liability for any membership, phone or internet service and/or related charges incurred by any home usage of the district's electronic communications system.
2. Any disputes or problems resulting from phone services or internet provider services for home users of the district's electronic communications system are strictly between the system user and their internet service provider and/or phone service provider.

Information Content/Third Party Supplied Information

1. System users and parents of student system users are advised that use of the district's electronic communications system may provide access to materials that may be considered objectionable and inconsistent with the district's vision, mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the district's electronic communications system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the district.
3. Users of the electronic communications system may, with system coordinator approval, order services or merchandise from other vendors that may be accessed through the district's electronic communications system. These vendors are not affiliated with the district. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the vendor and the electronic communications system user. The district makes no warranties or representation whatsoever with regard to any goods or services provided by the vendor. District staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of vendors.
4. The district does not warrant that the functions or services performed by, or that the information or software contained on, the electronic communications system will meet the system user's requirements, or that the electronic communications system will be uninterrupted or error-free, or that defects will be corrected. The district's electronic communications system is provided on an "as is, as available" basis. The district does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with

respect to any services provided by the electronic communications system and any information or software contained therein.

Sample Parent Letter

ok

Dear Parents:

Your student needs your permission to use the district's electronic communications system. Your student will be able to communicate with other schools, colleges, organizations and individuals around the world through the Internet and other electronic information systems/networks.

With this educational opportunity also comes responsibility. Inappropriate system use may result in discipline, up to and including expulsion from school, suspension or revocation of your student's access to the district's electronic communications system, and/or referral to law enforcement officials.

Although the district is committed to practices that ensure the safety and welfare of system users, including the use of technology protection measures such as Internet filtering, please be aware that there may still be material or communications on the Internet that district staff, parents and students may find objectionable. While the district neither encourages nor condones access to such material, it is not possible for us to eliminate that access completely.

Attached to this letter is an agreement for your student and you to read and sign stating agreement to follow the district's electronic communications system policy and administrative regulation. The district's policy IIBGA – Electronic Communications System and administrative regulation are accessible from the district's website or upon request and include provisions on, but are not limited to, student use under General Use Prohibitions and Guidelines/Etiquette and student-related rules under Violations and Consequences.

Please review the district's Electronic Communications policy and administrative regulation, and the provisions therein, carefully with your student and return the attached agreement form to the school office indicating your permission for your student to use the district's electronic communications system.

Sincerely,

Student Agreement for an Electronic Communications System Account

Student agreement must be renewed each academic year.

Student Section

Student Name _____ Grade _____

School _____

I have received notice of, read and agree to abide by the provisions adopted and included in the district's Electronic Communications System policy and administrative regulation. I understand that violation of these provisions may result in discipline, up to and including expulsion from school, and/or suspension or revocation of system access and related privileges, and/or referral to law enforcement officials.

Student Signature _____ Date _____

.....

Parent

I have received notice of and read the district's Electronic Communications System policy and administrative regulation. I give my permission to the district to issue an account for my student and certify that the information contained in this form is correct. I will monitor my student's use of the system and the access to the Internet and will accept responsibility for supervision in that regard if and when my student's use is not in a school setting. In consideration for the privilege of using the district's electronic communications system and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my, or my student's use, or inability to use, the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

Signature of Parent _____ Date _____

Email Address _____

Home Phone Number _____ Cell Number _____

Email Address _____

Agreement for an Electronic Communications System Account
(Nonschool System User)

I have received notice of, read and agree to abide by the provisions adopted and included in the district's Electronic Communications System policy and administrative regulation. I understand that violation of these provisions may result in suspension and/or revocation of system access and related privileges, and/or referral to law enforcement officials.

In consideration for the privilege of using the district's electronic communications system and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use or inability to use the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

Signature _____ Date _____

Home Address _____

Home Phone Number _____ Cell Number _____

Email Address _____ Date of Birth _____

Parent (Required if nonschool-system user is under 18 years of age)

I have received notice of and read the district's Electronic Communications System policy and administrative regulation. I give permission to the district to issue an account for my child and certify that the information contained on this form is correct. I will monitor my child's use of the system and the potential access to the Internet and will accept responsibility for supervision in that regard if and when my child's use is not in a school setting. In consideration for the privilege of using the district's electronic communications system and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my, or my child's use, or inability to use, the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

Signature of Parent _____ Date _____

Email Address _____ Home Address _____

Home Phone Number _____ Cell Number _____

Agreement for an Electronic Communications System Account
(Staff System User)

I understand that I may use my personal electronic device (PED) for education related purposes and that certain district proprietary information may be downloaded to, or accessed through my PED. I agree that any district proprietary information downloaded on my PED will only be as necessary to accomplish district purposes, obligations or duties, and will be properly removed from my PED when the use on my PED is no longer authorized. I ensure that the PED in use is owned by me, and I am in complete control of the device at all times.

In consideration for the privilege of using the district's electronic communications system and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use or inability to use the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

Signature _____ Date _____

Email Address _____

Home Phone Number _____ Cell Number _____

Winston-Dillard School District 116

ok

Code: IICA
Adopted:

Field Trips and Special Events**

(See the district's original policy recoded as IICA-AR(1) as it contains procedural language better organized as an AR.)

The district recognizes the value of special activities to the total school program. Further, students need to be allowed to participate in and profit from carefully planned learning experiences which fall outside the normal school program/day.

Field trips and other curricular/cocurricular activities involving travel may be authorized by the superintendent or designee when such trips or activities contribute to the achievement of desirable educational/social/cultural goals.

In planning and authorizing such trips, primary consideration will be given to educational values derived, the safety and welfare of students involved, community standards of conduct and behavior on the part of all participants and the selection of appropriate adult supervision, either from within the school staff or from the parent and community volunteer pool.

Written parental permission must be obtained for each trip. The signed form showing parental approval and acknowledgment of student conduct guidelines will be maintained on file for a period of [one year].

The administration will develop rules to ensure both students and adult supervisors are acquainted with the standards for conduct while representing the district. Such rules will reinforce district policy in areas such as alcohol, tobacco and unlawful drug use, procedure to be used in cases of illness or accident, and methods for communicating with administrators/parents in discipline and emergency situations.

All overnight trips, out-of-state or international travel must have prior Board-superintendent approval. Such approval is predicated on an acceptable plan for travel arrangements, parental involvement, orientation of students and supervisors and support of the appropriate administrator(s). The Board will be notified prior to such trips.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.014](#)

[ORS 339.155](#)
[ORS 339.240 to -339.250](#)

Winston-Dillard School District 116

Code: IICA-AR(1)
Adopted: 3/22/06
Revised/Readopted: 4/20/11; 12/13/11; 10/08/14
Revised/Reviewed:
Orig. Code(s): IICA

OK

Field/Extracurricular Trips**

(Review the entirety of the AR and revise to reflect current practice, as needed.)

Field/extracurricular trips¹ can be an integral part of the school district educational program. The following are basic rules that govern such trips:

1. All field trips or extracurricular trips shall be under the supervision of the principal;
2. All arrangements for trips must be made through the principal. If district transportation is desired for the trip, arrangements must be made at least one week in advance; these arrangements must include a transportation request submitted to the principal on a district approved transportation request form. The building principal will specifically coordinate any trips that, due to scheduling beyond district control, cannot meet the one week advance notice;
3. All field trips must be part of a planned unit of work, the details of which are carefully worked out before a visit by the students is made unless as otherwise approved by the principal;
4. It is important that field trips be accompanied by worthwhile culminating activities:
 - a. Administrative approval process.
 - b. Purpose of administrative review.

Field trips provide a valuable educational benefit. However, off-site situations can expose students to hazards that are not present in the normal school environment. As a result, it is important for administrators to carefully review and monitor field trips to ensure that risks and potential school liability are minimized.

- c. Principals/administrators should do the following:
 - (1) Ensure the sponsor considers the various aspects of the field trip;
 - (2) Determine the appropriateness of activities for the students' age(s), skill(s) and behavior level(s);
 - (3) Assist the sponsor with specific field trip risk identification;
 - (4) Ensure school district insurance coverage extends to the field trip location and activities;
 - (5) Review and/or sign related contracts;
 - (6) Obtain or provide certificates of insurance related to contractual agreements and/or facility use;
 - (7) Provide preliminary administrative approval for the field trip;

¹ "Field/Extracurricular trips" are defined as any school-sponsored trip where Winston-Dillard School District students are transported.

- (8) Present the trip to the superintendent and/or school board for approval if over 200 miles from the district, or if it involves an overnight stay, or requires out-of-country travel.
 - d. Continue to follow up with the sponsor to ensure appropriate actions are being taken.
5. Careful supervision of students on a trip is mandatory. Adequate chaperoning must be provided. The principal shall determine the number of chaperones needed based on the number of students involved and the nature of the excursion following the parameters set by law and Board policy:
- a. Risk identification and documentation.

- (1) Informed consent is “a person’s agreement to allow something that is based on a full disclosure of facts needed to make the decision intelligently; i.e. knowledge of risks involved, alternates, etc.” Informed consent rests on providing enough information about the activity that a person – or, in the case of a minor, his/her/their parent/guardian – may intelligently exercise his-their own judgment by reasonably balancing the probable risks against the probable benefits.
- (2) In order for a parent/guardian to provide an informed consent for his/her/their child to participate in a field trip, the parent/guardian must be aware of all activities and potential risks involved.
- (3) Identify and assess risks.

Based on the full description of all activities with the itinerary, assess risks associated with the field trip. Try to imagine all the things that could go wrong and injure people or damage property – involve the district risk manager/safety officer, or other staff if needed.

- (4) Be familiar with facilities and equipment.

Require the sponsoring staff member to become familiar with the facilities and related equipment that will be used. Have the sponsor attempt to survey all areas the students will be using to evaluate the site for potential hazards or special requirements for the field trip and complete a written evaluation.

- (5) Determine student medical needs.

Determine specific student medical needs, including allergies, and how to accommodate these needs. Determine how to accommodate specific needs of high-risk students throughout all phases of the field trip.

- (6) Comply with medication procedures.

Contact the nurse well before the scheduled field trip to conform to school district policy and procedures on administration of oral medications. Ensure that the district medication form is completed by parents/guardians. Take this form on the field trip. If any student is to receive medication, give a copy of this form to the person designated to administer the medications.

- (7) Supervision and chaperone selection.

- (a) Supervise students at all times.
- (i) Ensure supervision of students by an adult at all times. Remember the rule of thumb about supervision – if you can't see the students, you are not supervising them. Staff and chaperones must exercise close control over the students. Students on field trips can become overly excited and want to explore on their own.
 - (ii) Establish a process for regular accounting for all students and staff, both periodically and when activities change (such as before boarding the bus to return). Determine what adequate supervision is during overnight stays (how frequently to check the room, etc.).
 - (iii) Determine how many and what kinds of chaperones are needed throughout the trip.
 - (iv) Determine what supervision (what kind and how many) is needed. Establish the proper ratio of supervisors to students based on a case-by-case evaluation of each field trip. A higher number of supervisors will be required for more hazardous activities. Be sure to follow school district policy.
 - (v) Base the number of chaperones on an evaluation considering the number of students, age and maturity of the students, types of activities, facilities, duration of trip, type of transportation and safety considerations (such as emergency procedures).
 - (vi) There should be a minimum of two adults supervising a field trip. If not specified in school district policy, recommended **minimum** supervision ratios (adults to students) are as follows: elementary school age - 1:10; middle/high school age - 1:20. The building administrator and sponsor should agree upon the ratio for each field trip.
 - (vii) More and/or specifically qualified chaperones/staff may be needed for higher-risk activities, overnight stays (gender-specific), activities involving water (life saving) or wilderness (survival), out-of-country travel (speak the language), and those including behaviorally, physically or mentally challenged students.
 - (viii) First-aid/CPR-trained chaperones/staff are required – at least one chaperone on each field trip should be so certified.
 - (ix) If the field trip is part of a classroom educational experience, sporting event, or sponsored club, at least one “authorized adult²” is needed.
 - (x) For supervision purposes, each bus should have at least one staff member or chaperone other than the driver.
 - (xi) Ensure that all volunteer chaperones are:
 - 1) At least 21 years old;
 - 2) Criminally screened as specified in Board policy IICC;
 - 3) Physically able to do the job;
 - 4) Able to work well with students.

² “Authorized adult” is an adult that has a current background check and is approved to provide supervision of students by the building principal.

6. All trips shall be limited to a radius of 200 miles unless express permission of the superintendent is received;
7. Any overnight trips, out-of-state or international travel must have prior superintendent approval and the Board must receive notification prior to the trip;
8. The administration must authorize all lodging on field trips and extracurricular trips.

END OF POLICY

Legal Reference(s)

ORS 332.017
ORS 332.014

ORS 339.55
ORS 339.54(1) - 339.56

Winston-Dillard School District 116

Code: IICA-AR(2)
Adopted: 6/20/18
Orig. Code: IICA-AR

Student Field/Extracurricular Trip -- Planning and Approval Checklist

Designed to comply with requirements specified in district policy, IICA – Student Field/Extracurricular Trips.

Section 1 – General Planning: Teacher

Date: _____ School: _____ Class/Group: _____
Requested By: _____ Date Of Trip: _____
Destination: _____ Date Of Return: _____
Purpose Of Trip: _____

Check here if this is an instructional field trip. **Attach separate detailed narrative description of trip activity.** *Instructional trips are those that directly relate to classroom instruction and are considered part of your normal curricular activities. District administration will determine final approval for instructional field trips.*

Check All That Apply:

- Regular School Day Activity
- Outside Regular School Day Activity
- Overnight Activity
- Special Equipment (Please Specify Needs)

Number Of Students: _____

Number Of Staff Members: _____

Number Of Chaperones/Volunteers: _____

Student/Adult Ratio: _____/_____

Section 2 – Transportation: Teacher

Request is for: _____ # of bus(s) _____ # of Suburban(s)
Leave Loading Time: _____ Location: _____
Return Loading Time: _____ Location: _____

Suburban Request Only

Driver Names: _____

Do you need a fuel card? Yes No

(This will need to be checked out at the district office prior to the scheduled departure date.)

*****Drivers Must Have Driver Training, Current First-Aid Card***
and ODE approval in order to drive Suburban**

Required By Oar 581-053-0015 (6): Drivers shall report to their employer(s) within 15 days, any convictions for driving or criminal offenses specified in OAR 581-053-0006(8) or any involvement in an accident as defined in OAR 581-053-0006(8)(c)(G)(i).

ALL trips must have prior approval, with appropriate signatures from your building administrator and/or the district office before a trip can be scheduled.

Section 3 – Supervision and Medical Plan: Teacher

Supervision Plan:

- Day Supervision Plan
- Night Supervision Plan:
Attach copy of supervision plan/schedule including random, period spot checks throughout the night, accommodations that include same gender supervised sleeping arrangements.
- Meal Plans accounted for to include special dietary needs.
- Out Of Pocket Expenses: arrangements made for those unable to pay.

Medical Plan:

- Medication Administration form completed – if applicable.
- Accommodation needs for 504 or special education/health issues (diet, allergy, bee sting, etc.).

Section 4 – Specific Planning: Principal

Transportation:

- First Student Buses – If checked, verify minimum reservation timelines have been or will be met.
(Trip must be scheduled a minimum of two weeks in advance with First Student.)
- Private vehicles include verification of insurance and criminal background check.
(Must be submitted at least one week in advance to the district office.)

****Staff Acknowledgement: All Staff attending the event must sign (attach additional sheet if necessary)****

Staff/Chaperone Names

Staff/Chaperones Names

Section 5 – Trip Authorization: Principal and/or Superintendent

Administrator Approval:

In-district or out-of-district within Oregon; less than a 200 mile radius; no overnight.

_____ (initial) I have verified that the student trip proposed above meets with all pertinent criteria and hereby grant final approval.

Overnight; out of state; international; or over a 200 mile radius travel.

_____ (initial) I have verified that the student trip proposed meets all pertinent criteria and forwarding the request with a recommendation to approve.

_____ (initial) I have advised staff and chaperones that all district policies and administrative rules apply and reviewed where applicable.

All chaperones meet policy guidelines and are approved for this event.

Principal Signature: _____ Date: _____

Superintendent Approval: for any overnight, out-of-state, international or over 200 mile radius travel. submit this form at least 20 school days prior to the departure date for overnight travel, and 60 school days prior to the departure date for out-of-state, international or over 200 mile radius travel.

Superintendent Signature: _____ Date: _____

Winston-Dillard School District 116

Code: IICB
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IICB

OK

Community Resource Persons

One goal for education is to prepare students to participate constructively in a democratic, pluralistic society, a society in which many differing opinions are held and differing causes are espoused. It is important that students develop an understanding of divergent ideas. It is also important that they develop judgment, a capacity to discern the difference between fact and opinion, and to weigh arguments, slogans and appeals. Books, films and other media are valuable for giving students exposure to many differing ideas, but for effective learning it is also useful to invite appropriate persons not on the district educational staff to speak to or to meet with groups of students as part of the educational process.

No overall standard can be established which will automatically exclude, as a resource, the person whose views or manner of presenting them may obstruct the educational process or endanger the health and safety of students or staff. The Board establishes the following guidelines, however, in an effort to uphold students' freedom to learn while also recognizing obligations which the exercise of freedom entails:

1. The teacher, or sponsor and school administrator are expected to exercise judgment and to investigate fully those proposed resource persons about whom questions may arise;
2. The teacher and sponsor ~~Teachers or sponsors~~ should encourage the use of resource persons representing various approaches or points of view on a given topic ~~in order~~ to afford students a more comprehensive understanding of it;
3. An appropriate record ~~will~~ ~~shall~~ be made of each resource person ~~used~~ ~~utilized~~ and of that person's ~~his~~ ~~or her~~ presentation;
4. The ideas presented and the resource person invited to present them ~~will~~ ~~shall~~ have a demonstrable relation to the curricular or cocurricular activity in which the participating students are involved;
5. The teacher or sponsor responsible for inviting the resource person, or any member of the school administration, has the right and duty to interrupt or suspend ~~any~~ proceedings if the conduct of the resource person is judged to be in poor taste or endangering the health and safety of students and staff. Examples of inappropriate conduct are:
 - a. Profanity, vulgarity, and lewd comments are prohibited;
 - b. Tobacco or inhalant delivery system use as is prohibited on district grounds.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Winston-Dillard School District 116

Code: ICC
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 12/13/17; 9/12/18;
10/09/19; 3/11/20
Orig. Code(s): ICC

OK

Volunteers

(Coordinate with what is changed in GCDA/GDDA and its AR.)

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

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

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

Any electronic communications with students by a volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, volunteers shall use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a volunteer for the district is prohibited.

Nonexempt employees¹ may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services² as the employee's regularly assigned duties. In the event a nonexempt employee volunteers to perform services for the district that are the same or similar as the employee's regularly assigned duties, the Board recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided.³

¹ There are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50 percent of the employee's time.

² Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.

³ Districts should review the use of non-exempt employees in extracurricular activity positions such as coaching, cheerleading advisors and other district-sponsored activities with legal counsel for FLSA district impact.

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

END OF POLICY

Legal Reference(s):

[ORS Chapter 243](#)

[ORS 326.607](#)

[ORS 332.107](#)

[ORS 339.372](#)

[OAR 581-021-0510 – 021-0512](#)

[OAR 839-020-0005](#)

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

Winston-Dillard School District 116

OK

Code: IICC-AR
Adopted: 1/09/19
Orig. Code(s): IICC-AR

Volunteer Application

Legal Name: _____ Contact # _____
Address: _____ Employer: _____

Occupation: _____
Email: _____
In Case Of Emergency Please Notify: _____
Contact Phone: _____

Qualifications

Please list any qualifications such as military experience, hobbies, interests or any other activities that you feel qualify you for this position.

References (employer, minister, school personnel, friend or non-family) Please list references that have firsthand knowledge of your abilities, character and personality.

Name	Company	Contact #
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time Available for Volunteer Work: _____ School/Class: _____

Days of Week Available To Volunteer: M T W TH F

Areas Of Interest: Field Trip Classroom Help Other _____

For Office Use Only

Has Current Approved Criminal Background Check

Approved By: _____ Date: _____

Forwarded To: _____ Date: _____

Disapproved By: _____ Date: _____

Reason for disapproval: _____

Volunteer/Chaperone Guidelines Code of Confidentiality

Thank you for serving as volunteer or chaperone in our district. The guidelines that follow are designed to ensure that all adult supervision protects the safety and security of our students and is conducted in accordance with school and district policy.

Volunteer/Chaperone Conduct: The following conduct is prohibited during any school activity including field trips:

- Possession, distribution or use of alcohol or controlled substances
- Tobacco possession or use
- Harassment
- Inappropriate language (e.g. profanity)
- Criminal or other conduct that my violate Standards for the Competent and Ethical Educator (OAR 584-20-010-035)

Volunteer Code of Confidentiality:

1. All student records should be considered confidential.
2. Directory information, including a student's name, address, telephone number, date and place of birth, photograph, participation in activities and sports, weight, height, dates of attendance, degrees and awards received and previous educational agencies attended can only be shared with administrative approval.
3. Records should not be left in a place where others can see them nor be copied without administrative approval.
4. Volunteers should not discuss or report information overheard while in staff lounge, classrooms, school grounds, hallways or during extra-curricular activities.
5. Volunteers should not discuss information obtained while in a classroom, such as a student's grade or behavior with anyone other than the student's teacher.
6. Concerns or questions regarding student records or issues of confidentiality should be brought to the attention of the staff member that supervises the volunteer, and/or school administrator.
7. Any knowledge of a violation of this Code of Confidentiality should be immediately reported to the staff member that supervises the volunteer, and/or school administrator.

Student Conduct: Field trips are, by school and district policy considered school activities. School and district student conduct guidelines govern all student trips. Chaperones are expected to assist supervising school staff in the enforcement of all school policies on field trips by reporting conduct violations to the staff trip supervisor. Trip supervisors, in turn, are to report such violations to the principal or assistant principal in a timely manner. A copy of entire student conduct handbook is available in the school office. **A brief summary of prohibited student conduct is provided below:**

- Tobacco or inhalant delivery system possession or use
- Weapon/dangerous instrument possession or use
- Drug/Alcohol possession or use
- Property Damage/Theft
- Fighting/Assault
- Menacing or threatening behavior
- Harassment, intimidation or bullying
- Obscene Language or Gestures

Classroom or program volunteers are expected to assist supervising school staff in the enforcement of all student conduct guidelines by reporting any conduct violations to the immediate supervisor.

By signing, I acknowledge that I have read, understand and will comply with the Volunteer Code of Confidentiality and conduct guidelines.

Volunteer Signature

Date

Volunteer Application – ICC-AR
2-2

Winston-Dillard School District 116

OK

Code: IJ
Adopted: 2/10/21
Orig. Code(s): IJ

School Counseling Program

The district's coordinated comprehensive school counseling program supports the academic, career, social-emotional, and community involvement development of all students. Each school will have a comprehensive counseling program for students in all grades, which will be based on the Oregon Department of Education's *Oregon's Framework for Comprehensive School Counseling Programs*.¹

The district will adopt program goals, which will assist students to:

1. Understand and utilize the educational opportunities and alternatives available to them;
2. Meet academic standards;
3. Establish tentative career and educational goals;
4. Create and maintain an education plan and education portfolio;
5. Demonstrate the ability to utilize personal qualities, education and training, in the world of work;
6. Develop decision-making skills;
7. Obtain information about self;
8. Accept increasing responsibility for their own actions, including the development of self-advocacy skills;
9. Develop skills in interpersonal relations, including the use of effective and receptive communication;
10. Utilize school and community resources;
11. Demonstrate and discuss personal contributions to the larger community; and
12. Know where and how to utilize personal skills in making contributions to the community.

Consistent with individual rights and the counselor's obligations as a professional, the counseling relationship and resulting information may be protected as privileged communications by Oregon law.²

END OF POLICY

¹ Oregon Department of Education - [Comprehensive School Counseling](#)

² See ORS 40.245.

Legal Reference(s):

[ORS 40.245](#)
[\[ORS 174.100\]](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 329.603](#)

[ORS 332.107](#)
[ORS 336.187](#)
[OAR 581-021-0013](#)
[OAR 581-021-0046](#)

[OAR 581-022-2030](#)
[OAR 581-022-2055](#)
[OAR 581-022-2060](#)
[OAR 581-022-2250](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2019).
[House Bill 3041 (2021).]

Winston-Dillard School District 116

Code: IK
Adopted: 10/08/08
Revised/Readopted: 4/20/11; 12/13/11; 9/11/13;
7/13/14
Orig. Code(s): IK

OK

Academic Achievement**

The Board believes it is important that teachers have as much accurate knowledge of student achievement as possible to assess students' needs and growth; thus, a sharing of information among parent, teacher and student is essential.

The district shall ensure that all students have the opportunity to demonstrate progress toward mastery of the knowledge and skills of the student's current grade level or course content level. Students who have not yet met or who exceed all of the standards at any grade level, will be offered additional services or alternative educational or public school options.

The Board directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students ~~{will}~~ {may} be informed ~~{at least annually}~~ of their student's progress toward achieving the academic content standards, including but not limited to:
 - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
 - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
 - c. ~~{Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district.}~~
 - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the district or the individual and time periods for the waiver; and
 - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, ~~demonstration of extended application~~ and demonstration of ~~extended application~~ the Essential Skills.
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude ~~{or behavior}~~. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade ~~{;}~~ ~~{.}~~ {Behavior performance shall be reported separately.}
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;

5. When no grades are given but the student is evaluated in terms of progress, the school staff will show whether the student is achieving course requirements at ~~also provide a realistic appraisal of the student's current grade level standing in relation to his/her peers;~~
6. The staff will take particular care to explain to parents the meaning of marks and symbols used to reflect student performance.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)
[ORS 329.485](#)

[ORS 343.295](#)
[OAR 581-021-0022](#)

[OAR 581-022-2260](#)
[OAR 581-022-2270](#)

Winston-Dillard School District 116

Code: IKA
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 12/13/11; 9/11/13;
7/13/14
Orig. Code(s): IKA

Grading System

The district's reporting system shall be based on Board-adopted course content and clearly show the student and parent whether the student is achieving course requirements at the student's current grade level; or course content level; shall be based on the student's progress toward mastery of a continuum of academic knowledge and skills; and may be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grades.

Letter grades will be used in the district.

Grading will be conducted on a ~~nine-week~~ basis. The ~~nine-week~~ grade will be based on many factors, such as: basic assignments, both oral and written; class participation; special assignments; research; activities of various types and kinds; and special contributions.

At the beginning of the grading period students and parents will be informed regarding the basis of the grades and the methods to be used in determining them.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)

[OAR 581-021-0022](#)

[OAR 581-022-2270](#)

Winston-Dillard School District 116

Code: IKAB
Adopted: 9/11/13
Revised/Readopted: 7/13/14
Orig. Code(s): IKAB

OK

Student Progress Reports to Parents**

Parents may be ~~annually~~ informed of their student's progress toward achieving the academic content standards, including but not limited to:

1. Information on progress in each subject area to meet or exceed the academic content standards of the student's current grade level or course content level, including major goals used to determine the information;
2. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
3. ~~Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district;~~
4. Student scores on all state and local assessments indicating any of the requirements that have been waived for the district or the individual and time periods for the waiver; and
5. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.

The school will report a student's progress to the student and to their ~~his/her~~ parents. The report will be clear, concise and accurate, and will provide a basis of understanding among teachers, parents and students for the benefit of the individual student. ~~The Board directs the administration to develop progress report forms or cards in accordance with this policy.~~

In an effort to promote effective communications with individuals with disabilities, the school will provide progress reports in an alternative format upon request and with appropriate advance notice.

Full consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 329.485](#)

[OAR 581-022-2270](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

7/01/17 | PH

Student Progress Reports to Parents** – IKAB

Winston-Dillard School District 116

OK

Code: IKAC
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IKAC

High School Classes—Courses for ~~Eighth-Pre-Graders~~ 9 Students

The district encourages students to perform at the highest level possible in their ~~his or her~~ course work. Recognizing that some ~~upper level elementary~~ ~~(middle)~~ school age students are able to master existing high school curriculum, it is the policy of the district to allow ~~eighth-grade~~ 8 students, who are qualified, to take designated high school classes/~~or~~ courses. High school credit may be granted, if students taking pregrade 9 ~~pre-grade nine~~ courses, are required to meet performance criteria that are equivalent to the performance criteria for students taking the same high school classes.

The district ~~(will)~~ ~~(will not)~~ allow the granting of such credit to be used to reduce below ~~(24)~~ the units of credit to be completed in grades 9 through 12 for high school graduation.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2000](#)

[OAR 581-022-2270](#)

Winston-Dillard School District 116

ok

Code: IKAD
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IKAD

Grade Reduction or Credit Denial**

Grade reduction or credit denial determinations may include student attendance. Student attendance may not be a sole criterion. ~~If~~ However, if attendance is a factor, prior to a grade reduction or credit denial, the following shall occur:

1. The teacher ~~will~~ shall identify and inform parents and students how the attendance and class participation is related to the instructional goals of the subject or course;
- ~~2. Parents and students shall be informed;~~
- ~~3.2.~~ The district's Pprocedures for appeal in due process ~~for~~ shall be made available to the student when the grade is reduced or credit denied for attendance rather than academic reasons; ~~and~~
- 4.3. The reasons ~~Reasons~~ for nonattendance ~~are~~ shall be considered and the grade ~~is~~ shall not be reduced or credit denied based upon absences due to:
 - a. Religious reasons;
 - b. A student's disability; or
 - c. An excused absence, as determined by the district's policy.

END OF POLICY

Legal Reference(s):

[ORS 339.280](#)

Winston-Dillard School District 116

Code: IKC
Adopted: 7/26/06
Readopted: 4/20/11
Orig. Code(s): IKC

OK

Class Rankings

In the interest of encouraging and recognizing outstanding academic achievement, a valedictorian and a salutatorian will be selected for each graduating class.

The district's valedictorian and salutatorian may be permitted to speak as part of the district's planned graduation program at the discretion of the building principal or designee. All speeches must be reviewed and approved in advance by the building principal or designee. Titles and Privileges granted to students designated as valedictorian or salutatorian may be denied and/or revoked for violation of Board policy, administrative regulation or school rule.

The valedictorian and salutatorian will be selected according to the following procedure:

1. The valedictorian will be the student with the highest grade point average as computed at the end of ~~seven~~ semesters of high school work;
2. The salutatorian will be the student with the second highest grade point average as computed at the end of ~~seven~~ semesters of high school work;
3. In case of a tie for valedictorian, co-valedictorians will be honored;
4. In case of a tie for salutatorian, co-salutatorians will be honored;
5. ~~Foreign Exchange students~~ ~~will~~ ~~will not~~ be considered in computing class rank and, therefore, ~~will~~ ~~will not~~ be eligible for ~~any academic honors;~~ ~~valedictorian or salutatorian;~~
6. To be eligible for valedictorian or salutatorian honors, a student must be enrolled at Douglas High School prior to and continuously following the 10th school day of the student's senior year.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.179](#)

Shorb v. Grotting and Powers Sch. Dist., Case No. 00 CV-0255 (Coos County Circuit Ct.) (2000).

Winston-Dillard School District 116

OK

Code: IKE-AR
Revised/Reviewed: 7/10/02; 4/20/11
Orig. Code(s): IKE-AR

Admission to High School: Placement Procedures**

(Review and edit for practice)

A student who has completed successfully the course work prescribed for grade ~~eight-8~~ shall be promoted to grade ~~nine-9~~ at the high school. The promotion may be recognized in a public ceremony for grade ~~eight-8~~ students.

A student who has not completed successfully the grade ~~eight-8~~ curriculum may be retained at the middle school for additional instruction or remediation in academic weakness. No retention shall be considered until the student's progress has been examined by a team including the principal or assistant principal, the counselor, the parents, the student and the student's teachers.

A decision regarding the student's promotion or retention shall be made in consideration of the student's academic progress, needs, and social development.

A student who has not completed successfully the grade ~~eight-8~~ curriculum may be promoted to grade ~~nine-9~~ in consideration of ~~his or her~~their chronological age, social development and academic needs. Such social promotion may be either full-time enrollment at the high school, or a split enrollment, with the student pursuing a high school curriculum for those areas in which ~~he or she has~~they have been academically successful and a middle school curriculum for those areas in which ~~he or she is~~they are not yet prepared to undertake the demands of a high school program. The decision for social promotion shall be made by a team including the principals or assistant principals and the counselors of both sending and receiving schools, the parents, the student, and the student's teachers.

For a student identified as eligible for special education, any class placement which varies from normal progression shall be determined by the IEP team, which shall consist of representatives of both sending and receiving schools.

Winston-Dillard School District 116

ok

Code: IKE
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IKE

Promotion and Retention of Students**

The Board is dedicated to total and continuous development of each student enrolled. The professional staff are expected to place students at the grade level learning environments best suited to them academically, socially, physically and emotionally. As a district committed to a continuous progress concept, the Board recognizes students must be provided opportunities to progress at their own learning rates.

As long as the district maintains identifiable grade levels, students shall normally progress annually from grade to grade. Exceptions may be made when, in the judgment of the professional staff (teachers, counselors, special services staff, and assessment specialist, in concert with school principals), such exceptions are in the best educational interest of the students involved.

[A student who cannot demonstrate proficiency in each subject area or who are not making adequate progress toward demonstrating proficiency in their grade levels, may be considered for retention.]

[A student may be considered for promotion if the student has satisfied the requirements for the student's current grade level.]

A recommendation for retention or promotion of a student will be made only after prior notification and explanation to the student's parent or guardian.

~~Exceptions shall always be made after prior notification and explanation to and discussion with the student's parents, but~~

†The final decision for academic placement shall rest with principals.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2000](#)

[OAR 581-022-2270](#)

Winston-Dillard School District 116

Code: IKF
Adopted: 6/15/11
Revised/Readopted: 12/13/11; 1/15/14; 4/13/16;
7/13/16; 12/13/17; 4/11/18;
9/12/18; 5/15/19; 10/09/19;
10/12/22
Orig. Code(s): IKF

OK

Graduation Requirements**

(Expecting graduation OARs to be revised by State Board; additional updates to come.)

The Board establishes graduation requirements for awarding of a high school diploma, a modified diploma, an extended diploma and ~~an alternative certificate~~ a certificate of attendance which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

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

1. A foster child¹;
2. ~~Experiencing houselessness²; Homeless;~~
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in an educational program³ in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state.

Diploma

¹ As defined in ORS 30.297.

² {ORS 329.451(2) and OAR 581-022-use the term "homeless."} See OAR 581-022-2000 for additional information.

³ "Educational program in this state" means an educational program that is provided by a school district, a public charter school, the Youth Corrections Education Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long-term care or treatment facility described in ORS 343.962 or a hospital identified in ORS 343.261.

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

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in language arts (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. ~~Three~~ Two and one-half credits in social sciences (including history, civics⁴; geography and economics ~~(including personal finance)~~);
5. One-half credit of civics⁵;
6. One-half credit of higher education and career path skills⁶;
7. One-half credit of personal financial education⁷;
8. ~~One credit in health education;~~
9. One credit in physical education; and
10. Three credits in career and technical education, the arts or world languages⁸ (units shall be earned in any one or a combination).

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

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

⁴ Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451).

⁵ Civics becomes a half-credit requirement for students who were first enrolled in grade 9 during the 2022-2023 school year or first enrolled in grade 9 in any subsequent school year, OAR 581-022-2000(3). {This is not required language at this time, but the district could choose to keep language with the footnote, and certainly should keep if the district already provides this instruction.}

⁶ Higher education and career path skills becomes a half-credit requirement for students who were first enrolled in grade 9 during the 2022-2023 school year or first enrolled in grade 9 in any subsequent school year, Senate Bill 3 (2023). {This is not required language at this time, but the district could choose to keep language with the footnote, and certainly should keep if the district already provides this instruction.}

⁷ Personal finance education becomes a half-credit requirement for students who were first enrolled in grade 9 during the 2022-2023 school year or first enrolled in grade 9 in any subsequent school year, Senate Bill 3 (2023). {This is not required language at this time, but the district could choose to keep language with the footnote, and certainly should keep if the district already provides this instruction.}

⁸ "World language" includes sign language, heritage language and languages other than a student's primary language.

1. Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings⁹;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010(3):

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

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

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

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010.

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

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

⁹ The State Board of Education has suspended proficiency in Essential Skills requirement through the 2027-2028 school year.

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

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

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

A student's school team may decide to revise a modified diploma decision.

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

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

Extended Diploma

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

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

- a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
- b. A medical condition that creates a barrier to achievement; or
- c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

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

Alternative Certificates Certificate of Attendance

~~Alternative certificates~~A certificate of attendance will be awarded to a student¹⁰ who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the student has maintained regular full-time attendance for at least four years beginning in grade nine and meets minimum requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for ~~an alternative certificate~~ a certificate of attendance, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of ~~an alternative certificate~~ a certificate of attendance. The district shall also disclose to parents or guardians that a student awarded a certificate of attendance will not be counted as a high school graduate in any required reporting and that a student may not indicate the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Other District Responsibilities

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

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

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

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

¹⁰ A student who began grade 9 before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate as in effect on the day before July 1, 2024.

A student may satisfy the requirements for a modified diploma, an extended diploma or ~~an alternative certificate~~ a certificate of attendance in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or ~~an alternative certificate~~ a certificate of attendance in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

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

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

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

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

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

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form¹¹ and submitting the form to the district.

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

The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. "Student-initiated test impropriety" means student

¹¹ Oregon Department of Education page for: [30-day notice and opt-out form](#)

conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.007](#)
[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 336.585](#)
[ORS 336.590](#)

[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)

[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.
Senate Bill 1522 (2022).
Senate Bill 3 (2023).
Senate Bill 992 (2023).

Winston-Dillard School District 116

Code: IKFA
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): IKFA

OK

Early Graduation**

A student who, for sound educational and vocational reasons, wishes to graduate from high school in less time than the ordinary grade 9-12 sequence may request permission to complete graduation requirements on an altered schedule. The student and ~~his or her~~ parents shall consult with high school guidance personnel in order to develop a graduation plan. Their intention to accomplish this plan shall be stated in writing to the superintendent.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years upon the student's request and if the student's parent or guardian consents, if required.

END OF POLICY

Legal Reference(s):

[ORS 329.447](#)
[ORS 329.465](#)
[ORS 339.030](#)
[ORS 339.115](#)
[ORS 343.295](#)

[OAR 581-022-0102\(18\)](#)

[OAR 581-022-2000](#)
[OAR 581-022-2005](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)

[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)
[OAR 581-022-1130](#)
[OAR 581-022-1210](#)
[OAR 581-022-1350](#)

Winston-Dillard School District 116

OK

Code: IKFAA
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): IKFAA

Delayed Graduation

A resident student who has not yet attained 21 years of age prior to the beginning of the current school year may enroll for further instruction if the student is in need of additional education in order to receive a diploma or has not yet attained 21 years of age prior to the beginning of the current school year, is receiving special education services, and has not yet received a regular high school diploma.

The student shall not be admitted if ~~he or she~~ they is/are under expulsion from another school district. Upon completion of the expulsion term ~~he or she~~ the student shall be admitted if the student otherwise meets eligibility criteria. The student and ~~his or her~~ parents shall consult with high school guidance personnel in order to develop a graduation plan.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[OAR 581-022-25054350](#)

Winston-Dillard School District 116

Code: IKFB
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 12/13/11; 12/13/17;
2/10/21
Orig. Code(s): IKFB

OK

Graduation Exercises

The Board believes that completion of the requirements for a diploma, a modified diploma, an extended diploma or an alternative certificate from public schools is an achievement that improves the community as well as the individual. The Board wishes to recognize this achievement in a publicly, celebrated graduation exercise.

Accordingly, appropriate graduation programs may be planned by the school on the date selected by the Board.

The school's valedictorian(s), salutatorian(s) or others, at the discretion of the principal or designee, may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the building principal or designee.

All students in good standing¹ who have successfully completed the requirements for a high school diploma, or ~~qualify~~ qualifies to receive or receives a modified diploma, an extended diploma or an alternative certificate, including a student participating in a district-sponsored alternative education program and a student with disabilities receiving a document certifying successful completion of program requirements, shall have the option to participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an alternative certificate; and
2. Has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces.

Graduating students will be allowed to wear Native American items of cultural significance² or other items³.

END OF POLICY

¹ [A student may be denied participation in graduation exercises for conduct that violates board policy, administrative regulation and/or code of conduct provisions.]

² "Native American items of cultural significance" means items or objects that are traditionally associated with a Native American or that have religious or cultural significance to a Native American.

³ The district may prohibit an item or object that: a) is likely to cause a substantial disruption of, or material interference with the graduation ceremony, or b) replaces a cap or gown customarily worn at a graduation ceremony.

Legal Reference(s):

[ORS 329.451](#)
[ORS 332.107](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 581-021-0060](#)
[OAR 581-022-2000](#)
[OAR 581-022-2010](#)

[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2505](#)

31 OR. ATTY. GEN. OP. 428 (1964)

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

Kay v. David Douglas Sch. Dist. No. 40, 1987; cert. den., 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Winston-Dillard School District 116

Code: IKH
Adopted: 2/6/08
Revised/Readopted: 4/20/11; 5/20/15
Orig. Code(s): IKH

OK

Credit for Proficiency

The district shall grant required and elective ~~credits~~ ^{credit} toward a diploma or a modified diploma, provided the method for accruing such credit is described in the student's personal education plan and the student earns the credit by one or more of the options below.

A district may grant credit to a student if the student demonstrates defined levels of proficiency or mastery of recognized standards, i.e., knowledge and skills, (e.g., state academic content standards and essential skills, industry-based or other national or international standards) by one or more of the following options:

1. Successfully completing classroom or equivalent work (e.g., supervised independent study, career-related learning experiences, project based learning) that meets Common Curriculum Goals and academic content standards required by Oregon Administrative Rule (OAR) 581-022-2030~~1210~~;
2. Successfully completing classroom or equivalent work, in class or out of class, where hours of instruction may vary;
3. Successfully passing an appropriate exam;
4. Providing a collection of work or other assessment evidence; or
5. Providing documentation of prior learning activities or experiences (e.g., certification of training, letters, diplomas, awards, etc.).

The Board directs the superintendent to ~~establish~~ ^{develop an administrative regulation that establishes} criteria for granting proficiency credit.

END OF POLICY

Legal Reference(s):

[ORS 329.885](#)
[ORS 332.107](#)
[ORS 336.615 - 336.665](#)
[OAR 581-022-0102](#)

[OAR 581-022-2000](#)
[OAR 581-022-2010](#)
[OAR 581-022-2025](#)
[OAR 581-022-2310](#)

[OAR 581-022-2505](#)
[OAR 581-023-0008](#)

Winston-Dillard School District 116

Code: IKI
Adopted: 2/14/07
Revised/Readopted: 4/20/11; 4/12/17
Orig. Code(s): IKI

ok

Academic Integrity

The Board ~~encourages~~~~desires to encourage~~ the development of critical thinking skills in students, to show them the benefits of setting and accomplishing goals and to help the student realize the satisfaction and reward of learning.

Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect toward their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of the educational experience or their full academic potential.

Students are encouraged to converse with others and assist other students except when it is inconsistent with testing or assignment instructions. This dialogue or exchange of ideas both inside and outside the classroom helps facilitate learning by everyone. Assisting others is prohibited when it would constitute academic dishonesty. Prohibited events include, but are not limited to, using or sharing prohibited study aides or other written materials on tests or assignments. Academic dishonesty also includes sharing, collaborating or communicating with others on tests or assignments, before or during tests or assignments, in violation of directions by the class instructor. Academic dishonesty may also include knowingly sharing false information or knowingly misleading another to reach a false answer or conclusion.

Violation of this policy may result in discipline as deemed appropriate by the instructor or administration, based on the nature and seriousness of the offense. Discipline may involve the district prohibiting the student from participating in school-sponsored activities or events; denial or revocation of school-conferred titles, distinctions, honors or privileges; or suspension or expulsion¹.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.240](#)

[ORS 339.250](#)

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

¹ Use of suspension or expulsion as discipline for a student in violation of this policy is limited to criteria found in Oregon Revised Statute (ORS) 339.250.

Winston-Dillard School District 116

Code: IL
Adopted: 10/8/08
Revised/Readopted: 4/20/11; 11/14/12; 4/13/16
Orig. Code(s): IL

OK

Assessment Program**

The district's assessment program shall be designed for the purpose of determining district and school program improvement and individual student needs including the requirements of the Oregon Administrative Rules. Each year the district shall determine each student's progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards and ~~Essential Skills~~ and to identify students who meet or exceed the performance standards and ~~Essential Skills~~ adopted by the State Board of Education.

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;
2. ~~Assessment of Essential Skills;~~
- 3.2. Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;
- 4.3. Assessments by individual teachers;
- 5.4. ~~Other Optional~~ schoolwide and grade levelwide assessments, as recommended by the superintendent and as approved by the Board.

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards, and ~~Essential Skills~~. District, school and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The district shall make additional services or alternative educational or public school options available to any student who has not met or has exceeded all of the state-required academic content standards. Additionally, students in schools receiving Title I moneys that have been identified by the Oregon Department of Education (ODE), will be provided supplemental services and public school options as required by law.

The district shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures.

Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

A parent on behalf of their student or an adult student may annually opt-out of taking a statewide summative assessment by completing the Smarter Balanced and submitting ODE's opt-out form¹ or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The district shall provide the required notice and necessary forms to the school student. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices² and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student's or parent's right to request an exemption from taking the statewide summative assessments.

The act of district shall establish conduct and discipline consequences for student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

The superintendent shall ensure a periodic review and evaluation of the district's assessment program is conducted.

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 329.479](#)
[ORS 329.485](#)
[ORS 336.187](#)
[ORS 659.850](#)

[OAR 581-021-0009](#)
[OAR 581-021-0030](#)
[OAR 581-022-2030](#)
[OAR 581-022-2060](#)
[OAR 581-022-2100](#)
[OAR 581-022-2110](#)
[OAR 581-022-2115](#)

[OAR 581-022-2250](#)
[OAR 581-022-2270](#)
[OAR 581-022-2310](#)
House Bill 3041 (2021)
Senate Bill 602 (2021)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2021).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2021).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).
Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).

¹ Oregon Department of Education page for: [30-day notice and opt-out form](#)

² Districts are required to provide notice twice each year: once at the beginning of the year; and second time at least 30 days prior to the administration of the test. The 30-day notice must first be provided during the 2015-2016 school year. The beginning of the year notice must first be provided during the 2016-2017 school year.

Winston-Dillard School District 116

DELETE

Code: IM
Adopted: 4/20/11
Orig. Code(s): IM

D

Evaluation of Instructional Programs

(See IMB)

The purpose of evaluation of instruction will be to identify school and district needs for improvement of student achievement at the district and school levels.

The Board will rely on the administration to provide continuous evaluation of the educational program and instructional processes. The input of staff, students, parents and the community will be encouraged. A self-evaluation will be conducted to include a review of test results and other evaluative information. The Board may participate in such evaluation. It may also arrange for evaluations to be conducted by outside agencies.

The self-evaluation will be used as a basis for the development and implementation of a written district improvement plan. The district self-evaluation and improvement plan will meet the requirements of applicable Oregon Revised Statutes and Oregon Administrative Rules and may include, but not be limited to, realignment of curriculum, staff development and reallocation of staff and other special academic programs.

Appropriate research studies will be periodically reviewed to determine recent trends and developments in self-evaluation techniques.

The district improvement plan will be revised and updated on a biennial basis. The superintendent will annually review and report test results and district improvement plan progress to the community. The plan will be made available to the public and submitted to the Oregon Department of Education upon request.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.155](#)

[OAR 581-022-0606](#)
[OAR 581-022-1020](#)
[OAR 581-022-1130](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)

T

E

Winston-Dillard School District 116

REVISED

Code: IMB
Adopted: 10/8/08
Revised/Readopted: 4/20/11; 4/18/12
Orig. Code(s): IMB

Student Achievement Program (Version 1)

Schools should be safe, respectful and welcoming settings for all students, families and staff. Research results indicate that both academic and social gains for students improve when schools establish a positive, predictable social and rigorous academic culture.

Rigorous academic instruction includes:

1. Universal supports;
2. Evidence-based curriculum;
3. Unambiguous instruction/precision teaching;
4. Adequate intensity;
5. System for positive feedback;
6. System for timely error correction;
7. Universal screening;
8. Collect information 2-4 times per year;
9. Use of data for decision-making;
10. Evidence-based continuum of support;
11. Targeted supports for “at-risk” students;
12. Tertiary/intensive, individualized supports for students with significant needs;
13. Progress monitoring;
14. Fidelity monitoring.

Achieving a positive social culture as well as a rigorous learning environment requires active and consistent investment. Teachers find that the time spent implementing behavior systems and effective instructional practices are amply repaid with increased student achievement and a more pleasant learning environment.

The following features are minimal characteristics of schools that promote and sustain a positive social and academic culture:

1. A small number of positively stated behavioral expectations are defined;
2. The behavioral expectations are taught to all students each year;
3. Staff actively acknowledges students for engaging in the behavioral expectations;
4. A system is defined for monitoring and correcting behavioral errors, and is used consistently by all staff in the school;
5. Information is collected on office discipline referrals, suspensions and expulsions. This information is available to, and used by, the administrators, related services personnel, behavior support team and staff on a regular basis;
6. The school improvement team has a process for:
 - a. Assessing the extent to which best practice procedures for behavior support are being used in the school;
 - b. Monitoring the behavior of students in the school; and
 - c. Using information for on-going action planning.
7. Discrimination, harassment, bullying and intimidation are not tolerated. Policies and procedures are in place and routinely used for accepting reports, developing safety plans for targeted students who report incidents, changing the behaviors of involved students and documentation of reports, incidents and actions taken.

The superintendent will ensure development and implementation of a comprehensive, collaborative planning process that engages the school community in the district's continuous student achievement improvement program efforts. School improvement efforts should include a goal addressing the student climate of the school and the academic achievement of the school and a process for evaluating the core features of behavior and core features for instruction.

The superintendent will ensure development and implementation of a district wide program for student achievement improvement that engages district stakeholders in a continuous improvement planning process that provides for annual review, revision as needed and reports to the community.

The district's program will be reflected in school and district improvement plans and will include, but not be limited to, the following:

1. Self-evaluation of current and prior disaggregated student achievement and behavioral data, including student and community demographics, student access to and utilization of educational opportunities to meet standards and stakeholders satisfaction. The evaluation should include measurement of the seven features of positive social culture and measures of academic instruction including universal supports, universal screening, evidence-based continuum of support, progress monitoring and fidelity monitoring;
2. Data-driven goal setting utilizing Oregon Department of Education recommended and/or local methods culminating in a Continuous Improvement Plan and process. The process includes:

- a. Build readiness;
- b. Collect and analyze data;
- c. Set goals based on data;
- d. Investigate evidence-based practices;
- e. Develop action plan;
- f. Implement and monitor plan; and
- g. Evaluate effectiveness and sustained effort.

- 3. Action planning including provisions for accountability, professional staff development, steps to ensure a safe, educational environment conducive to learning, identification of local efficiencies and resources, steps to assure all students have access to the educational opportunities needed to meet the high standards of the state and district, resource allocation and realignment strategies needed to support improvement efforts.

The Board will, in striving for continuous improvement, annually review district and individual school data on student achievement, prioritize, allocate and realign resources as necessary.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[ORS 332.107](#)

[OAR 581-022-2250](#)

E

T

E

Winston-Dillard School District 116

OK

Code: IMB
Adopted:

District Improvement Program (Version 2)

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the district. The district will accomplish this through continued evaluation and improvement of its programs.

The superintendent will ensure development and implementation of a comprehensive, collaborative planning and self-evaluation process that [engages the school community] [involves parents, students, teachers, school employees and community representatives from the demographic groups of their school population] in the district's goal setting and continuous improvement program efforts.

The district's program will be consistent with Oregon Department of Education requirements and reflected in school and district continuous improvement plans.

The district will, in striving for continuous improvement, annually review district and individual school data on student achievement and prioritize, allocate and realign resources as necessary. The district will annually review and report test results and progress to the community.

The superintendent will develop administrative regulations as needed to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[ORS 332.107](#)

[OAR 581-022-2250](#)

Winston-Dillard School District 116

OK

Code: IMB-AR
Revised/Reviewed: 10/8/08; 4/20/11
Orig. Code(s): IMB-AR

Student Achievement Program

The district's comprehensive continuous improvement student achievement program planning efforts will be guided by the following key actions:

1. The superintendent will convene a student achievement improvement committee¹ ~~{2}~~ once every four years ~~{ biennially }~~ process consisting of ~~{ Board members, administrators, staff, parents, students, and other community stakeholders with representation from the demographic groups of school population. }~~ The purpose of the committee will be to:
 - a. ~~{ Establish a clear vision and mission supporting of student equity and achievement as the top priority of the district; }~~
 - b. ~~{ Define student achievement and identify specific state and local performance benchmarks and district goals based on self-evaluation data; }~~
 - c. ~~{ Conduct a self-evaluation to design, develop and update the district's continuous improvement plan; }~~
 - d. ~~{ Develop an action plan clearly linked to specific benchmarks and goals for improving student achievement and growth performance. The plan will be reflected in school and district improvement plans; }~~
 - e. ~~{ Develop strategies for annually monitoring, reviewing and revising, as necessary, the action plan and school and district improvement plans as necessary. }~~
 - f. ~~{ Report student achievement performance results annually to the school community. }~~
2. ~~{ The committee will complete a review of self-evaluation data needed to assess student achievement performance progress, set benchmarks, establish goals and develop action plans; will be compiled and disaggregated annually at the district and building level. }~~ ~~{ Data may include, and may but will not be limited to: }~~
 - a. ~~{ Numbers of district students who take statewide assessment tests, who meet, fail to meet or who exceed state and local standards; levels of achievement by building, grade level, class and growth in performance; }~~
 - b. ~~{ Academic outcomes Results on statewide and local district tests and other assessment assessments, including the Scholastic Aptitude Test (SAT), American College Test (ACT), etc. }~~
 - c. ~~{ Grade point average (GPA) results by class, socioeconomic status, demographics, grade level and school; }~~
 - d. ~~{ Percentage of students enrolled in, and completion rates, for advanced courses at the elementary, middle and high school levels and among diverse populations; }~~

¹ With representatives invited to participate from the demographic groups of their school population.

² {OAR 581-022-2250 requires an update of the continuous improvement plan at least once every four years, but can choose to do it more often, e.g. biennially.}

- e. ~~Completion~~ Drop-out and completion rates by building, grade level, class and district, including diverse populations;
- f. ~~Post-secondary enrollment, including community colleges, trade/apprenticeship programs and military enlistments, if known;~~
- g. ~~Student, teacher, administration and community demographics;~~
- h. ~~Student behavioral/disciplinary referral/attendance data, mobility data and participation in cocurricular and extracurricular activities as an indicator of student success in school;~~
- i. ~~Previous school and district improvement plan results to determine which components were successful, which were not and degree to which specific strategies were implemented; and~~
- j. ~~Survey results of stakeholder satisfaction.~~

3. ~~District identified benchmarks and goals for the improvement of student achievement will reflect needs of school subpopulations, be clearly stated, measurable and based on Oregon Department of Education (ODE) guidelines (Quintile Method, Progress Toward Meeting Standards Methods, Individual Aggregate Method, Benchmark Aggregate Method or Composite Method) or other methods as deemed appropriate by the district;~~

4.3. The district's action plan to meet identified, specific benchmarks and goals for the improvement plan of student achievement is subject to superintendent [review and Board] approval.

The district's improvement plan shall ~~will~~ include, but not be limited to:

a. Goals to implement the following:

- (1) A rigorous curriculum aligned with state standards;
- (2) High-quality instructional programs;
- (3) Short- and long-term professional development plans to provide teachers with the knowledge and skills necessary to assure students make progress in meeting local and statewide academic content standards and district goals;
- (4) Programs and policies that achieve a safe educational environment;
- (5) Education service plans for students who have or have not exceeded all of the
- (6) Staff leadership development;
- (7) A plan for family and community engagement;
- (8) High-quality data systems;
- (9) A strong school library program;
- (10) Improvement planning that is data-driven.

b. ~~Steps to assure a safe educational environment conducive to learning;~~

e.b. ~~Identification of~~ A description of district efforts to achieve local efficiencies and efforts to make better use of resources; (e.g., private and public partnerships, targeting of state and federal funds, ESD efficiency reviews, etc.);

d.c. A review of demographics, student performance, staff characteristics and student ~~Steps to assure that all students have access to, and use of, the educational opportunities; necessary for them to meet the high standards of the state and district.~~

e.d. A needs assessment conducted which addresses priorities in accordance with Oregon Revised Statute (ORS) 329.095.

f. ~~Recommendations for allocation and realignment of district resources to support student achievement improvement efforts. For example:~~

- (1) Curriculum revision to ensure K-12 alignment with state and local academic content standards;
- (2) Establishment of appropriate educational alternatives for students who exceed academic content standards, for students who are not meeting academic content standards and accommodations for students with special needs. Such alternatives may include before or after school and summer school tutoring, remediation or enrichment activities and programs;
- (3) Staffing needs, assignments and reassignment;
- (4) Instructional materials needs;
- (5) Fully and equitably integrate technology in curriculum with the primary focus on achieving identified benchmarks and goals.

g. Strategies to develop collaborative relationships with community businesses and child-centered organizations with a focus on consensus building for the improvement of student achievement as a community priority.

5.4. Accountability to assure the district's continuous improvement action plan is implemented will be a shared responsibility of staff, administrators and the Board. Minimally, the superintendent will ensure:

- a. Specific administrative responsibility for implementing action-plan strategies and assuring that the activity takes place in the manner described is assigned, monitored and evaluated;
- b. Data analysis results are included as an essential component of the teacher goal setting and evaluation process and as a basis for staff development;
- e. Public recognition of student achievement and staff efforts is provided;
- d. Specific recommendations are developed for visible change for lack of success;
- e.c. Principals at the building level compile all necessary disaggregated data for the district's self-evaluation, to enable an in-depth assessment of student achievement and comprehensive recommendations to meet identified benchmarks and goals;
- f.d. Student performance results on identified benchmarks and goals are annually reported to the community in conjunction with state assessment results, district and school improvement plan progress and the district's status in relation to Oregon Administrative Rules Chapter 581, Division 022 standards as required by the ODE;
- g.e. Retain copies of the improvement plans in accordance with State retention and public records requirements;
- h.f. Communications strategies are developed and implemented for keeping stakeholders (e.g., parents, students, teachers, staff and community representatives) informed, including specific activities for providing information on student achievement improvement progress and feedback through surveys, forums and other similar methods.

The district will submit its continuous improvement plan to the Oregon Department of Education (ODE) at least once every four years or more frequent if there are substantial changes³ following the annual review, or when requested by ODE.

³ "Substantial change" is defined in OAR 581-022-2250(3)(c).

Winston-Dillard School District 116

Code: INB
Adopted: 7/10/02
Revised/Readopted: 4/20/11
Orig. Code(s): INB

ok

~~Teaching About~~ Studying Controversial Issues

The Board supports the inclusion of controversial issues as part of students' education. The presentation and discussion of controversial issues will be informative. The development of ability to meet issues without prejudice and to withhold judgments while facts are being collected, assembled and weighed and to see relationships before drawing inferences or conclusions are among the most valuable outcomes of a free educational system.

~~The curriculum of the school district shall encourage appropriate diversity of topics and viewpoints in the instructional program. Controversial issues provide stimulation to learning by encouraging intellectual inquiry and promoting rational problem-solving skills. Teachers in the district are required to adhere to established scope and sequence documents, curriculum guides and Board directives relative to course content.~~

Free inquiry in a democratic society requires that controversial issues arising in the normal classroom situation shall be handled as a regular and desirable aspect of instruction and learning in a way that promotes the dignity of the individual. For the best interests of the individual, community and a larger society, provision shall be made so that teachers and students alike are free to explore and evaluate a balanced range of ideas.

~~The teacher, as an impartial moderator and guide, shall not attempt, either directly or indirectly, to control the judgment of students on such issues.~~

Parents and guardians may request, per the terms of Board policy IGBHD - Exemption from State Requirements Program Exemptions**, that their son or daughter child be excused from a specific study topic to accommodate the student's religious beliefs or disability.

Teachers will present an overall view of controversial issues and will guard against giving personal opinions until students have an opportunity to:

1. Find, collect and assemble factual material on the subject;
2. Interpret the data without prejudice;
3. Reconsider assumptions and claims and to reach their own conclusions.

By refraining from expressing personal views before and during the period of research and study, the teacher will encourage students to search after truth and to think for themselves.

~~Before beginning a class in the study of an obviously controversial topic, a teacher will discuss with the superintendent/principal.~~

1. Its appropriateness to the course;
2. Its appropriateness for the students' maturity level;
3. The approach to instruction;
4. The instructional materials to be used.

END OF POLICY

Legal Reference(s):

[ORS 336.067](#)

[OAR 581-021-0009](#)

U.S. CONST. amend. I.

OR. CONST., art. I.

Winston-Dillard School District 116

Code: INCA
Adopted: 7/10/02
Readopted: 4/20/11
Orig. Code(s): INCA

ok

Political Figures in District Facilities

It is the policy of the Board to support the participation of major political figures in a variety of school events. Such events include, but are not limited to, building dedications, awards assemblies, commencement and curricular innovations such as a mock convention.

If such event should occur during a campaign year, the candidate would be expected to refrain from using issues or materials related to that campaign.

Political candidates may be allowed to speak to classes or clubs during the school day; if, in the judgment of the administration, the presentation is a desirable supplement to the instructional program. If such presentation is permitted, any other ~~recognized~~ candidate who has filed for the same office will ~~shall~~, upon request, be allowed equal time.

Each candidate, whether or not ~~he or she~~ is the incumbent, will ~~shall~~ be expected to adhere to the rules and procedures established for outside resource persons or controversial speakers.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.067](#)

Winston-Dillard School District 116

Code: INDB
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 1/15/14; 4/13/16;
7/14/21
Orig. Code(s): INDB

OK

Flag Displays and Salutes

A United States (U.S.) flag and an Oregon State flag shall be displayed on or near each school building under the control of the Board or used by the district, during school hours, except in unsuitable weather and at any other time the Board deems proper.

A National League of Families' POW/MIA flag of appropriate size shall be displayed on or near each school building when required by state law¹ and in the same manner as a U.S. and Oregon State flag.

The district shall obtain and display a U.S. flag of an appropriate size for each classroom.

Students shall receive instruction in respect for the national flag and be provided an opportunity to salute the U.S. flag at least once each week during the school year by reciting *The Pledge of Allegiance*.

A flag salute may be implemented at assemblies, before or after school, at lunch, special events, home room class, athletic contests or at other times deemed appropriate by the principal. Individual staff members and students who do not participate in the salute must maintain a respectful silence during the salute.

Upon request from an Oregon Sovereign tribal government, a flag representing the sovereign tribal government must be displayed on, near, or within a school building during school hours. The location of the flag will be determined by the district in consultation with the requesting sovereign tribal government.

END OF POLICY

Legal Reference(s):

[ORS 186.110](#)
[ORS 332.107](#)

[ORS 336.067](#)
[ORS 339.875](#)

[OAR 581-021-0043](#)

W. Va. St. Bd. of Educ. v. Barnette, 319 U.S. 624 (1943).

¹ The National League of Families' POW/MIA flag must only be displayed on or near buildings that have existing flagpoles or other infrastructure installed to properly display the U.S., Oregon State, and National League of Families' POW/MIA flags simultaneously. However, all district buildings on or near where it is customary and suitable to display the U.S. flag that are newly constructed on or after January 1, 2018 shall include sufficient infrastructure to properly display the U.S. flag, Oregon State flag, and National League of Families' POW/MIA flag simultaneously.

Winston-Dillard School District 116

Code: ING
Adopted: 7/10/02
Revised/Readopted: 4/20/11; 1/15/14; 4/12/17
Orig. Code(s): ING

OK

Animals in District Facilities

Only service animals¹ serving persons with a disability and animals approved by the human resource director [superintendent] for designee that are part of an approved district curriculum or cocurricular activity are allowed in district facilities.

Approved animals must be adequately cared for and appropriately secured. Only the teacher or students designated by the teacher are to handle the animals.

If animals are to be kept in the classroom on days when classes are not in session, arrangements must be made for their care.

Animals, except those service animals serving persons with a disability, may not be transported on a school bus.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 659A.400](#)

[OAR 581-053-0010](#)
[OAR 581-053-0230\(9\)\(j\)](#)
[OAR 581-053-0330\(1\)\(q\)](#)

[OAR 581-053-0430\(16\)](#)
[OAR 581-053-0531\(15\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 28 CFR §§ 35.104, 35.136 (2017).
Americans with Disabilities Act Amendments Act of 2008.

¹ The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.

Winston-Dillard School District 116

ok

Code: ING-AR
Revised/Reviewed: 4/20/11; 1/15/14; 7/13/14;
4/12/17
Orig. Code(s): ING-AR

Animals in District Facilities

If the animal is a service animal¹, please answer the following questions:

1. Is the service animal required due to a disability? _____

2. What work or task has the service animal been trained to perform²?

If an animal is not a service animal, the district staff may request emergency contact information.

¹ The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.

² The district may request this information if the nature of the work or task the assistance animal is trained, or is being trained to do or perform, is not readily apparent.

Winston-Dillard School District 116

Code: INI
Adopted: 12/14/05
Revised/Readopted: 4/20/11
Orig. Code(s): INI

OK

Animal Dissection**

District students in grades K through 12 may refuse to dissect any vertebrate or invertebrate animal. In addition, the student's parents may refuse to allow the student to dissect the animal.

The district shall allow the student to participate in an alternative dissection exercise to demonstrate competency in the coursework. This exercise may include videos, DVDs, CD-Roms, films, computer programs, models, books, clay modeling or transparencies.

A teacher may not discriminate against or lower the grade of a student for not participating in the dissection exercise.

The district shall notify students who have dissection as part of their coursework and the parents of those students about the provisions of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 337.300](#)

COLORS

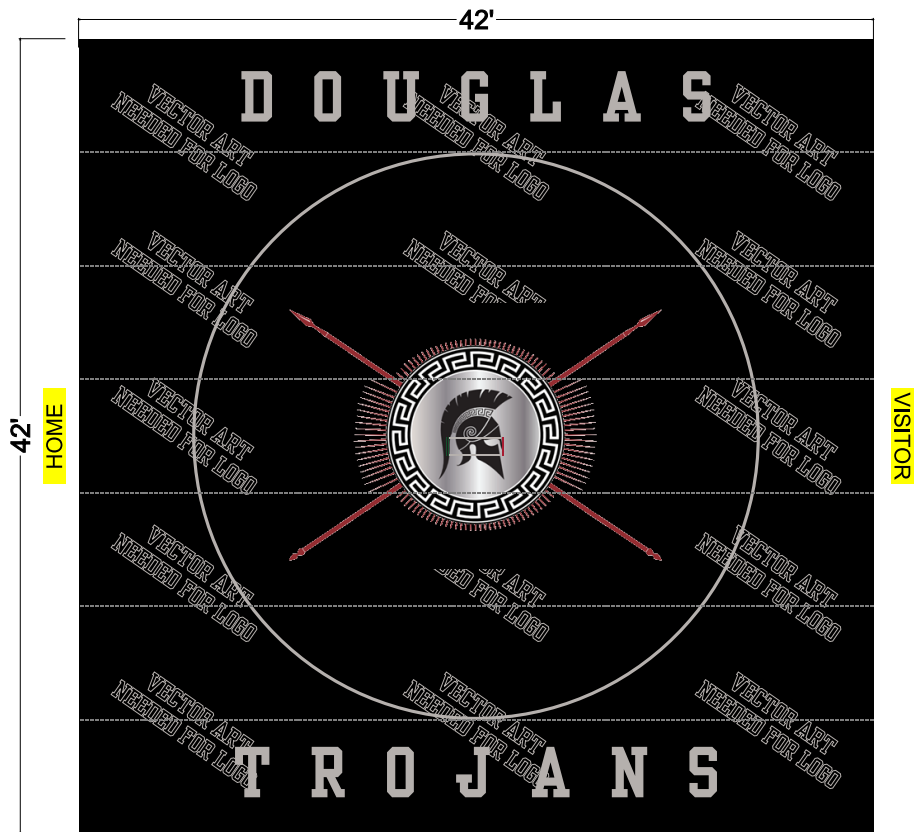
Mat Color:
Black
 30' Wrestling Circle:
N/A
 30' Wrestling Circle Line:
Lt Gray
 10' Circle:
N/A
 10' Circle Line:
N/A
 Ref/Starting Lines:
Lt Gray

THIS IS A



TAPED MAT

NOTE: COLORS SHOWN ARE FOR REPRESENTATION ONLY.
 Due to printing / electronic limitations, colors may vary from what is shown. Please request actual color swatches if color is critical.



SCORE TABLE

LITEWEIGHT MAT PROOF OPT#3

PROJECT: Douglas HS
 OPTION / ORDER#: LW#3
 DATE: 9-18-2024
 DESIGNER: Phil
 DEALER: Kevin Roberts

This mat has been designed according to customer specifications

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MAT DETAILS

MAT :
 7 Section - Horizontal
 Size: 42' Wide x 42' High
 30' Circle Line
 Pinstripe Ref/Starting Lines

20' Logo (Vector Artwork File Needed)
 Logo For Placement Only
 Located: Center
 Color: DigiPrint

32" "DOUGLAS" At Yearbook
 Located: Top
 Color: Lt Gray

32" "TROJANS" At Yearbook
 Located: Bottom
 Color: Lt Gray

⚠ WARNING ⚠
 Any activity involving motion, height, or physical contact creates the possibility of serious bodily injury, including permanent paralysis, or death, from falling or landing on the neck, head or other parts of the body.
 • The risk can be reduced by using the mat only under the supervision of trained instructors and by complying with the Instructions for Care, Handling, and Safe Use available on our website at: www.resilite.com
Best Practices When Designing Your Mat:
 1. Consider the speed and type of the drill, skill level, size and age of the users, number of participants, and available space.
 2. Always make sure you have allowed enough space to properly and safely perform the chosen maneuver(s).
 • Allow an adequate buffer zone from other users and from the end of the mat.
 • Note that each maneuver or drill may require different buffer zones.
 3. It may be necessary to add additional mats to the outside perimeter of this mat/mats to create a proper safety mat area.

PATCH AND REPAIR PROPOSAL



SUBMITTED TO

PATCH AND REPAIR

Date:

RE:

Customer:

Building Location:

Contract Price

\$	Plus Tax	Labor Only
	Tax Included	Time and Materials
	Tax Exempt	NTE
	No Tax	Lump Sum

Dear

Based upon my inspection, we recommend the following repairs be completed.

PATCH AND REPAIR

TERMS AND CONDITIONS:

Unless all Work hereunder is to be performed within thirty (30) days, WTI shall submit an invoice to the Customer at the end of each calendar month for the amount due for the portion of the Work completed during that month. If all Work is to be performed within thirty (30) days, no invoice shall be submitted until all Work has been completed. Customer shall pay WTI in full within thirty (30) days after receipt of each invoice.

This Proposal is an offer by WTI to provide the Scope of Work set forth above to the Customer on the terms and conditions set forth herein and in WTI's standard terms and conditions*, which are hereby incorporated by reference (together, the "Terms and Conditions"). The Terms and Conditions will govern the Work to the exclusion of any other or different terms, including in any customer purchase order, unless otherwise expressly agreed in writing pursuant to a Master Agreement or similar contract with Customer signed by an authorized representative of WTI. Please confirm your acceptance either by return e-mail to the representative identified below or by having an authorized representative of Customer sign in the space provided below. Upon receipt of acceptance, WTI will process your order and promptly begin the Scope of Work. We appreciate your business and look forward to working with you at your facility

Sincerely,

Weatherproofing Technologies, Inc.

By:

Title:

Phone:

E-mail:

*Press the following hyperlink button for a copy of our Terms and Conditions.



PATCH AND REPAIR

Acknowledgement Regarding Prevailing Wage Requirements:

Please check ONE of the below:

The work described to be performed by Weatherproofing Technologies, Inc. ("WTI") at customer's facilities is not subject to federal, state or local prevailing wage requirements, other than the Fair Labor Standards Act's minimum wage provisions (29 U.S.C. § 206) and similar state minimum wage laws of general application.

The work to be performed by WTI at customer's facilities is subject to prevailing wage requirements, and the customer agrees to provide WTI with all applicable wage schedules for such work before a purchase order is generated for this work.

Customer further acknowledges that if customer is a public entity or agency, or the project is funded in whole or in part with federal funds, the price quoted by WTI for work performed on customer's facilities is based on the assumption that the work is covered by a prevailing wage law (applicable state or local prevailing wage law or the Davis Bacon Act). If the customer indicates above that this project is not subject to any federal, state or local prevailing wage requirements the quoted price may be reduced.

Customer Name:

P.O. # (if required)

Customer Representative (print name):

Signature:

Title:

Date:

COMPANY CAPABILITIES

NEARLY A CENTURY OF SERVICE

Weatherproofing Technologies, Inc. (WTI), originally established in 1928, along with its affiliated company, Tremco, offers a comprehensive inventory of roofing assessment, leak prevention, building envelope, product sales, and general contracting (GC) services. WTI and Tremco, part of Tremco Construction Products Group has annual sales of over \$2 billion, owns and operates 11 manufacturing plants with over 2,000 employees worldwide. Our parent company, RPM International, a Fortune 500 company and a world leader in specialty coatings serves both industrial and consumer markets. RPM, founded in 1947, owns over two dozen operating companies manufacturing popular brand products such as Rust-Oleum®, Carboline®, DAP®, Dryvit®, and Zinsser®. RPM International maintains more than 11,000 employees worldwide, generating nearly \$7 billion in annual sales.

Tremco/WTI represents one of the largest organizations in the building envelope industry with 200+ field advisors, 650+ technical personnel, and more than 1,000 certified subcontractors. Domestically, these resources combine to provide industry leading products and services to customers throughout Canada and the United States. Tremco/WTI personnel are amongst the most highly trained and experienced in the nation.

ISO 9001:2015 & 14001:2015 CERTIFIED

WTI, along with its affiliated company Tremco, is ISO 9001:2015 certified and was the first building envelope service company in the industry to attain this quality certification.

ISO certification helps to continually improve our systems and approach to building envelope concerns and is the standard to which we have committed for our customers. We constantly look to improve our management process within our strategic planning processes through the input of our leadership, employees, and customers.

“Tremco CPG’s expansive sales force gives contractors, building owners, architects and engineers easy access to all the information and assistance they need, whatever their project’s objectives and challenges. Our technical specialists work together on the solution that provides the performance desired while meeting aesthetic and budget parameters,”

Paul Hoogenboom
President, Tremco CPG





THANK YOU
FOR THE OPPORTUNITY TO PROPOSE ON THIS PROJECT