

## **Agenda**

**1. Call to Order / Roll Check**

**Presenter: Board Chair Rebecca Dyson**

**2. Adoption or Adjustment of Agenda**

**Presenter: Board Chair Rebecca Dyson**

**3. Board Policy Updates 30 minutes**

**Presenter: Superintendent Joseph Hattrick**

**A. AC Nondiscrimination and Civil Rights & AC-AR Discrimination 3**

**Complaint Procedure**

**B. GBEDA & GBEDA-AR Drug and Alcohol Testing and Record 11**

**Query - Transportation Personnel**

**C. JGAB & JGAB-AR Use of Restraint or Seclusion 29**

**4. Youth Truth Overview 38**

**Presenter: Assistant Supt. Michelle Cuddeback**

**5. ACTION ITEM: Revised 2025-26 Budget Calendar 5 minutes 52**

**Presenter: Superintendent Joseph Hattrick**

**6. 2025-26 Budget Restructuring Discussion 60 minutes 53**

**Presenter: Superintendent Joseph Hattrick**

**7. Other Items of Interest 10 minutes**

**Presenter: Board Chair Rebecca Dyson**

**8. Adjourn**

**Presenter: Board Chair Rebecca Dyson**

## Ashland School District 5

Code: AC  
Adopted: 8/09/10  
Revised/Readopted: 5/08/17; 11/09/23; 9/12/24  
Orig. Code: AC

### Nondiscrimination ~~and Civil Rights~~

The district ~~does not discriminate on any basis listed below and~~ prohibits discrimination and harassment on any basis protected by law including, but not limited to, an individual's perceived or actual race<sup>1</sup>, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which constituents can communicate their concerns to the administration and the Board.

~~The Board directs the superintendent to designate the district's civil rights coordinator and make contact information available to staff, students, and parents.~~

The superintendent shall appoint individuals to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

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

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR - Discrimination Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

### Civil Rights Coordinator

[The Director of Student Services [insert position title(s)] is the district's civil rights coordinator.]

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
  - a. The notice of nondiscrimination<sup>2</sup> required by OAR 581-021-0045; and
  - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. <sup>{3}</sup> [Satisfy the training requirements in OAR 581-021-0660 (2)-(3)] [Satisfy the following training requirements:

Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):

<sup>2</sup> The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

<sup>3</sup> {OAR 581-021-0655(3)(a) requires the district adopt a policy including the requirements in OAR 581-021-0660, including the training requirements referenced and listed here. The district can meet this requirement by choosing either of the two bracketed options.}

**Commented [HR1]:** We can either list the ORS or list the full list of training requirements.

**Commented [JH2R1]:** We elected to reference the statute in the event there is modified language to the statute, we would not need to revise policy immediately.

The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;

The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American's with Disabilities Act of 1990, those statutes' implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education's Office for Civil Rights;

The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators' duties;

Identifying discrimination and reports of discrimination;

Responding to reports of discrimination;

Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;

Preventing discrimination in public school programs and activities;

Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;

Tracking and documenting reports of discrimination.

In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:

The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;

The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American's with Disabilities Act of 1990, those statutes' implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education's Office for Civil Rights;

The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators' duties;

Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.<sup>4</sup>

END OF POLICY

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**Legal Reference(s):**

<sup>4</sup> Training must first be completed by June 30, 2025.

<a href="#">ORS 174.100</a>	<a href="#">ORS 659A.003</a>	<a href="#">ORS 659A.321</a>
<a href="#">ORS 192.630</a>	<a href="#">ORS 659A.006</a>	<a href="#">ORS 659A.409</a>
<a href="#">ORS 326.051(1)(e)</a>	<a href="#">ORS 659A.009</a>	<a href="#">OAR 581-002-0001 – 002-0005</a>
<a href="#">ORS 332.505</a>	<a href="#">ORS 659A.029</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 408.230</a>	<a href="#">ORS 659A.030</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 659.805</a>	<a href="#">ORS 659A.040</a>	<a href="#">OAR 581-021-0047</a>
<a href="#">ORS 659.815</a>	<a href="#">ORS 659A.103 - 659A.145</a>	<a href="#">OAR 581-022-2310</a>
<a href="#">ORS 659.850 - 659.860</a>	<a href="#">ORS 659A.230 - 659A.233</a>	<a href="#">OAR 581-022-2370</a>
<a href="#">ORS 659.865</a>	<a href="#">ORS 659A.236</a>	<a href="#">OAR 839-003</a>
<a href="#">ORS 659A.001</a>	<a href="#">ORS 659A.309</a>	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).  
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).  
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).  
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

**Cross Reference(s):**

- ACB - Every Student Belongs
- JBB - Equity Policy
- GBA - Equal Employment Opportunity
- JB - Equal Educational Opportunity
- KL - Public Complaints

# Ashland School District 5

Code: AC-AR  
Revised/Reviewed: 12/01/04; 5/08/17  
Orig. Code: AC-AR

## Discrimination Complaint Procedure

{Required administrative regulation. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination complaint procedures. This is the March 2023 published version of this administrative regulation and is the recommendation following the invalidation of the 2024 Title IX regulations.}

Any person, including students, staff, visitors and third parties, may file a complaint.

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: Complaints may be oral or in writing and must be filed with the principal. The principal shall investigate and determine the action to be taken, if any, and reply, in writing, to the complainant within 10 school days of receipt of the complaint.

Any staff member that receives a written or oral complaint shall report the complaint to the principal.

Step 2: If the complainant wishes to appeal the decision of the principal, he/she may submit a written appeal to the superintendent or designee within 10 school days after receipt of the principal's response to the complaint. The superintendent or designee shall review the principal's decision and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the principal's decision and respond, in writing, to the complaint within 10 school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within 10 school days of receipt of the superintendent's or designee's response to Step 2. The Board may decide to hear or deny the request for appeal. The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will include the legal basis for the decision, findings of fact and conclusions of law. A copy of the Board's final decision shall be sent to the complainant in writing within ~~10-30~~ days of ~~this meeting~~. receipt of the appeal by the Board.

If the principal is the subject of the complaint, the individual may file a complaint with the superintendent or designee. If the superintendent is the subject of the complaint, the complaint should be referred to the Board chair. The Board may refer the investigation to a third party.

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

Timelines may be extended based upon mutual consent of both parties in writing [, but will not be longer than 30 days from the date of the submission of the complaint at any step]. The overall timeline of this

complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

If the complainant, if a person who resides in the district[,] ~~or~~ a parent or guardian of a student who attends school in the district ~~or a student.~~ is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, ~~or 90 days, whichever occurs first, he/she~~ may appeal the district's final decision in writing to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. 581-022-1940.

**DISCRIMINATION COMPLAINT FORM**

Any person, including students, staff, visitors and third parties, may file a complaint.

\_\_\_\_\_  
Name of Person Filing Complaint                      Date                      School or Activity

Student/Parent                       Employee                       Nonemployee (Job applicant)                       Other \_\_\_\_\_

Type of discrimination:     ~~Race~~                       ~~Color~~                       ~~Religion~~  
    ~~Sex~~                       ~~National Origin~~                       ~~Disability~~  
    ~~Marital Status~~                       ~~Age~~                       ~~Sexual Orientation~~  
    ~~Other~~ \_\_\_\_\_

Type of discrimination:

Race                       Mental or physical                       Age  
 Color                      disability                       Sexual orientation  
 Religion                       Marital status                       Pregnancy  
 Sex                       Familial status                       Discriminatory use of a  
 National or ethnic origin                       Economic status                      Native American mascot  
 Gender identity                       Veterans' status  
 Other \_\_\_\_\_

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who should we talk to and what evidence should we consider? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested solution/resolution/outcome: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The complaint form should be mailed or taken to the principal.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Review: 11.8.21

\*The board reviewed this policy in 2021 but never finished the approval process. OSBA has not made additional updates since that time. This redline version displays the most recent updates.

## **Drug and Alcohol Testing and Record Query - Transportation Personnel**

(This policy is required if the district operates their own transportation services, or any district staff that is required to have a commercial driver's license (CDL).)

The district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). 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).

Accordingly, all employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
  - a. While on duty;
  - b. Eight hours before driving, in accordance with Oregon Administrative Rules;
  - c. Eight hours following an accident;
  - d. Consumption resulting in prohibited levels of alcohol in the system.

"Drugs," as used in this policy, refers to controlled substances as covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the district and district employees transferring to positions subject to OTETA shall be required to submit to pre-employment drug testing and a pre-employment query with FMCSA. Additionally, covered employees shall be subjected to reasonable suspicion, random and post-accident alcohol and drug testing. Return-to-duty and follow-up testing may also be required.

The district will also require pre-employment alcohol testing in accordance with the following provisions:

1. All candidates for employment or transfer with the district and subject to the OTETA requirements will be tested;
2. All tests will be conducted using the alcohol testing procedures of 49 C.F.R. Part 40;
3. Such tests must be conducted prior to the new or transferred employee's performance of safety-sensitive functions.]

Pre-employment [alcohol and] drug testing costs will be paid by the district. All drug and alcohol testing of district employees including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the district. A fee associated with a pre-employment query requested by the district from FMCSA will be paid by the district [and reimbursement sought from the individual]. The district will comply with collective bargaining agreement provisions.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing results and information obtained from a query with FMCSA. An individual who tests positive for drugs [or tests with a breath alcohol content level of 0.02 or higher] will not be hired or transferred. The offer of employment or transfer will be immediately withdrawn.<sup>1</sup>

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses [alcohol and] drug testing and/or refuses to give consent for a query with FMCSA.

Covered employees who, under the district's reasonable suspicion, random or post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable FMCSA regulations. Covered employees who refuse consent for a query with FMCSA when required will be removed from safety sensitive functions.

[The district may, in its continuing effort to enhance safety, request a waiver of the OTETA prohibitions against standing down an employee before the medical review officer (MRO) has completed the verification process as provided by 49 C.F.R. § 40.21(c). "Stand-down" means the practice of temporarily removing an employee from safety-sensitive functions based solely on a report from a laboratory to the MRO of a confirmed positive test for drugs, an adulterated test or a substituted test before the MRO has completed verification of the test results. The written waiver request will be directed to the appropriate Federal Motor Carrier Safety Administrator.]

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<sup>1</sup> The district may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for district employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs [and alcohol], if required by the district. A district employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all district policies and regulations including the district's Drug-Free Workplace policy.

In accordance with the provisions of 49 C.F.R. § 40.21(c)(2), and in its ongoing effort to protect the interests of employees in fairness and confidentiality, the district will ensure:

1. The district's policy and administrative regulation are distributed to all covered employees;
2. No information about the confirmed positive, adulterated or substituted test results, or the reason for the employee's temporary removal from performing safety-sensitive functions, becomes available, directly or indirectly to others in the district or subsequently to another employer, other than the employee, the MRO and the designated district official;
3. All covered employees in a particular district job category are treated the same way with respect to "stand-down";
4. A covered employee will be subject to "stand-down" only with respect to the actual performance of safety-sensitive duties;
5. No adverse action affecting the employee's pay and benefits will be taken pending the completion of the MRO's verification process. This includes continuing to pay the employee during the period of the stand-down in the same way the district would have paid him/her/them had he/shethy not been stood down;
6. The verification process will commence no later than the time an employee is temporarily removed from the performance of safety-sensitive functions and that the period of "stand down" for any employee will not exceed five days, unless the district is informed in writing by the MRO that a longer period is needed to complete the verification process; and
7. In the event that the MRO verifies the test negative or cancels it:
  - a. The district will return the employee immediately to the performance of safety-sensitive duties;
  - b. The employee suffers no adverse personnel or financial consequences as a result; and
  - c. No individually identifiable record that the employee had a confirmed laboratory positive, adulterated or substituted test result is maintained. (The district will maintain a record of the test only as a negative or cancelled test.)
8. The district will not "stand down" employees in the absence of a waiver, or inconsistent with the terms of the waiver.]

[The district will establish a voluntary self-identification program consistent with the OTETA requirements. Accordingly, an employee who admits to alcohol misuse or drug use will not be subject to certain referral, evaluation and treatment requirements, provided:

1. The admission is in accordance with the provisions of this policy;

2. The driver does not self-identify in order to avoid testing as required by the OTETA.

3. The driver makes the admission prior to performing a safety-sensitive function (i.e., prior to reporting for duty).

4. The driver does not perform a safety-sensitive function until the district is satisfied that the employee has been evaluated and has successfully completed education or treatment in accordance with the district's self-identification program guidelines.

Adverse action on the part of the district against any employee making a voluntary admission of alcohol misuse or drug use consistent with the provisions of this policy is prohibited. The district is committed to providing sufficient opportunity for the employee to seek evaluation, education or treatment to establish control over their drug or alcohol problem.

Following successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional or qualified drug and alcohol counselor) the employee will be permitted to return to duty. The district will ensure that prior to the employee participating in a safety-sensitive function, the employee shall be required to undergo a return-to-duty testing with a result indicating a breath alcohol content level of less than 0.02 and/or a verified negative test result for drug use, as appropriate. The district may incorporate employee monitoring and include non-OTETA follow-up testing as part of its return-to-duty procedures under the district's self-identification program.

~~All offers of employment or transfer to covered employment with the district will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred<sup>2</sup>. The offer of employment or transfer will be immediately withdrawn. An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing.~~

~~Covered employees who, under the district's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) regulations.~~

END OF POLICY

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**Legal Reference(s):**

[ORS 657.176](#)

[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\(1\)\(d\)](#)

SB 193 (2013)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 ([2012](#)); 49 C.F.R. Parts 40, 382, 391-395 ([200619](#)).

**Cross Reference(s):**

~~EEACA – School Bus Driver Examination and Training~~

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<sup>2</sup>The district may elect to allow an individual who tests positive for drugs to reapply for district employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs. A district employee considered for transfer to an OTETA-covered position who tests positive for drugs will be subject to all district policies and regulations including the district's Drug-Free Workplace policy.

# ASHLAND SCHOOL DISTRICT

First Read: 11.8.21

Code: **GBEDA-AR**  
Revised/Reviewed: 12/01/04; 5/08/17  
Orig. Code(s): GBEDA-AR

\*The board reviewed this AR in 2021 but never finished the approval process. Transportation Director, Stacey Cheshire reviewed this AR and confirms that ASD is following the process and procedures outlined.

## **Drug and Alcohol Testing and Record Query - Transportation Personnel**

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

### 1. 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 (SAPs) 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;

- (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 Clearinghouse<sup>1</sup>:

- (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 ~~supervisors~~ 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 ~~Department of Health and Human Services (DHHS)~~ 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:

<sup>1</sup> <https://clearinghouse.fmcsa.dot.gov/>

- (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;
  - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
  - (5) Documentation of training given to employees.
- 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. 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 ~~Federal Motor Carrier Safety Administration (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 queries<sup>2</sup> with the FMCSA on employees subject to such queries as required by law.

b. The district will report<sup>3</sup> to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:

- 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 submit<sup>4</sup> 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):

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<sup>2</sup> 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.

<sup>3</sup> The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

<sup>4</sup> 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

- (a) On duty alcohol use;
- (b) Pre-duty alcohol use;
- (c) Alcohol use following an accident;
- (d) Controlled substance use.

This report will include the following information:

- (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.

### 2.3 Pre-employment Testing

The district shall conduct preemployment 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 before the driver is used for the first time. The district will provide the driver's written permission for release of information to the previous employers;
- d. Release of such information may be by telephone, letters or any other method that ensures confidentiality. The district will maintain a written, confidential record of each past employer contacted;
- e. The district will not use a driver with 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 unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- f. 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 may be tested for the presence of alcohol;

- g. 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;
- h. Preemployment drug and alcohol testing will be paid for by the district;
- i. Tests must indicate negative drug test results and a breath alcohol content level of 0.02. Individuals who fail to meet such drug and alcohol requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- j. 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 preemployment drug and alcohol testing will not be necessary following a layoff;
- k. 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;
- l. 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;
- m. The individual may request a screening of the split specimen at his/her 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.

### 3.4. Post-accident Testing

The district shall conduct post-accident testing as follows:

- 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 will prepare and maintain on file a record stating the reasons the test was not promptly administered;
  - (3) If alcohol testing is not administered within eight hours, the district will cease attempts to administer an alcohol test and will prepare 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 supervisor or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, 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;
- 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.

#### 4.5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 50 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. The district will meet minimum testing rates.
- b. The testing rate may be adjusted by the FMCSA based on industrywide data;
- c. The testing process shall, in fact, be random. 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:

Computerized system<sup>5</sup>: 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.

- 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."
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her safety-sensitive function, during or just after performing such function;
- h. 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.).

#### 5.6. Reasonable Suspicion Testing

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 supervisor 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.

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<sup>5</sup>The computerized system, when it can be utilized by the district, is the preferred selection method, under FMCSA guidance.

## 6.7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- 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 an 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 National Association of Alcoholism and Drug Abuse Counselors (NAADAC). This does not include state-certified counselors.

## 7.8. 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.

## 8.9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever an 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 unannounced<sup>6</sup>;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
  - (1) At least 6 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 he/she determines the testing is no longer needed.

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<sup>6</sup>A follow-up test shall not also serve as a random test, and vice versa.

## 9.10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

### a. Drugs

- (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 DHHS 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 both 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 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 OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results 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:
  - (a) A qualified breath alcohol technician using evidential breath testing devices; OR
  - (b) 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 DHHS](#) 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;
- (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.

#### 10.11. 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.

#### 11.12. 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) Documents relating to the random selection process;
- (2) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (3) Documents generated in connection with decisions on post-accident testing;
- (4) 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;
- (5) 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.

##### b. Records related to a driver's test results, including:

- (1) The district's copy of the alcohol testing form, including the test results;
- (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.

##### c. Records related to evaluations as follows:

- (1) Records pertaining to a determination by an SAP concerning his/her evaluation of a covered employee who tested positive for drugs, or failed an alcohol test or refused to test;

(2) Records concerning a driver's compliance with recommendations of the SAP.

d. 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.

e. 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.

f. 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) Drug testing custody and control forms;
- (e) Employee evaluation and referrals;
- (f) A copy of each annual calendar year report summary.

(2) Two Years: Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(3) One Year: Records of negative and cancelled drug testing results and alcohol test results with a concentration of less than 0.02.

(4) 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.

g. 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 information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. 382.413 (a)(1))<sup>7</sup>.

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<sup>7</sup>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.

## Ashland School District 5

Code: JGAB  
Adopted: 6/09/14  
Revised/Readopted: 6/12/17; 11/08/21  
Orig. Code: JGAB

### Use of Restraint ~~and~~ or Seclusion

The Board is dedicated to the development and application of best practices within the district's 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 non-incidental use of a solid object<sup>1</sup>, 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.

Commented [JH1]: Added

<sup>1</sup> 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 or seclusion may not be used for discipline, punishment, retaliation, or convenience of staff, contractors or volunteers of the district.

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 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.

3.4. “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.

4.5. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.

5.6. “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.

6.7. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been 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 care professional acting under the professional’s scope of practice.

7.8. “Prone restraint” means a restraint in which a student is held face down on the floor.

8.9. “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 Crisis Prevention Institute (CPI) training program of restraint and 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/or seclusion.~~

The district shall only utilize a training program for restraint or seclusion to train staff and use in the district which has been approved by the Oregon Department of Education (ODE).

The district shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without alteration in accordance with law.

An annual review of the use of physical 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 annual review shall be documented and shall include at a minimum:

1. The total number of incidents of physical restraint;
2. The total number of incidents of 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 physical restraint and seclusion incidents carried out by untrained individuals;
9. The demographic characteristics<sup>2</sup> 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.

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<sup>2</sup> 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.

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 – 281-002-0023. 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. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

END OF POLICY

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**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](#)  
[OAR 581-022-2370](#)

**Cross Reference(s):**

JGA - Corporal Punishment  
JGB - Detention of Students  
JGDA/JGEA - Discipline of Students with Disabilities

# OSBA Model Sample Policy

Code: JGAB-AR

Revised/Reviewed:

**\*Director of Student Services, April Harrison, reviewed the Restraint or Seclusion AR and recommends we replace our old AR with the OSBA Sample Model, with the strikethrough amendments.**

## Use of Restraint or Seclusion\*\*

{Required administrative regulation. ORS 339.294 requires a district to establish procedures to follow during and after an incident involving the use of restraint or seclusion. This administrative regulation helps support those procedures.}

### Procedure

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
  - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
  - b. Written documentation of the incident within 24 hours that provides:
    - (1) A description of the restraint or seclusion including:
      - (a) The date of the restraint or seclusion;
      - (b) The times the restraint or seclusion began and ended; and
      - (c) The location of the incident.
    - (2) A description of the student’s activity that prompted the use of restraint or seclusion.
    - (3) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.
    - (4) The names of staff of the district who administered the restraint or seclusion.
    - (5) A description of the training status of the staff of the district who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian.
  - c. Timely notification of a debriefing meeting to be held and of the parent’s or guardian’s right to attend the meeting.
  - d. Immediate<sup>1</sup>, written notification of the existence of any records<sup>{2}</sup> related to an incident of restraint or seclusion (including photos or audio or video recording).
3. If the restraint or seclusion was administered by a person without training, the administrator will ensure written notice is issued to the parent or guardian of the student which includes notice of the

<sup>1</sup> “Immediate” means to act as soon as possible without undue delay, but in no case later than within 24 hours of the incident. (OAR 581-021-0556 (2)(e))

<sup>2</sup> {Such records shall be maintained in accordance with ORS 339.294(9).}

lack of training and the reason restraint or seclusion was administered by a person without training. The administrator will ensure written notice of the same to the superintendent.

4. An administrator will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the district must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, staff of the district will immediately attempt to verbally or electronically notify a parent or guardian.
6. A district Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:
  - a. Name of the student;
  - b. Name of staff member(s) administering the restraint or seclusion;
  - c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
  - d. Location of the restraint or seclusion;
  - e. A description of the restraint or seclusion;
  - f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
  - g. A description of the behavior that prompted the use of restraint or seclusion;
  - h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
  - i. Information documenting parent or guardian contact and notification.
7. A documented debriefing meeting must be held within two school days after the use of restraint or seclusion. The parent or guardian of the student must be invited to attend the meeting<sup>3</sup>, and the meeting will include staff members involved in the intervention and any other appropriate personnel. The debriefing team shall include an administrator. At the debriefing meeting, the district shall review, in its entirety, any audio or video recording<sup>4</sup> preserved as a record of the incident involving restraint or seclusion in accordance with law. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

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<sup>3</sup> "Meeting" means the debriefing meeting at which the audio or video recording will be viewed. (OAR 581-021-0556(9))

<sup>4</sup> [To the extent practicable without altering the meaning of the record, the district shall segregate or redact from such a record any personally identifiable information of other students before disclosure to the student's parent or guardian. If the district is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the district shall disclose the record to the student's parent or guardian in its original format and without any alteration. "Disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student's parent or guardian upon request in its original and unaltered format except to the extent that the redaction is needed to protect the personally identifiable information of another student. (ORS 339.294; OAR 581-021-0556(10))]

The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting scheduled to be held within two school days of the incident.

8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion:
  - a. Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Oregon Department of Human Services (DHS); and
  - b. Written notification of the incident must be provided to DHS within 24 hours of the incident.
9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the superintendent, to the Superintendent of Public Instruction and, if applicable, to the union representative for the affected person.
10. The district shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

~~11. [The district, upon request from DHS regarding an investigation of an incident of restraint or seclusion as suspected child abuse, shall disclose any records preserved to DHS or its designee which are deemed relevant to the subject investigation, in its original format and without any alteration.]~~

#### **Restraint and/or seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or Section 504 plan.**

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, ~~including a behavioral specialist~~ and a district representative who is familiar with the restraint and seclusion training practices adopted by the district.
3. Prior to the implementation of any behavioral support plan that includes restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.

~~4. [When a behavior support plan includes restraint or seclusion the parents [will] [may] be provided a copy of the district Use of Restraint or Seclusion policy at the time the plan is developed.]~~

5.4. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

#### **Use of restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming themselves, other students or school staff.**

Use of restraint and/or seclusion under these circumstances with a student who does not have restraint and/or seclusion as a part of their IEP or Section 504 plan, is subject to all of the requirements established by Board policy and this administrative regulation with the exception of those specific to plans developed in an IEP or 504 plan.

# Youth Truth Survey

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ASHLAND SCHOOL DISTRICT

# HISTORY OF IMPLEMENTATION

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- Survey implementation:
  - October 2019
  - May 2021
  - April 2022
  - March 2023
  - March 2024
  - March 2025

# ABOUT YOUTH TRUTH

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- Started in 2008 by the Center for Effective Philanthropy (CEP)
- Founded on the premise that listening to students and capturing their perceptions is a driving force in leading to greater academic outcomes.
- Over 3 million student surveys completed since 2008
- “LISTEN to youth voice, LEARN from feedback, and IMPROVE the student experience”
- Student, Staff, and Family Survey Suite

# Topics and Themes Measured

## Student Survey

- Engagement
- Academic Challenge
- Instructional Methods
- Culture
- Belonging
- Relationships
- School Safety
- Diversity, Equity, & Inclusion
- Comments

## Staff Survey

- Engagement
- Relationships
- Culture
- Professional Development & Support
- School Safety
- Diversity, Equity, & Inclusion
- Comments

## Family Survey

- Engagement
- Relationships
- Culture
- Communication & Feedback
- Resources
- School Safety
- Diversity, Equity, & Inclusion
- Comments

# ENGAGEMENT

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- **Elementary School Student:** the degree to which students perceive high expectations and feel engaged with their school and their education.
- **Secondary School Student:** the degree to which students perceive themselves as engaged with their school and their education.
- **Family:** the degree to which families are engaged in their school and empowered to influence decision making.
- **Staff:** the degree to which staff feel engaged in their work and empowered to influence their schools.

Also measured: **Education Quality, Expectations, Instructional Methods, and Academic Challenge**

# RELATIONSHIPS

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- **Elementary School Students:** the degree to which students have strong, supportive relationships with their teachers.
- **Secondary School Students:** the degree to which students feel they receive support and personal attention from their teachers.
- **Family:** the degree to which families experience positive relationships in their school based on respect, care and approachability.
- **Staff:** the degree to which staff experience positive relationships in their school based on respect, care and approachability.

# CULTURE

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- **Elementary School Students:** the degree to which students experience an orderly, respectful classroom environment.
- **Secondary School Students:** the degree to which students believe that their school fosters a culture of respect and fairness.
- **Family:** the degree to which families believe their school fosters shared goals, respect, fairness, and diversity.
- **Staff:** the degree to which staff believe that their school fosters a culture of shared vision, respect, and effective communication.

Also measured: **Fair discipline approaches**

# SCHOOL SAFETY

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- Learning environment
- Bullying
- Violence

# BELONGING

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- **Elementary School Students:** the degree to which students feel welcome at their school.
- **Secondary School Students:** the degree to which students feel welcome at their school and have collaborative relationships with their classmates.
- **Family:** No equivalent measure.
- **Staff:** No equivalent measure.

# DIVERSITY, EQUITY, AND INCLUSION

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- Comfort discussing background
- Encouraged to speak out against racism
- Valuing different backgrounds
- Representation

# REPORTS

## Comparison Data by Cohort:

- Oregon schools
- Charter Schools
- High poverty schools
- Large city schools
- Large size schools
- PBL schools
- Rural schools
- Small city schools
- Small size schools
- STEM schools
- Suburban schools

## Subgroups for Student Survey:

- Overall
- School
- Grade Level
- Gender identity
- Grade level + Gender identity
- Race/ethnicity

## Subgroups for Staff Survey:

- School
- Gender identity
- Instructional role
- Race/ethnicity
- Role
- Number of children at school
- Person of color
- Teacher training
- Sexual orientation
- LGBTQ+ identity
- Years experience (at school, in role, general)

## Subgroups for Family Survey:

- School
- Gender identity
- Language spoken at home
- Race/ethnicity
- Level of education
- Number of children at school
- Person of color
- Relationship to child
- Sexual orientation
- F&R lunch status
- Student's grade level
- Student's special education status
- Transgender identity
- LGBTQ+ identity

# REPORTS

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- Percentile rank
- Percent positives
- Average raw score
- Likert scale rating distribution
- Data trends across years

# HOW DO WE USE THE DATA?

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- Identify strengths
- Identify opportunities for improvement
  - Helps inform District Strategic and School Improvement Plans
  - Helps inform Integrated Guidance Plan
  - Helps inform allocation of resources
- Disaggregated by focal group to identify discrepancies in student, staff, or family experiences

# ASHLAND PUBLIC SCHOOLS

JACKSON COUNTY SCHOOL DISTRICT #5

Dr. Joseph Hattrick

*Superintendent*

MICHELLE CUDDEBACK  
Assistant Superintendent

STEVE MITZEL  
Executive Director, Operations

APRIL HARRISON  
Director, Student Services

SHERRY ELY  
Director, Business Services

## BOARD OF DIRECTORS

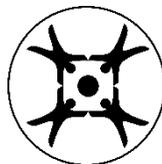
REBECCA DYSON

JILL FRANKO

RUSSELL HATCH

DANIEL RUBY

EVA SKURATOWICZ



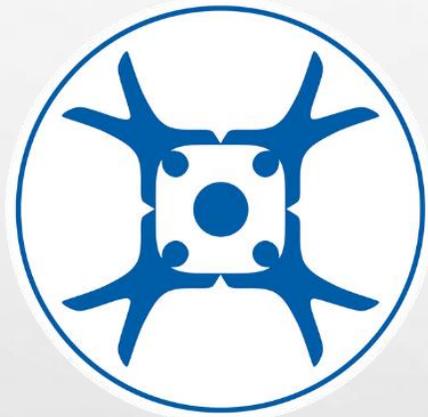
*Inspiring Learning for Life*

## 2025-2026 BUDGET CALENDAR

May 6, 2025	Publish notice of Budget Committee Meetings <u>Rogue Valley Times</u> and District web site
May 21, 2025	First Budget Committee Meeting <ul style="list-style-type: none"><li>• Elect presiding officer</li><li>• Presentation of budget message and budget document</li><li>• Receive public comment</li></ul>
May 28, 2025	Second Budget Committee Meeting <ul style="list-style-type: none"><li>• Any remaining discussion items and approval vote</li></ul>
June 3, 2025	Publication of Notice of Budget Hearing ED1 – Financial Summary, Statement of Changes in Activities Property Tax Levies, Statement of Indebtedness
June 12, 2025	Public hearing on the budget as approved by Budget Committee followed by Board of Education meeting to enact resolutions <ul style="list-style-type: none"><li>• Adopting the budget</li><li>• Making the appropriations</li><li>• Categorizing and declaring the tax levies</li></ul>

NOTE: All Budget Committee meetings are held at 7:00 pm at the Ashland School District Office, 885 Siskiyou Blvd., Ashland, Oregon.

# BUDGET REDUCTION PLAN FOR THE 2025-26 SCHOOL YEAR



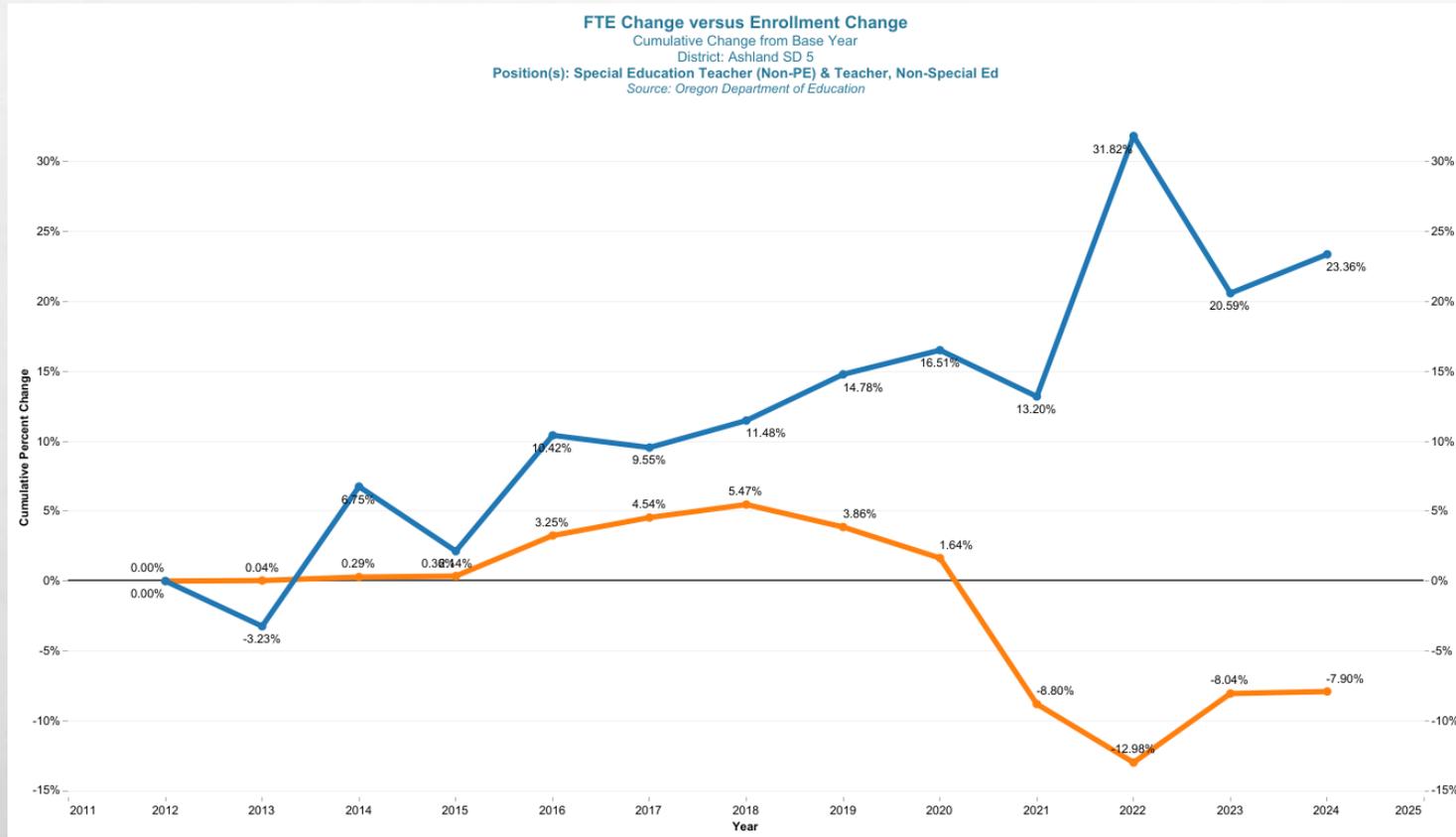
Ashland School District  
*inspiring learning for life*

April 10, 2025

# AGENDA

- OVERVIEW OF THE PRIMARY ISSUE
- 2024-25 INTERVENTIONS
- GOAL OF PHASE II THEMATIC OVERVIEW OF THE 2025-26 PLAN
- OVERVIEW BY SITE/DEPARTMENT
- FUTURE CONSIDERATIONS
- NEXT STEPS
- IMPLEMENTATION TIMELINE
- QUESTIONS

# OVERVIEW OF ISSUE



**General Trend of Overspending**

**Enrollment Decrease**

**Staffing Increase (ESSER Funds)**

**No Reduction of Staff when funds sunset.**

# ACTION PLAN SUCCESSFULLY IMPLEMENTED


**SAVINGS GOAL:**  
**\$2,200,000**


Reductions (12/20/2024-6/30/2025)	
Furlough 6 days	-\$824,000
Fields trips cost neutral	-\$30,000
Contracted Service Reduction due to service level needs (1.0 FTE).	-\$85,000
Extra-duty contract reductions	-\$100,000
Sem. 2 Staff Reductions (attrition)	
• 1.0 licensed	-\$50,000
• 2.75 FTE	-\$120,000
• Continue hiring freeze/pause	
Spending freeze/discretionary	-\$100,000
Admin Professional Development & Travel	-\$30,000
<b>TOTAL REDUCTIONS</b>	<b>\$1,339,000</b>

Revenues	
Anonymous donor	+\$890,000

**TOTAL PROJECTED SAVINGS FOR 2024-25**  
**\$2,229,000**

# RESTRUCTURING FOR EFFICIENCY

## ASHLAND SCHOOL DISTRICT'S ~27 FTE REDUCTION PLAN

- THIS PRESENTATION OUTLINES OUR COMPREHENSIVE PLAN TO REDUCE ~27 FULL-TIME EQUIVALENT (FTE) POSITIONS ACROSS ASHLAND SCHOOL DISTRICT. WE'LL EXAMINE IMPACTS BY SCHOOL SITE AND DEPARTMENT.

# REORGANIZATION STRATEGIES FOR 2025-2026

*Ashland School District's comprehensive approach to address financial challenges while preserving educational quality.*

## STRATEGIC FTE REDUCTIONS

- CAREFULLY PLANNED STAFF REDUCTIONS ACROSS ALL DISTRICT SCHOOLS TO MAXIMIZE EFFICIENCY.
- UTILIZED DATA TO LOOK AT PRE-PANDEMIC STAFFING LEVELS PRIOR TO RECEIVING ESSER FUNDS.

## OPERATIONAL REORGANIZATION

- RESTRUCTURING SERVICES TO MAINTAIN ESSENTIAL SUPPORT WHILE REDUCING OPERATIONAL COSTS.
- IDENTIFY INSTRUCTIONAL LEARNING STRATEGIES PAIRED WITH PROFESSIONAL DEVELOPMENT THAT RESEARCH DEMONSTRATES RESULTS IN HIGHER STUDENT OUTCOMES - BLENDED CLASSROOMS.

## PROGRAM OPTIMIZATION

- ENSURING ALL SCHOOLS HAVE AN AVERAGE AND/OR MINIMUM OF 25 STUDENTS/CLASS.
- ENSURE PROFESSIONAL DEVELOPMENT PROVIDES SUPPORTS FOR STAFF THROUGH PROGRAM CHANGES.

# ASHLAND HIGH SCHOOL REDUCTIONS

## **3.17 CERTIFIED FTE REDUCTION**

- 1.0 HUMANITIES (TEMPORARY)
- 1.0 MATH (TEMPORARY)
- 1.17 MISCELLANEOUS FTE

## **GOA RESTRUCTURING**

- POTENTIAL REDUCTION
- EVALUATING ONLINE PROGRAM

## **BELL SCHEDULE TIMELINE**

- MAINTAIN CURRENT SCHEDULE FOR 25-26
- FORM COMMITTEE IN FALL '25
- IMPLEMENT CHANGES FOR 26-27 (FTE POTENTIAL REDUCTION)

# ASHLAND MIDDLE SCHOOL REDUCTIONS

## TOTAL REDUCTIONS

- 3.93 FTE CERTIFIED STAFF
- 2.5 FTE CLASSIFIED STAFF

TOTAL: 6.43 FTE REDUCTION

## TEAM STRUCTURE CHANGES

- REMOVING 4TH HOMEROOM FROM 6TH GRADE
- CREATING TWO 5-PERSON TEAMS IN 7TH/8TH GRADES
- ALT ED PROGRAM WITH TWO TEACHERS FOR 22 STUDENTS (BRINGS 7<sup>TH</sup>/8<sup>TH</sup> CLASS SIZE TO ~30)

## PROGRAM ADJUSTMENTS

- REDUCING ENCORE SECTIONS (1.0-1.25 FTE)
- REMOVING LEADERSHIP AS AN ENCORE OPTION
- MAINTAINING CURRENT SCHEDULE STRUCTURE

# BELLVIEW ELEMENTARY SCHOOL

**TOTAL FTE REDUCTION = 2.08 FTE**

1.0 CERTIFIED CLASSROOM  
TEACHER

1.08 FTE CLASSIFIED EDUCATIONAL  
ASSISTANTS

## **CURRENTLY HAVE 11 CLASSROOMS**

- REDUCE TO 10 CLASSROOMS RESULTING IN LARGER CLASS SIZES ACROSS GRADES

## **STUDENT ENROLLMENT = 251**

- MAINTAIN CURRENT PROGRAMS WITH FEWER STAFF

SPECIALISTS WILL TAKE ONE GRADE OF CORE INSTRUCTION FOR BLENDED BANDS. INTERVENTION BLOCKS WILL BE COMBINED FOR BLENDED GRADES WITH ALL AVAILABLE ADULTS RUNNING GROUPS.

# HELMAN ELEMENTARY SCHOOL REDUCTIONS

STAFFING IMPACT = 4.6375 FTE REDUCTION

PROGRAM STRUCTURE = 10 CLASSROOMS (K-5) WITH BLENDED K/1 AND 2/3 GRADES.

REDUCTION INCLUDES 2.0 FTE CLASSROOM TEACHERS, 2.6375 FTE CLASSIFIED STAFF.

CURRENT ENROLLMENT REMAINS AT 264 STUDENTS.

# WALKER ELEMENTARY SCHOOL REDUCTIONS

## STAFF REDUCTION IMPACT

### 1.78 TOTAL FTE REDUCTION

- 1.0 FTE CLASSROOM TEACHER
- .78 FTE CLASSIFIED

## CLASS STRUCTURE

### 10 TOTAL CLASSROOMS WITH

- KINDERGARTEN
- 1ST
- 2/3 BLENDS
- 4/5 BLENDS

Walker Elementary maintains 244 students with reduced staffing. Class sizes range from 18-19 students in primary grades to 26-27 in upper elementary. Will continue to monitor enrollment to adjust as necessary.

# WILLOW WIND COMMUNITY LEARNING CENTER

## NO SCHEDULE CHANGE

- MAINTAIN TEACHER PREP TIME OUTSIDE OF THE STUDENT DAY AT SCHOOL'S REQUEST TO INCREASE EFFICIENCIES.

## ENROLLMENT GROWTH THROUGH CLASS SIZE ADJUSTMENT

- INCREASE OF ~15 STUDENTS
- 25 STUDENTS PER CLASS

## SUPPORT STAFF REDUCTION

- .975 REDUCTION IN CLASSIFIED STAFF

# TRAILS OUTDOOR SCHOOL

## PROGRAM ENHANCEMENTS

- MAXIMIZE USE OF VOLUNTEERS FOR FIELD TRIPS
- MAINTAIN CORE OUTDOOR EDUCATION FOCUS

## STAFFING REDUCTIONS (1.3 TOTAL)

- .3 FTE CLASSIFIED
- 1.0 FTE CERTIFIED

## ENROLLMENT STABILIZATION

- ONLY FILL OPENINGS IN CLASSES BELOW CLASS SIZE TARGET OF 25.

# STUDENT SERVICES REORGANIZATION

## NEW PROGRAM DEVELOPMENT

- CREATING SITE-BASED CLASSROOM AT AHS.

## EDUCATIONAL ASSISTANT REDISTRIBUTION

- REALLOCATING SUPPORT ACROSS SITES AND PROGRAMS

## ADMINISTRATIVE CHANGES

- SPED CLERK STIPEND REDUCTION

*TOTAL REDUCTION ACROSS STUDENT SERVICES IS APPROXIMATELY 5.15 FTE POSITIONS, PRIMARILY FROM EDUCATIONAL ASSISTANT REALLOCATION.*

# FUTURE CONSIDERATIONS

## FACILITY OPTIMIZATION

- POTENTIAL BUILDING MERGER, CONSOLIDATION, OR CLOSURE\*
- ADDING ADDITIONAL PRE-K OPTIONS TO EXISTING BUILDINGS

## PROGRAM DEVELOPMENT

- INCREASE ENROLLMENT
- ENHANCE DISTRICT VIRTUAL PROGRAM
- EXPLORE POTENTIAL FOR THE DEVELOPMENT OF A DISTRICT-SPONSORED ONLINE CHARTER.

## BUDGET OPPORTUNITIES

- DETERMINE LOAN NEXT STEPS
- CONTINUE TO EVALUATE LINE-ITEM REDUCTIONS
- CONTINUE TO IDENTIFY ADDITIONAL SOURCES OF REVENUE
  - GRANTS, DONORS, FUNDRAISERS, PARTNERS, AND ENROLLMENT

\* Dependent on enrollment growth

# NEXT STEPS

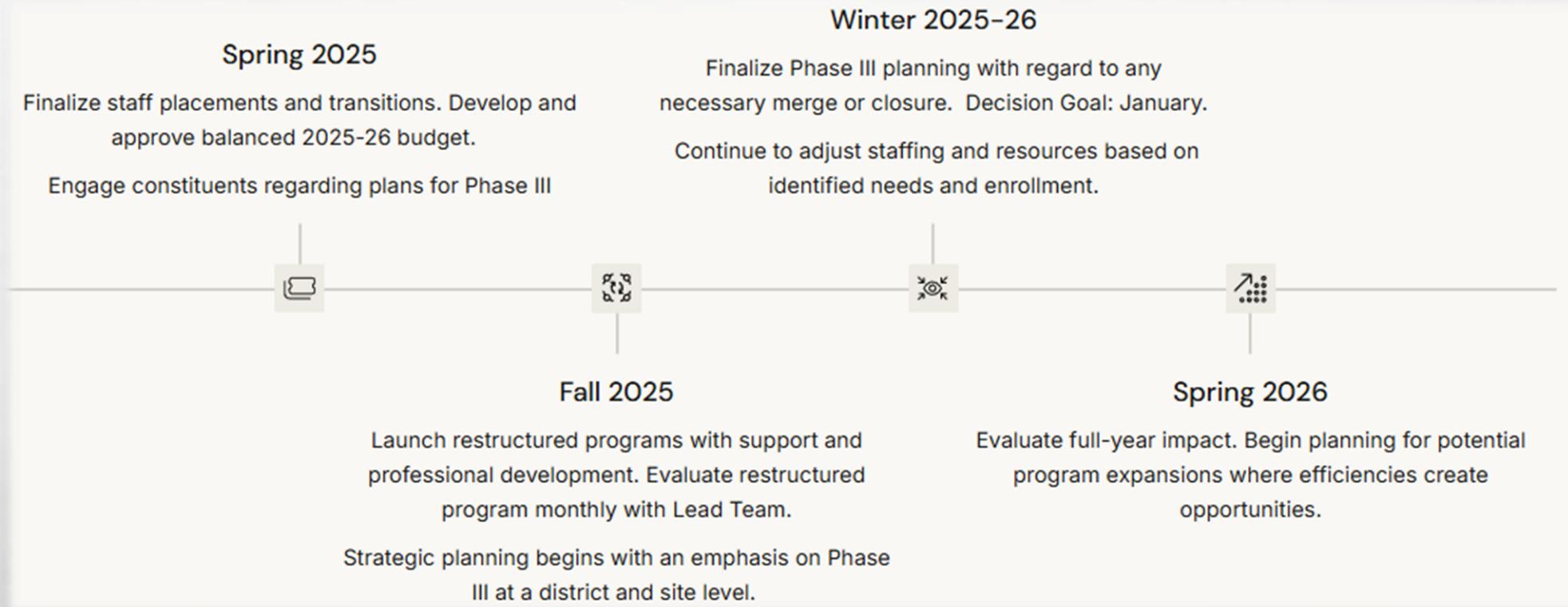
- **UNION COLLABORATION**

- CONTINUE ENGAGEMENT WITH BOTH LABOR UNIONS TO ENSURE TRANSPARENT COMMUNICATION AND COLLABORATIVE IMPLEMENTATION.
- DETERMINE REDUCTION IN FORCE LIST.

## **STAFF TRANSITION PLANNING**

- MEET WITH IMPACTED STAFF AND PROVIDE SUPPORTS INCLUDING REGIONAL OPPORTUNITIES THAT ARE AVAILABLE.

# IMPLEMENTATION TIMELINE



Throughout this transition, we'll maintain transparent communication with families and staff while providing ongoing support and resources for those affected by these changes.

# QUESTIONS AND DISCUSSION