

Fern Ridge School Board

Monday, December 19, 2022 Doors open at 6:15 pm

District Administration Office, 88834 Territorial Road, Elmira, Oregon 97437

1. **Call to Order: Public - 6:30 p.m.**

2. **Citizenship Award**

Presenter: Principal
Rick Gardner

3. **Flag Salute led by Citizenship Award Winner**

4. **Public Comment: The Fern Ridge School Board encourages public input. A person wanting to provide public comment will need to complete and submit an Intent to Speak form to the Board secretary by 1:00 pm on the day of the board meeting.**

Public comment is limited to this place on the agenda not to exceed a total of 30 minutes for all commenters. A person giving public comment is limited to an established time limit of (3) three minutes. While speakers may, during public meetings, offer objective criticism of school operations and programs, the Board will not hear personal complaints concerning district personnel nor against any person connected with the school system.

Please state your name and address. If speaking for an organization, state the name of the organization. The Board reserves the right to refer the matter to the administration.

5. **Cell Phone Tower Installation at Elmira High School**

6. **Monthly Items:**

6.A. Approval of Minutes - Board Action

7. **Business Office**

Presenter: Business
Manager, Quanah
Bennett

7.A. Enrollment Report

7.B. General Fund Revenue and Expenditure Report -
Board Action Required

8. **Reports:**

8.A. Superintendent's Report

9. **Discussion Items**

9.A. First Reading of Proposed Policy BCBCA Student
Representative to the Board

9.B. Second Reading of Proposed Policy Updates -
Board Action Required

10. Personnel

- 10.A. Licensed Employees Resignations/New Hires/Transfers/Other - Board Action Required
- 10.A.1. Retirement of Lisa Leatham, 1.0 FTE Principal at Veneta Elementary School, effective December 31, 2022.
- 10.A.2. Resignation of Dr. Paul Morphy, 1.0 FTE Speech-Language Pathologist, effective December 31, 2022.
- 10.B. Non-Licensed Personnel Report

11. Late Items/Closing Comments

12. Upcoming Events:

District Wide

Dec 19 - Jan 2: Winter Break

Jan 16: MLK Day

Elmira Elementary

Jan 5: CATCH Day

Jan 17: PTA Meeting

Veneta Elementary

Jan 4: CATCH Day

Jan 9: PALS Meeting

Fern Ridge Middle School

Jan 18: Wrestling Club Meet at Thurston

Jan 10: Parent Group Meeting

Elmira High School

Jan 3: Basketball Falcons vs. Sweet Home

Jan 7: Girls Wrestling at Sutherlin

Jan 10: Basketball Falcons vs. Lapine

Jan 14: Wrestling at Nick Lutz Invitational

13. Adjournment



FERN RIDGE SCHOOL DISTRICT 28J
School Board Meeting Minutes

REGULAR MEETING of the FERN RIDGE SCHOOL BOARD

November 22, 2022

Zoom Webinar & In-Person Meeting
88834 Territorial Rd.
Elmira, Or 97437

CALL TO ORDER (Agenda Item 1): The regular meeting of the Fern Ridge School Board was called to order by Chair Boren at 6:30 pm.

In attendance were Directors Mark Boren, Andrea Larson, Jackie Turle, Barbara Graham-Adams, Lorrie Daniels, Business Manager Quanah Bennett, and Superintendent Gary Carpenter.

CITIZENSHIP AWARD (Agenda Item 2): Fern Ridge Middle School student, Mattison Frank, was awarded the November Citizenship Award.

FLAG SALUTE (Agenda Item 3): Ms. Frank led in the flag salute.

PUBLIC COMMENT (Agenda Item 4): Community member Nancy Willard spoke in support of the book that was read in an Elmira High School classroom, *The Hate U Give*.

MONTHLY ITEMS (Agenda Item 5):

5. A. Approval of Minutes: The minutes from the October 17, 2022, Regular Board Meeting were presented for approval.

Director Daniels made a motion to approve the minutes from October 17th, seconded by Director Larson. There was no discussion. The motion carried with Directors Boren, Turle, Larson, Graham-Adams, and Daniels voting yes. 5-0.

BUSINESS OFFICE (Agenda Item 6):

6. A. November 1, 2022 Enrollment Report: Business Manager Quanah Bennett reviewed the current enrollment report. The district is up three students from what was projected in the budget. Enrollment is up 20 students from this same time last year.

6.B. General Fund Revenue and Expenditure Report: Business Manager Quanah Bennett reviewed the current financial report.

The district has received 30% of the budgeted revenue and has spent 20% of budgeted expenditures.

The interfund transfers have not been entered yet as our audit is not complete. The auditors are behind with every school in the state this year.

Director Daniels made a motion to approve the financial report, seconded by Director Graham-Adams. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Graham-Adams, and Daniels voting yes. 5-0.

6.C. Budget Meeting Calendar – Second Reading: Business Manager Quannah Bennett presented the second reading of the budget committee calendar.

Director Larson moved to approve the fiscal year 23-24 budget calendar as proposed, seconded by Director Turle. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Graham-Adams, and Daniels voting yes. 5-0.

REPORTS (Agenda Item 7):

7.A. Superintendent’s Report:

Superintendent Carpenter reported that the EC Cares portable project continues to be on track and will open in the fall.

The first scheduled day of the Tiny Dental Clinic is November 30th.

The district is still looking for board representation in the upcoming Oregon School Employees Association bargaining process.

DISCUSSION ITEMS (Agenda Item 8):

8.A. OSBA Resolution 1 – Adopts the proposed OSBA Legislative Priorities and Principals:

The board reviewed the resolution from the Oregon School Board Association for the priorities they will be supporting.

Director Turle made a motion to approve the resolution to adopt the OSBA Legislative Priorities and Principles as recommended by the Legislative Policy Committee, seconded by Director Larson. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Graham-Adams, and Daniels voting yes. 5-0.

8.B. Crow Collective:

Superintendent Carpenter reminded the board they had previously approved a co-op with Crow, however, the co-op was denied by OSAA because the enrolment of Crow and FRSD combined put us over the 3A threshold.

The collective is a different avenue the district and coaches are willing to try for a year. The difference is that collective students from another district continue to compete as their own individual school. They simply utilize our coaches, our facilities, and our transportation.

Athletic Director Joel Smith attended the meeting virtually to show his support and answer questions.

Director Daniels made a motion to approve the Crow Collective as presented, seconded by Director Turle. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Daniels, and Graham-Adams voting yes. 5-0.

8.C. Softball Co-Op with Mapleton School District

The board was asked to consider another co-op with Mapleton. Because they have fewer students than Crow, this co-op is expected to be approved by OSAA.

Director Turle made a motion to approve the softball co-op with the Mapleton School District seconded by Director Daniels. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Daniels, and Graham-Adams voting yes. 5-0.

8.D. OSBA Convention Reports

Directors Boren and Larson attended the annual Oregon School Board Association convention in Portland. Highlights included dinner with Chartwells staff and the classes/sessions they attended.

8.E. Board Meeting Calendar Adjustment

A proposed board meeting schedule adjustment was presented for approval:

Director Larson moved to approve the adjusted calendar, seconded by Director Daniels. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Daniels, and Graham-Adams voting yes. 5-0.

8.F. Second Reading of Proposed Policy Updates:

The board held a second reading of two policy updates, CB – Superintendent and CBC – Superintendent’s Contract.

Director Larson moved to approve both the superintendent and superintendent contract policies as written, seconded by Director Daniels. There was no discussion. The motion carried with Directors Boren, Larson, Turle, Daniels, and Graham-Adams voting yes. 5-0.

8.G. AR Updates and First Reading of Proposed Policy Updates:

The following proposed policy and administrative rules were presented for a first reading:

AC-AR Discrimination Complaint Procedure, GCDA/GDDA-AR Criminal Records Check/Fingerprinting, GBEA Workplace Harassment, IGBAF Special Education – Individualized Education Program (IEP), IK Academic Achievement, JGAB Use of Restraint or Seclusion, IGBAF

AR Special Education Individualized Education Program (IEP), GBN-JBA Sexual Harassment, JBA-GBN AR Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Director Larson requested that Board Secretary Smith confirm a term that was presented in the IGBAF-AR update.

Chair Boren took time during this portion of the meeting to thank Chartwell's Food Service Director for the freshly baked cookies that were brought to the meeting.

PERSONNEL (Agenda Item 9):

9. A. Licensed Employees Resignations/New hires/Transfers/Other:

9.A.1. Resignation of Jeanne Gifford-Ohnemus, 1.0 FTE Special Education Teacher at Fern Ridge Middle School, effective June 19, 2023.

Director Larson moved to approve the resignation of the special education teacher from Fern Ridge Middle School teacher at the end of the year, seconded by Director Daniels. There was no discussion. The motion carried with Directors Boren, Turle, Larson, Graham-Adams, and Daniels voting yes. 5-0.

9.B. Non-Licensed Personnel Report:

- Resignation of Michael Murray, ASPIRE Assistant at Elmira High School, effective October 31, 2022.
- Resignation of Judy Alexander-Dady, 3.75 Special Education Instructional Assistant at Elmira Elementary School, effective December 16, 2022.
- Resignation of Pete Mazzei, 1.0 FTE Custodian, effective November 25, 2022.
- Retirement of Melissa Hall, 7.00 Instructional Assistant at Veneta Elementary School, effective December 31, 2022.
- Hiring of Roberta Wolfe-Powell, 7.00 Instructional Behavior Assistant at Elmira Elementary School, effective November 1, 2022.
- Resignation of Ryan Chambers, Unified Basketball Coach at Elmira High School, effective October 4, 2022.
- Resignation of Tyler Daniels, JV Baseball Coach at Elmira High School, effective October 24, 2022.
- Resignation of Ryan Chambers, Boys Soccer Coach at Elmira High School, effective November 2, 2022.
- Resignation of Izzy Smoke, Cheer Coach at Elmira High School, effective November 7, 2022.
- Hiring of Kobe Bechtel, JV II Boys Basketball Coach at Elmira High School, effective the 2022-2023 season.
- Hiring of Jamal Wilson, JV Boys Basketball Coach at Elmira High School, effective the 2022-2023 season.

Superintendent Carpenter clarified that classified staff member Melissa Hall is retiring at the end of December, however, she will be working back in the district until the end of the school year.

LATE ITEMS/CLOSING COMMENTS (Agenda Item 10): There was a time of discussion around a new student school board member policy that will be brought for board consideration during the December meeting.

UPCOMING EVENTS (Agenda Item 11):

Elmira Elementary

- Nov 21-22 Parent-Teacher Conferences
- Nov 21-25 No school for students
- Dec 12 – Jump-A-Thon
- Dec 15 – Ugly Sweater Bingo

Veneta Elementary

- Nov 21-22 Parent-Teacher Conferences
- Nov 21-25 No school for students
- Dec 1 – Community Tree Lighting
- Dec 8 – Community Light Parade
- Dec 10 – S.A.N.T.A. Giveaway

Fern Ridge Middle School

- Nov 21 – Dec 5 – Teens & Tweens Gift Drive
- Nov 30 – Dec 9 – Canned food drive
- Dec 2 – Winter Dance

Elmira High School

- Nov 30 – Basketball vs. Sweet Home
- Dec 2 – Basketball vs. Stayton
- Dec 9 – Junior Class Movie Night
- Jan 11 – Winter Music Concert at Whirled Pies

ADJOURNMENT (Agenda Item 12): Chair Boren adjourned the meeting at 7:07 pm.

Attest: _____
School Board Representative

Gary E. Carpenter, Jr., Superintendent



Avg.
Class
Size

| | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | TOTAL |
|---|-----------|------------|------------|------------|------------|------------|------------|-----------|------------|------------|------------|------------|-----------|--------------|
| EES Teacher 1 | 15 | | | | | | | | | | | | | 15 |
| EES Teacher 2 | 16 | | | | | | | | | | | | | 16 |
| EES Teacher 3 | | 20 | | | | | | | | | | | | 20 |
| EES Teacher 4 | | 20 | | | | | | | | | | | | 20 |
| EES Teacher 5 | | 22 | | | | | | | | | | | | 22 |
| EES Teacher 6 | | | 20 | | | | | | | | | | | 20 |
| EES Teacher 7 | | | 22 | | | | | | | | | | | 22 |
| EES Teacher 8 | | | | 27 | | | | | | | | | | 27 |
| EES Teacher 9 | | | | 27 | | | | | | | | | | 27 |
| EES Teacher 10 | | | | | 15 | 12 | | | | | | | | 27 |
| EES Teacher 11 | | | | | 30 | | | | | | | | | 30 |
| EES Teacher 12 | | | | | | 29 | | | | | | | | 29 |
| Elmira Elementary | 31 | 62 | 42 | 54 | 45 | 41 | | | | | | | | 275 |
| VES Teacher 1 | 23 | | | | | | | | | | | | | 23 |
| VES Teacher 2 | 20 | | | | | | | | | | | | | 20 |
| VES Teacher 3 | 21 | | | | | | | | | | | | | 21 |
| VES Teacher 4 | | 21 | | | | | | | | | | | | 21 |
| VES Teacher 5 | | 18 | | | | | | | | | | | | 18 |
| VES Teacher 6 | | 12 | 11 | | | | | | | | | | | 23 |
| VES Teacher 7 | | | 24 | | | | | | | | | | | 24 |
| VES Teacher 8 | | | 23 | | | | | | | | | | | 23 |
| VES Teacher 9 | | | | 28 | | | | | | | | | | 28 |
| VES Teacher 10 | | | | 28 | | | | | | | | | | 28 |
| VES Teacher 11 | | | | | 30 | | | | | | | | | 30 |
| VES Teacher 12 | | | | | 30 | | | | | | | | | 30 |
| VES Teacher 13 | | | | | | 29 | | | | | | | | 29 |
| VES Teacher 14 | | | | | | 31 | | | | | | | | 31 |
| Veneta Elementary | 64 | 51 | 58 | 56 | 60 | 60 | | | | | | | | 349 |
| Total Elementary | 95 | 113 | 100 | 110 | 105 | 101 | | | | | | | | 624 |
| Fern Ridge Middle School | | | | | | | 116 | 89 | 99 | | | | | 304 |
| FRMS Options | | | | | | | | 1 | 5 | | | | | 6 |
| Elmira High School | | | | | | | | | | 105 | 91 | 85 | 78 | 359 |
| EHS Options | | | | | | | | | | 2 | 9 | 19 | 8 | 38 |
| EE Bridges (K-2) | 3 | 2 | 3 | | | | | | | | | | | 8 |
| EE Bridges (3-5) | | | | | 4 | 1 | | | | | | | | 5 |
| VES (Structured Learning) | | | | 1 | 1 | 2 | | | | | | | | 4 |
| Home Tutor | | | | | | | | | | | | | | - |
| FRMS Bridges (6-8) | | | | | | | 3 | 2 | 2 | | | | | 7 |
| Total In-District Enrollment | 98 | 115 | 103 | 111 | 110 | 104 | 119 | 92 | 106 | 107 | 100 | 104 | 86 | 1,355 |
| <i>Change from Adopted Budget (based on ADMr of 1340)</i> | | | | | | | | | | | | | | 15 |
| Out of District Placements | 2 | 2 | 1 | | 1 | | 2 | 2 | | 3 | 3 | 2 | 4 | 22 |
| <i>Change from Adopted Budget (based on ADMr of 16)</i> | | | | | | | | | | | | | | 6 |
| Total WLTL Charter School | | | | | | | | | | 10 | 11 | 22 | 25 | 68 |
| FRSD Attending WLTL | | | | | | | | | | 8 | 9 | 8 | 15 | 40 |
| <i>Change from Adopted Budget (based on ADMr of 63)</i> | | | | | | | | | | | | | | 5 |
| Total District/ Out of District /Charter School Enrollment | | | | | | | | | | | | | | 1,445 |
| <i>Change from Adopted Budget (based on ADMr of 1419)</i> | | | | | | | | | | | | | | 26 |

22.92

24.93


FERN RIDGE SCHOOL DISTRICT 28J

General Fund Revenue and Expenditures

| November 30, 2022 | ADOPTED 22-23 BUDGET | 2022-2023 | | | | | TOTAL YTD | REMAINING BALANCE |
|--------------------------------|-------------------------|------------------|----------------|------------------|----------------|------------------|------------------|----------------------|
| | | JULY | AUG | SEPT | OCT | NOV | | |
| Beginning Fund Balance | 3,263,059 | - | - | - | - | - | - | 3,263,059 |
| OPERATING REVENUE: | | | | | | | | |
| PROPERTY TAXES | 5,103,445 | 9,210 | 19,284 | 13,550 | 21,864 | 3,294,509 | 3,358,417 | 1,745,028 |
| COUNTY SCHOOL FUNDS | 53,000 | - | - | - | - | - | - | 53,000 |
| COMMON SCHOOL FUND | 172,885 | - | - | - | - | - | - | 172,885 |
| STATE MANAGED COUNTY TIMBER | - | - | - | 298,145 | - | - | 298,145 | (298,145) |
| FEDERAL FOREST FEES | 57,350 | - | - | - | - | - | - | 57,350 |
| OTHER REVENUES | 392,033 | 15,976 | 24,815 | 27,543 | 40,480 | 34,577 | 143,391 | 248,642 |
| STATE SCHOOL FUND | 10,780,665 | 1,872,377 | 921,030 | 883,095 | 899,557 | 901,235 | 5,477,294 | 5,303,371 |
| OTHER RESTRICTED GRANTS | - | - | - | - | - | - | - | - |
| RESTRICTED FR FED/GOV ST | - | - | - | - | - | - | - | - |
| INTERUND TRANSFERS | - | - | - | - | - | - | - | - |
| SALE OF FIXED ASSETS | - | - | - | - | - | - | - | - |
| TOTAL OPERATING REVENUE | 16,559,378 | 1,897,563 | 965,129 | 1,222,333 | 961,901 | 4,230,322 | 9,277,247 | 7,282,131 |

56%

TOTAL BUDGETED REVENUE (INCLUDES BEGINNING FUND BALANCE) **19,822,437** **9,277,247**

| OPERATING EXPENDITURES: | | | | | | | | |
|-------------------------------------|-------------------|----------------|----------------|------------------|------------------|------------------|------------------|-------------------|
| SALARIES | 7,582,257 | 137,112 | 169,251 | 582,708 | 588,737 | 603,832 | 2,081,640 | 5,500,617 |
| BENEFITS | 5,752,135 | 93,606 | 115,022 | 448,661 | 435,357 | 431,335 | 1,523,981 | 4,228,154 |
| PURCHASED SERVICES | 2,937,935 | 40,942 | 71,885 | 119,500 | 194,895 | 431,826 | 859,047 | 2,078,888 |
| SUPPLIES & MATERIALS | 319,661 | 11,539 | 53,369 | 29,507 | 14,754 | 28,892 | 138,061 | 181,600 |
| CAPITAL OUTLAY | - | - | - | - | - | - | - | - |
| OTHER | 235,810 | 13,302 | 200,497 | 2,987 | 2,234 | 1,316 | 220,336 | 15,474 |
| TOTAL OPERATING EXPENDITURES | 16,827,798 | 296,501 | 610,025 | 1,183,363 | 1,235,977 | 1,497,200 | 4,823,065 | 12,004,733 |

| | | | | | | | | |
|---|------------------|----------|----------|----------|----------|----------|----------|------------------|
| 29% | | | | | | | | |
| NON-OPERATING EXPENDITURES | | | | | | | | |
| INTERFUND TRANSFERS | 1,488,500 | - | - | - | - | - | - | 1,488,500 |
| CONTINGENCY | 1,506,139 | - | - | - | - | - | - | 1,506,139 |
| TOTAL NON-OPERATING EXPENDITURES | 2,994,639 | - | - | - | - | - | - | 2,994,639 |

TOTAL BUDGETED EXPENDITURES **19,822,437** **4,823,065**

Fern Ridge School District 28J

Student Representative to the Board

The Board believes that engaging the student body and seeking its input and feedback regarding the district's educational programs and activities are vital to achieving the district's mission of educating district students. To enhance communication between the Board and the student body and to encourage student involvement in district affairs, the Board shall include two student Board members. Student representatives will be nominated by high school staff in May of each year, and the EHS Principal will be charged with recruiting and securing the commitment of two students to serve in this volunteer role. It is preferred that the students selected represent different demographics and communities within EHS.

The term of a student Board member shall be one year, commencing on July 1 of each year. A student Board member shall have the right to attend all Board meetings except closed (executive) sessions.

The student representatives shall receive notice of meetings, the agenda and the appropriate agenda materials; be provided a place at the Board table; and shall have the same privileges of discussion as apply to Board members. The student representatives shall not be a voting member of the Board.

The student representatives shall be installed on the Board through the following Oath of Office:

“I _____, will support the Constitution and the laws of the United States, the state of Oregon and the laws thereof, and the policies of the Fern Ridge School District, and will discharge the duties of Student Representative to the Fern Ridge School Board to the best of my ability.”

Student Board member shall be entitled to be reimbursed for mileage to the same extent as other members of the Board.

Student Board Member Development

As necessary, the superintendent or designee may, at the district's expense, provide learning opportunities to student Board members, through trainings, workshops and conferences, to enhance their knowledge, understanding and performance of their Board responsibilities.

The superintendent or designee may periodically provide an orientation for student Board members to give them an understanding of the responsibilities and expectations of Board service.

Student Board Member Election/Selection

The student Board members shall be appointed by the Principal of Elmira High School, after securing nominations from building staff. The student Board members must be a senior by the year they are to fill this role and must meet the requirements of those running for student body president.

Removal and/or Vacancy

The student Board members may be removed from their volunteer position upon request of the Board or for conduct deemed inappropriate or in violation of school conduct codes or any Constitutional Amendment, statute, law or by-law of the Associated Student Body.

If, for any reason, a student Board member position becomes vacant before December 1, another student Board member shall be recruited and appointed to take office at the beginning of the second semester. If the vacancy occurs after December 1, the student body president shall act as student Board member for the remaining term of office with the approval of the principal.

Board Materials/Information

The superintendent or designee's office shall provide the student Board members with full and complete agendas and copies of any materials received by the Board except those materials deemed confidential by the Board and/or the Superintendent.

Student Board Member Preparation

The student Board members elect shall be coached by the principal and/or Board Chair on Board procedures and parliamentary procedure before taking office July 1. The principal and/or Board Chair shall serve as a mentor for the student Board members in acquiring the student body's opinion on issues, presenting information and assisting the student Board member in fulfilling their duties.

Student Board Member Expectations

The student Board members are expected to attend all regularly scheduled meetings of the Board. The student Board members shall prepare a report and present to the Board, regarding what is happening around the district and any upcoming events. This report will be submitted to the Board secretary at least one week prior to the next regularly scheduled meeting. The student Board members may be asked questions by the Board or Superintendent that requires research and report at the next regular meeting. The student Board members may attend any other meetings of the Board such as: Board retreat, budget meetings, etc. If a student Board member is unable to attend due to a school related activity, they must make arraignments to view the recorded version of the meeting prior to the next regular meeting. Prior to the May regular meeting, the student Board members must present to the Board a written summation of their experience on the board. Said summation must be at least 500 words and hand written.

Student Board Member Scholarship

At the completion of their full term of office, each student Board member will be provided a \$500 academic scholarship to the school of their choice, subject to approval of the Board chair and the superintendent.

END OF POLICY

Legal Reference(s):

ORS 332.107

OSBA Model Sample Policy

Code: IGBAF
Adopted:

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).

OSBA Model Sample Policy

Code: IK

Adopted:

Academic Achievement**

The Board ~~feels~~ believes it is important that teachers have as much ~~and as~~ accurate knowledge of student achievement as possible ~~in order~~ to assess ~~their~~ 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 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 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 grades are given, the school staff will take particular care to explain the meaning of marks and symbols to parents; 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 the student's current grade level;~~

6. The staff will take particular care to explain to students 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](#)

OSBA Model Sample Policy

Code: JGAB

Adopted:

Use of Restraint or Seclusion**

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

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

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

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

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

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

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

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

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

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

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

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

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Seclusion cell" means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

4. “Serious bodily injury” means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
5. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
6. “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

“Mechanical restraint” does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
7. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
 8. “Prone restraint” means a restraint in which a student is held face down on the floor.
 9. “Supine restraint” means a restraint in which a student is held face up on the floor.

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

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

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

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

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;

8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

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

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

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

The complainant, whether an organization or an individual, may appeal a district's final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023. This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.

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

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.285](#)
[ORS 339.288](#)
[ORS 339.291](#)
[ORS 339.294](#)
[ORS 339.297](#)
[ORS 339.300](#)
[ORS 339.303](#)

[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)
[OAR 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2267](#)

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

OSBA Model Sample Policy

Code: GBEA

Adopted:

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.

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

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.

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.

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.820](#)
[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).

[House Bill 3041 \(2021\)](#)

Fern Ridge School District 28J

Code: GBN/JBA
Adopted: 10/23/00
Revised/Readopted: 5/23/05; 11/16/09; 2/17/15;
9/17/18; 9/21/20
Orig. Code: 2132

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.

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

Reports and complaints of sexual harassment should be made to the following individual(s):

| Name | Position | Phone | Email |
|-------------------|----------------------|--------------|-------------------------------|
| Michelle Marshall | Title IX Coordinator | 541-935-8214 | mmarshall@fernridge.k12.or.us |

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.

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

Retaliation against persons who initiate a 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 student, student's parents, staff member, person or person's parent who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

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.

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;
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;

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.

Michelle Marshall is designated as the Title IX Coordinator and can be contacted at 541-935-8214 and mmarshall@fernridge.k12.or.us. 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.

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))

Response

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

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))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

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 district 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](#)

¹⁰ Of the United States Department of Education.

¹¹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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).

Cross Reference(s):

AC - Nondiscrimination
GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying - Staff
GBNAA/JHFF - Reporting Requirements for Suspected Sexual Conduct with Students
JBA/GBN - Sexual Harassment
JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence - Student
JHFE - Reporting of Suspected Abuse of a Child

Fern Ridge School District 28J



Gary E. Carpenter Jr.
Superintendent

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Classified/Confidential/Manager/Coach Employees Resignations/New Hires/Transfers/Other Report

December 19, 2022

Resignations/Retirements

1. None at this time.

New Hires/Transfers

1. Transfer of Tiffany Forsman from 6.50 hour Title Instructional Assistant to 6.25 Special Education Instructional Assistant, effective November 28, 2022
2. Transfer of Shelby Douberly from 6.50 hour Title Instructional Assistant to 3.75 Special Education Instructional Assistant, effective November 30, 2022.

Other

1. None at this time.

Coaches

1. None at this time.