

**BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT 8R, HERMISTON**

**There will be a Regular Meeting of the
Board of Education of the Umatilla County School District 8R
at Hermiston School District Offices
Boardroom
305 S.W. 11th Street.
Hermiston, Oregon 97838
Monday, October 12, 2026, 6:00 PM**

Rosa Cerda-Diaz
Executive Assistant to the
Superintendent and Board of Education

AGENDA

- 1. CALL TO ORDER REGULAR MEETING** *Chair Hurst*
- 2. INTRODUCTORY ITEMS** *Chair Hurst*
 1. Pledge of Allegiance
 2. Adoption of Agenda
 3. Approval of Minutes 3
- 3. PRESENTATIONS AND RECOGNITIONS**
 1. 2025-2026 Div 22 Standards Assurances *Jake Bacon* 11
- 4. PUBLIC COMMENTS** *Chair Hurst* **24**

Welcome. This is the time we reserve in our meeting for public comment.
According to Board Policy KL, any complaint regarding a specific employee of the Hermiston School District must be routed through the superintendent's office.
The Hermiston School District Board of Education accepts public comments virtually and in person. Members of the public wishing to address the board virtually submitted written statements or requests by 4:00 p.m. prior to this meeting.
Those wishing to address the board in person should stand and be recognized, then move forward to the microphone at the center table. Prior to making your comments, state your first and last name and school or topic. Please limit your comments to a maximum of three (3) minutes and address them to me.
Is there anyone here tonight who would like to address the board?
- 5. COMMUNICATIONS AND ANNOUNCEMENTS**
 1. Student Board Representative *Miss McKenzie*
 2. Oregon School Employees Association *Ms. Henderson*
 3. Hermiston Association of Teachers *Ms. Andrade*
- 6. REPORTS**
 1. Board of Education *Chair Hurst*

Board of Education Goals

 1. Academic Achievement. Demonstrate continuous improvement in all measured areas for each student.
 2. Stewardship. Maintain sound fiscal stewardship of community resources consistent with board policy.

* Timing of agenda is not meant to be time specific. Instead, the time identified is for pacing purposes only. The Board of Education may modify the agenda and the order in which items are taken for consideration.

** Consent agenda items are considered for action as an entire group. Details for these items are available for public inspection at the District Office.

*** Members of the public are invited to address the Board of Education during Public Comments.

3. Community. Engage our diverse community in creating opportunities to advance student achievement.	
2. Business Office <i>Ms. Saul</i>	
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3. Superintendent's Office <i>Jake Bacon</i>	
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9. CALENDAR AND FUTURE ITEMS	
1. November Board Meeting Dates <i>Chair Hurst</i>	
2. Future Agenda Item Discussion <i>Chair Hurst</i>	
3. Calendar Review <i>Jake Bacon</i>	93
10. ADJOURN	

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*** Members of the public are invited to address the Board of Education during Public Comments.

Regular Meeting Minutes
UMATILLA COUNTY SCHOOL DISTRICT #8, HERMISTON
September 14, 2026

1. CALL TO ORDER REGULAR MEETING

Chair Hurst called to order regular meeting at 6:00 p.m.

Hermiston School Board members present: Mr. James Hurst, Ms. Bonnie Luisi, Ms. Teri Vander Stelt, Mr. Chris Elliott, Mr. Greg Jones, and Mr. Phillip Spicerkuhn. Also, in attendance were Superintendent Dr. Tricia Mooney, Assistant Superintendent Jake Bacon, Director of Business Services Katie Saul, and Executive Assistant to the Superintendent and Board Rosa Cerda-Diaz.

Absent Board Member: *Ms. Lili Gomez*

2. INTRODUCTORY ITEMS

2.1. Pledge of Allegiance

Chair Hurst led everyone to the Pledge of Allegiance.

2.2. Adoption of Agenda

Ms. Bonnie Luisi made a motion to adopt the agenda as presented. The motion was seconded by Mr. Phillip Spicerkuhn, which passed with a vote of 6-0.

2.3. Approval of Minutes

Ms. Bonnie Luisi made a motion to approve and accept the minutes for the July 13, 2026, Regular meeting; the August 10, 2026, Regular Meeting; the August 10, 2026, Executive Session with the correction to add Ms. Lili Gomez as in attendance; and the August 24, 2026, Special Meeting. The motion was seconded by Mr. Chris Elliott, which passed with a vote of 6-0.

3. PUBLIC COMMENTS

No written comments were provided in advance, and no requests were made to address the board virtually.

In-person public comments were provided by *Nick Ridling, Koreana Faretta*, and *Bethany Adair* regarding equitable access to gym facilities for all sports clubs within the Hermiston School District.

4. COMMUNICATIONS AND ANNOUNCEMENTS

4.1. Student Board Representative

Miss Suerenidy McKenzie, new Student Board Representative for 2026-27 school year, provided an update on Hermiston High School activities. She highlighted the first assembly of the school year held on September 11, 2026, commemorating the 25th Anniversary and recognizing veterans, first responders, and active military members. The day also included a home football game, children's activities, free ice cream from Jubilee Parlor, and a Chinook helicopter visit with touring allowed.

She reported that fall sports were off to a strong start. The Hermiston melon Fest Cross Country Meet included 30 teams, with the boys' team placing second. The football team competed in the SunDome Tournament in Yakima, finishing 3-2 in five matches. Football was scheduled to host six home games during the season, and girls' soccer and swimming were preparing for their upcoming competitions, with the first girls' swim meet scheduled for September 15.

Additionally, she provided an update on upcoming activities, including the marching band's first competition in Kennewick on October 3, Homecoming activities featuring the theme "Disco in the Desert," the Fall choir Concert on October 6 at 7:00 p.m., and the production of *Charlotte's Web* scheduled for October 22-31.

4.2. Oregon School Employees Association

OSEA President Ms. Henderson was not in attendance.

4.3. Hermiston Association of Teachers

HAT President Ms. Alayna Andrade provided an update on teachers and recent activities. She welcomed new and returning students and recognized staff for their continued efforts to build strong connections with students and support collaboration within the professional community. She also expressed appreciation to staff and students for coordinating with the Oregon Army National Guard during the September 11 recognition, including the Chinook helicopter flyover during the National Anthem. Ms. Andrade recognized local first responders, veterans, and active military members for their service and contributions to the community. She also provided an update on activities at Hermiston High School.

5. REPORTS

5.1. Board of Education

Board members reported on activities they participated in or attended since the last board meeting.

- Ms. Bonnie Luisi reported that she viewed the Chinook helicopter flyover and that the experience was very emotional.
- Mr. Phillip Spicerkuhn reported that he attended the football game with his daughter to see the Chinook helicopter. He also attended the Melon Fest Cross country Meet and noted participation from many different groups.
- Mr. Greg Jones attended the football game and enjoyed seeing the Chinook helicopter.
- Chris Elliott reported that he was unable to attend the football game but watched it through the YouTube channel.

5.2. Business Office

5.2.1. Financial Reports

Ms. Saul provided an update on the Financial Reports. She noted that the full financial report have been delayed due to ongoing negotiations with OSEA.

5.3. Superintendent's Office

5.3.1. Enrollment Report

Dr. Mooney shared the enrollment report as of August 31, 2026, with a total of students of 5,777 from K-12.

5.3.2. Presentation of the 2025-2026 Integrated Plan Annual Report

Dr. Mooney shared the 2025-2026 Integrated Plan Annual Report.

6. STUDY ITEMS

6.1. Policy Review - 1st Read

Immigration Enforcement Policies

Dr. Mooney shared the list below of policies for first read, noting that these policies will come to the board for second read and adoption at the September 28th meeting. These policies are new policies that must be approved by September 30th.

KNA G1	Immigration Enforcement on District Property
KNA R 1 G1	Interactions with Immigration Enforcement
KNA R 2 G1	Federal Immigration Enforcement Request Log

6.2. Policy Review 1st Read - CBA G1-JHC D1

Dr. Mooney shared the following list of policies for first read:

CBA G1	Qualifications and Duties of the Superintendent
CBG G1	Evaluation of the Superintendent
CEA G1	Educational Equity Advisory committee
DBEA D1	Budget Committee
EBB D1	Integrated Pest Management
EBBA D1	Student Health Services**
GAA D1	Personnel: Definitions (DELETE)
GBA D1	Equal Employment Opportunity
GBA R D1	Veterans' Preference (Version 1) DELETE
GBA R G1	Veteran and State Servicemember Preference (Version 2)
GBN/JBA D1	Sexual Harassment
GCBDA/GDBDA R1 D1	Family and Medical Leave
GCBDD/GDBDD D1	Sick Time
JBA/GBN D1	Sexual Harassment
JHC D1	Student Health Services and Requirements (DELETE)

7. CONSENT ITEMS**

7.1. Human Resources Department

Ms. Bonnie Luisi made a motion to approve the consent items 7.1.1. through 7.3.2. The motion was seconded by Ms. Teri Vander Stelt, which passed with a vote of 6-0.

7.1.1. Personnel Appointments

That the Board of Education approved the appointment of the following employees.

NAME	POSITION	BUILDING ASSIGNMENT
Scott Depew	Temporary Administrator	District Office

7.1.2. Personnel Resignation

That the Board of Education approved the resignation of the following employees.

NAME	POSITION	BUILDING ASSIGNMENT
Sarann Leon	Teacher	Armand Laive Middle School
Anne Jones	Teacher	West Park Elementary School
Scott Depew	Administrator	District Office
Holly Kress	Teacher	Hermiston High School

7.2. Business Office

7.2.1. Acceptance of Gifts

That the Board of Education Accepts the following gifts:

<u>School/Program</u>	<u>Gift</u>	<u>Value</u>	<u>Donor</u>
Troy Benson, HSD Job Coach	Scholarship	\$1,000	Educational Credit Management Corp.
HHS Athletics	Sports	\$21,875.97	HHS Sports Boosters
Hermiston High School	Key Club & Girls Swim Team	\$1,000	Schnitzer Cares Student Grantmaking
Sunset Elementary School	School Supplies	\$352.29	Phillips Legacy Inc.
Hermiston School District	School Supplies	\$1,543	American Online Giving Foundation
Hermiston High School	Drawing Winner	\$500	Cloud Crest Homes/Monte Vista Homes

7.3. Superintendent's Office

7.3.1. Integrated Pest Management Plan

That the Board of Education approved the Integrated Pest Management Plan for the Hermiston School District.

7.3.2. Policy Review - Second Read BBAA-BDDG

That the Board of Education adopted the list of policies under review, as included:

BBAA G1 (2)	Board Member's Authority and Responsibilities
BBAA G1 ~~delete~~ (1)	Individual Board Member's Authority and Responsibilities
BBE G1 (1)	Vacancies on the Board

BBE G1 delete (1)	Vacancies on the Board
BBE R G1 (1)	Board Member Vacancy Application
BCB G1 (1)	Board Officers
BCE G1 (1)	Board Committees
BCE G1 delete (1)	Board Committees
BCF G1 delete (1)	Advisory Committees to the Board
BD/BDA G1 delete	Board Meetings
BD G1 (1)	Board Meetings, Notices and Communications
BDC G1 (1)	Executive Sessions
BDC G1 delete (1)	Executive Sessions
BDD G1 (1)	Board Meeting Procedures
BDD G1 delete (1)	Board Meeting Procedures
BDDC G1 (1)	Board Meeting Agenda
BDDC G1 delete (1)	Board Meeting Agenda
BDDG G1 (1)	Recordings and Minutes of Board Meetings
BDDG G1 (1)	Minutes of Board Meetings

8. CALENDAR AND FUTURE ITEMS

8.1. Future Agenda Item Discussion

Mr. James Hurst provided a reminder of the Retreat Meeting on Monday, September 21, 2026, at 5:00 p.m. Mr. Chris Elliott requested a recap of items to be added to future Board Meetings agenda.

8.2. Calendar Review

Dr. Mooney reviewed future calendars and upcoming events.

9. EXECUTIVE SESSION

9.1. Complaint - ORS 192.660(2)(b)

To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

9.2. Negotiations - ORS 192.660(2)(d)

To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

9.3. Supt Eval - ORS 192.660(2)(i)

To review and evaluate the employment-related performance of the chief executive officer of any public body, a public office, employee, or staff member who does not request an open hearing.

10. ADJOURN

Chair Hurst adjourned the meeting at 7:46 p.m.

Date

Chairman

Superintendent/Clerk

Secretary

Special Meeting Minutes
UMATILLA COUNTY SCHOOL DISTRICT #8, HERMISTON
September 28, 2026

1. CALL TO ORDER SPECIAL MEETING*

Vice Chair Ms. Luisi called to order the special meeting at 6:00 p.m. in the absence of Chair Hurst.

Hermiston School Board members present: Vice Chair Ms. Bonnie Luisi, Ms. Teri Vander Stelt, Ms. Lili Gomez, Mr. Chris Elliott, Mr. Greg Jones, and Mr. Phillip Spicerkuhn. Also, in attendance were Superintendent Dr. Tricia Mooney, Assistant Superintendent Jake Bacon, and Executive Assistant to the Superintendent and Board Rosa Cerda-Diaz.

Absent Board Member: Mr. James Hurst

2. INTRODUCTORY ITEMS

2.1. Pledge of Allegiance

Vice Chair, Ms. Luisi, led everyone in the Pledge of Allegiance.

2.2. Adoption of Agenda

There were no changes to the agenda. Ms. Lili Gomez made a motion to adopt the agenda as presented. The motion was seconded by Mr. Chris Elliott, and passed with a vote of 6-0.

3. PUBLIC COMMENTS

No written comments were provided in advance, and no requests were made to address the board virtually. Additionally, no comments were made in person.

4. PRESENTATION AND RECOGNITIONS

4.1. English Learners in Oregon State Report

Dr. Farley and Mr. Depew provided an overview of the ODE English Learners Report and reviewed data for elementary and secondary English Learners.

5. REPORTS

5.1. Board of Education

Board Members reported on activities they participated in or attended since the last board meeting.

- Mr. Chris Elliott reported on attending seventh and eighth grade volleyball games at Armand Larive Middle School. He also mentioned attending an Amazon 15-year celebration where Mr. Depew and Hermiston School District were highlighted for STEM. He also noted Amazon's goal of reaching 8,000 students in the region with STEM program.
- Ms. Lili Gomez reported on attending Sunset Elementary Family Night. She enjoyed seeing many families and students excited to show parents around the

school. Ms. Gomez appreciates staff and teachers engaging parents to attend these activities.

- Ms. Teri Vander Stelt reported that she attended Highland Hills Elementary family night, great family engagement and participation from Good Shepherd and the Hermiston Education Foundation (HEF).
- Ms. Bonnie Luisi reported that HEF approved funding for a marimba at each elementary school.

6. ACTION ITEMS

6.1. Policy Review – Second Read KNA G1-KNA R 2 G1

Ms. Lili Gomez made a motion to adopt the policies listed below as presented. The motion was seconded by Ms. Teri Vander Stelt, and passed with a vote of 6-0.

KNA G1	Immigration Enforcement on District Property
KNA R 1 G1	Interactions with Immigration Enforcement
KNA R 2 G1	Federal Immigration Enforcement Request Log

7. CALENDAR AND FUTURE ITEMS

7.1. Future Agenda Item Discussion

No items were brought forward for discussion.

7.2. Calendar Review

Dr. Mooney reviewed future calendars and upcoming events with the Board, highlighting sports, noting that las Friday's football game was rescheduled to this evening at Hanford High School, and a home game on Friday during Homecoming Week. She also noted that Nuestro Futuro meetings at the high school for a group of Spanish-speaking families led by Maria Duron and Omar Medina have been added to the board calendar.

8. ADJOURN

With no further business, Vice Chair Luisi adjourned the meeting at 7:10 p.m.

Date

Chairman

Superintendent/Clerk

Secretary



Division 22 Standards Assurances for the 2025-26 School Year

October 12, 2026

Overview

What are the Division 22 Standards?



- Standards for Public Elementary and Secondary Schools: all Oregon administrative rules (OARs) set out in Chapter 581, Division 22.

Example: 581 - 022 - 0102 Definitions
Chp. Div. Rule Title

- The standards that the Oregon legislature or the State Board has determined must be met in order to be a standard school district.
- Compliance with these rules ensures a baseline level of service across the state.

Division 22 Rule Categories

1. High-quality learning experiences
2. Aligned & focused educational systems
3. Engaged partners & communities
4. Safe & inclusive schools
5. Committed & supported staff

Priorities for
**STUDENT
SUCCESS**

Division 22
standards
include over
50 rules.



14

Snapshot: Division 22 Rules



What are the Division 22 Standards Assurances?

Combined Accountability Model

Districts report annually on compliance with each of the standards and include an explanation and corrective action plan for any rule with which the district is out of compliance.

Local Accountability

Districts must:

- report to their local school board by Nov 1
- make a report available on the district website by Nov 1



State Accountability

- Districts must submit assurances to ODE by Nov 15
- ODE reviews all submissions and follows up with districts that have self-reported as being out of compliance



Division 22 Standards & Assurances of Compliance

“The Why”

- Signals our commitment to providing a high-quality educational experience and equitable opportunities for all students.
- Division 22 standards articulate the floor of the education to be provided to students, not the ceiling.
- Assurances process offers an opportunity for districts not in compliance to reflect on areas in need of attention and receive technical assistance.



What happens if the district is out of compliance?



- ODE reviews the district's proposed corrective action plan and either approves or rejects it.
- If the plan is not approved as submitted, ODE contacts the district and provides technical assistance and support.
- Once the district has an approved plan in place, ODE specialists may continue to provide support, as needed.
- The corrective action must be complete by the beginning of the next school year.
- If a district fails to come back into compliance after an opportunity for corrective action, ODE may withhold a portion of the district's State School Fund monies.

Report for the 2025-26 School Year

Division 22 Waivers for 2025-26

- [581-022-2115\(3\) Assessment of Essential Skills:](#)
 - **Essential Skills Graduation Requirements** are waived for students graduating through the end of the 2027-28 school year.
 - Note: Local Performance Assessment requirement in Section (2) remains in effect.
- [OAR 581-022-2120 Essential Skill Assessments for English Language Learners](#)
 - This related policy requirement has also been waived through the end of the 2027-28 SY.



Rule Revision in Effect for the 2025-26 SY



Administration of State Assessments

- Added SEED Survey as required OSAS component
- Added mention of ELPA Screener as required OSAS component (not a new requirement, just making the rule more complete)
- Added clarification that districts must abide by ODE decisions regarding student test records

Preserving Student Instructional Time



Oregon Department of Education

OAR 581-022-2323 Implements Executive Order 26-06

- Districts that reduced student instructional time levels during the 2025-2026 or 2026-2027 school years must submit to ODE either:
 - a plan to restore student instructional time by the 2027-2028 school year or
 - evidence of the district school board approving the decision to not restore student instructional time and a public posting of the justification for that decision
- A district may not reduce student instructional time during the 2026-2027 school year.

District Report on Compliance with Division 22 Standards

Hermiston School District was in compliance with the Division 22 Standards for the 2025-2026 school year. Necessary documentation will be submitted to the Oregon Department of Education.

**BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON**

PUBLIC COMMENT GUIDELINES

Welcome. This is the time we reserve in our meeting for public comment.

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Is there anyone here tonight who would like to address the board?

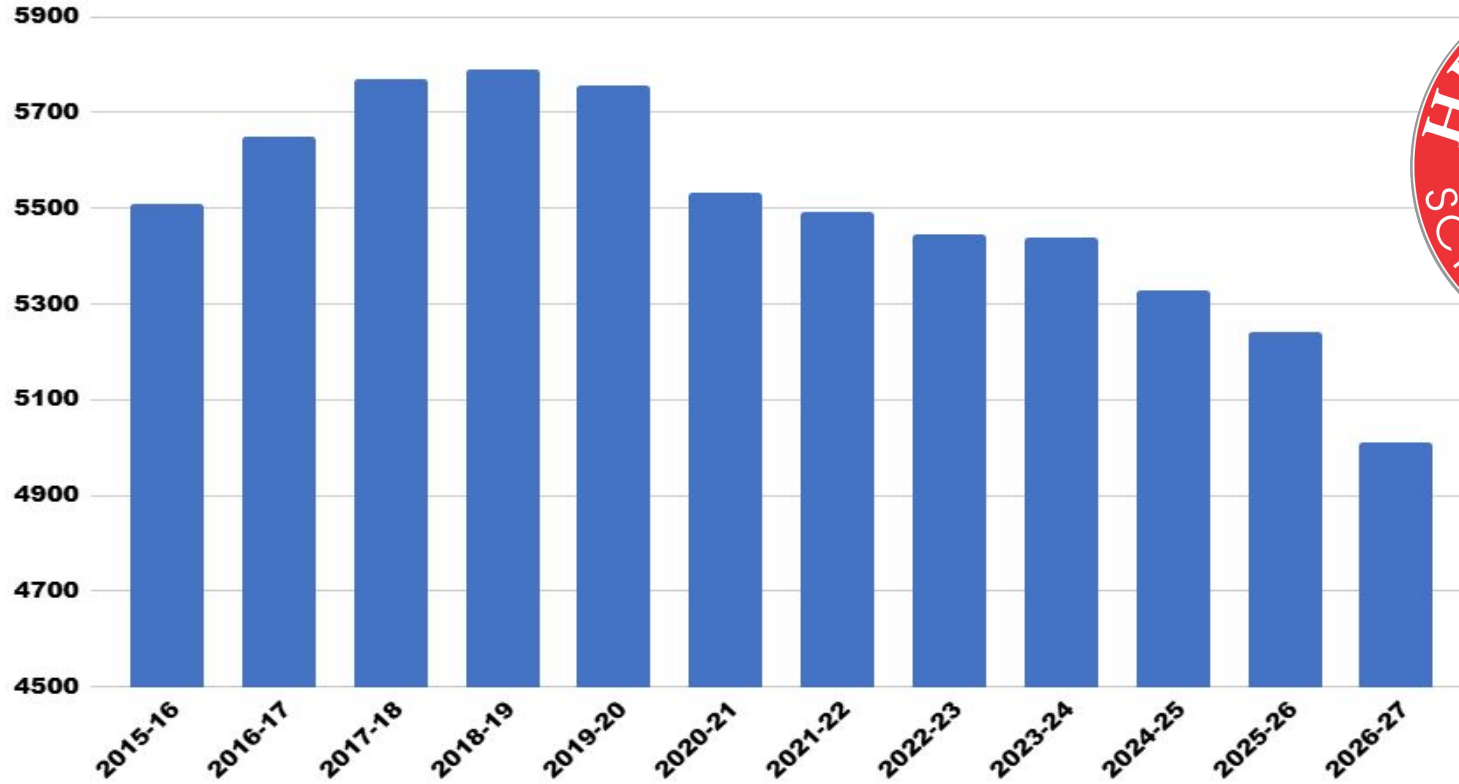
GENERAL FUND REVENUE DATA ENTRY REPORT											
MONTH	TAXES	INTST/FEES	INTER	STATE SSF	STATE OTH	FEDERAL	OTHER	TOTAL PROJ.	TOTAL ACT.	VARIANCE	
JUL PRO	\$ -	\$ 92,402	\$ 267,764	\$ 10,265,111	\$ -	\$ -	\$ -	\$ 10,625,277		\$ (0)	0.00%
JUL ACT	\$ -	\$ 92,402	\$ 267,764	\$ 10,265,111					\$ 10,625,277	\$ (0)	YTD
AUG PRO	\$ 58,815	\$ 138,136	\$ 267,764	\$ 5,129,477	\$ -	\$ 871	\$ -	\$ 5,595,063		\$ (0)	0.00%
AUG ACT	\$ 58,815	\$ 138,136	\$ 267,764	\$ 5,129,477		\$ 871			\$ 5,595,063	\$ (0)	YTD
SEP PRO	\$ 27,598	\$ 180,955	\$ 277,376	\$ 5,129,477	\$ -	\$ 3,481	\$ -	\$ 5,618,887			
SEP ACT									\$ -		
OCT PRO	\$ 33,866	\$ 196,549	\$ 267,764	\$ 5,129,477	\$ 13,000	\$ 6,660	\$ -	\$ 5,647,316			
OCT ACT									\$ -		
NOV PRO	\$ 11,346,226	\$ 206,548	\$ 546,037	\$ 5,129,477	\$ -	\$ 6,660	\$ -	\$ 17,234,948			
NOV ACT									\$ -		
DEC PRO	\$ 1,532,672	\$ 204,843	\$ 482,764	\$ 5,129,477	\$ -	\$ 6,660	\$ -	\$ 7,356,416			
DEC ACT									\$ -		
JAN PRO	\$ 227,760	\$ 214,691	\$ 509,264	\$ 5,129,477	\$ -	\$ 61,660	\$ -	\$ 6,142,852			
JAN ACT									\$ -		
FEB PRO	\$ 61,290	\$ 191,525	\$ 267,764	\$ 5,129,477	\$ 396,514	\$ 6,660	\$ -	\$ 6,053,230			
FEB ACT									\$ -		
MAR PRO	\$ 337,097	\$ 255,769	\$ 278,681	\$ 5,129,477	\$ -	\$ 6,660	\$ -	\$ 6,007,684			
MAR ACT									\$ -		
APR PRO	\$ 71,073	\$ 251,769	\$ 267,764	\$ 5,129,477	\$ -	\$ 6,660	\$ -	\$ 5,726,743			
APR ACT									\$ -		
MAY PRO	\$ 95,664	\$ 264,798	\$ 267,764	\$ 5,147,949	\$ 75,000	\$ 6,660	\$ -	\$ 5,857,835			
MAY ACT									\$ -		
JUN PRO	\$ 329,514	\$ 262,180	\$ 17,040	\$ -	\$ 396,514	\$ 13,320	\$ 2,700,000	\$ 3,718,569			
JUN ACT									\$ -		
Projected	\$ 14,121,575	\$ 2,460,165	\$ 3,717,743	\$ 61,578,353	\$ 881,029	\$ 125,955	\$ 2,700,000	\$ 85,584,819			
Budget Book	\$ 14,121,575	\$ 2,639,500	\$ 3,714,565	\$ 62,353,380	\$ 885,812	\$ 145,000	\$ 2,700,000	\$ 86,559,832			
Variance	\$ -	\$ (179,335)	\$ 3,178	\$ (775,027)	\$ (4,783)	\$ (19,045)	\$ -	\$ (975,013)			
TOT ACT	\$ 58,815	\$ 230,537	\$ 535,527	\$ 15,394,588	\$ -	\$ 871	\$ -	\$ 16,220,339	FORECAST ACT	\$	85,584,819
% collected	0.42%	9.37%	14.40%	25.00%	0.00%	0.69%	0.00%	18.95%			
NOTE:											
LEGEND		Above or within 2.00% of projection				Between 2.01% & 5.00% below			Below 5.01% of projection		

GENERAL FUND EXPENDITURE DATA ENTRY REPORT								
MONTH	PROJ. P/R	ACTUAL P/R	PROJ. A/P	ACTUAL A/P	TOTAL		VARIANCE	
JULY PROJECTED	1,174,071		\$ 1,568,435		\$ 2,742,506	MONTHLY	\$ (0)	0.00%
JULY ACTUAL		\$ 1,174,071		\$ 1,568,435	\$ 2,742,506	YTD	\$ (0)	0.00%
AUGUST PROJECTED	1,294,643		\$ 914,966		\$ 2,209,609	MONTHLY	\$ 0	0.00%
AUGUST ACTUAL		\$ 1,294,643		\$ 914,966	\$ 2,209,609	YTD	\$ (0)	0.00%
SEPTEMBER PROJECTED	5,720,050		\$ 1,050,514		\$ 6,770,564	MONTHLY		
SEPTEMBER ACTUAL		\$ -		\$ -	\$ -	YTD		
OCTOBER PROJECTED	5,993,520		\$ 997,330		\$ 6,990,850	MONTHLY		
OCTOBER ACTUAL		\$ -		\$ -	\$ -	YTD		
NOVEMBER PROJECTED	6,124,068		\$ 990,604		\$ 7,114,672	MONTHLY		
NOVEMBER ACTUAL		\$ -		\$ -	\$ -	YTD		
DECEMBER PROJECTED	5,932,491		\$ 1,071,871		\$ 7,004,362	MONTHLY		
DECEMBER ACTUAL		\$ -		\$ -	\$ -	YTD		
JANUARY PROJECTED	5,829,267		\$ 1,046,873		\$ 6,876,140	MONTHLY		
JANUARY ACTUAL		\$ -		\$ -	\$ -	YTD		
FEBRUARY PROJECTED	6,112,269		\$ 944,810		\$ 7,057,079	MONTHLY		
FEBRUARY ACTUAL		\$ -		\$ -	\$ -	YTD		
MARCH PROJECTED	5,950,988		\$ 1,054,852		\$ 7,005,840	MONTHLY		
MARCH ACTUAL		\$ -		\$ -	\$ -	YTD		
APRIL PROJECTED	5,947,544		\$ 1,037,021		\$ 6,984,565	MONTHLY		
APRIL ACTUAL		\$ -		\$ -	\$ -	YTD		
MAY PROJECTED	10,050,620		\$ 1,624,993		\$ 11,675,613	MONTHLY		
MAY ACTUAL		\$ -		\$ -	\$ -	YTD		
JUNE PROJECTED	10,864,413		\$ 2,254,793		\$ 13,119,206	MONTHLY		
JUNE ACTUAL		\$ -		\$ -	\$ -	YTD		
PROJECTED	\$ 70,993,944		\$ 14,557,062		\$ 85,551,006	(proj. difference in budgeted expenditures)		
BUDGET BOOK	\$ 71,757,376		\$ 14,925,801		\$ 86,683,177			
VARIANCE	\$ (763,432)		\$ (368,739)		\$ (1,132,171)			
TOTAL ACTUAL		\$ 2,468,714		2,483,401	\$ 4,952,115	FORECAST ACT	\$ 85,551,006	
% spent to date		3.48%		17.1%	5.79%			
Note:	FTE that was budgeted as payroll has been filled as contracted services, and budget has been transferred to accounts payable.							
LEGEND MONTHLY	Below or within 2.00%		Between 2.01% & 5.00% above			Above 5.01% of projection		
LEGEND YTD	Below or within 2.00%		Between 2.01% & 5.00% above			Above 5.01% of projection		

GENERAL FUND MONTHLY **ENDING FUND BALANCE** REPORT

DATE		Revenue	Expenditure	Ending Fund Balance		Variance		EFB Monthly Projection for Year End
1-Jul-26 PROJECTED ACTUAL				\$ 9,467,383 \$ 9,467,383				
31-Jul-26 PROJECTED ACTUAL		\$ 10,625,277 \$ 10,625,277	\$ 2,742,506 \$ 2,742,506	\$ 17,350,154 \$ 17,350,154		\$ 0	0.00%	10.00%
31-Aug-26 PROJECTED ACTUAL		\$ 5,595,063 \$ 5,595,063	\$ 2,209,609 \$ 2,209,609	\$ 20,735,607 \$ 20,735,608		\$ 0	0.00%	10.00%
30-Sep-26 PROJECTED ACTUAL		\$ 5,618,887 \$ -	\$ 6,770,564 \$ -	\$ 19,583,931 \$ 20,735,608			0.00%	
31-Oct-26 PROJECTED ACTUAL		\$ 5,647,316 \$ -	\$ 6,990,850 \$ -	\$ 18,240,396 \$ 20,735,608			0.00%	
30-Nov-26 PROJECTED ACTUAL		\$ 17,234,948 \$ -	\$ 7,114,672 \$ -	\$ 28,360,673 \$ 20,735,608			0.00%	
31-Dec-26 PROJECTED ACTUAL		\$ 7,356,416 \$ -	\$ 7,004,362 \$ -	\$ 28,712,727 \$ 20,735,608			0.00%	
31-Jan-27 PROJECTED ACTUAL		\$ 6,142,852 \$ -	\$ 6,876,140 \$ -	\$ 27,979,439 \$ 20,735,608			0.00%	
28-Feb-27 PROJECTED ACTUAL		\$ 6,053,230 \$ -	\$ 7,057,079 \$ -	\$ 26,975,590 \$ 20,735,608			0.00%	
31-Mar-27 PROJECTED ACTUAL		\$ 6,007,684 \$ -	\$ 7,005,840 \$ -	\$ 25,977,434 \$ 20,735,608			0.00%	
30-Apr-27 PROJECTED ACTUAL		\$ 5,726,743 \$ -	\$ 6,984,565 \$ -	\$ 24,719,611 \$ 20,735,608			0.00%	
31-May-27 PROJECTED ACTUAL		\$ 5,857,835 \$ -	\$ 11,675,613 \$ -	\$ 18,901,833 \$ 20,735,608			0.00%	
30-Jun-27 PROJECTED ACTUAL		\$ 3,718,569 \$ -	\$ 13,119,206 \$ -	\$ 9,501,196 \$ 20,735,608			0.00%	
INITIAL FORECASTED EFB		\$ 85,584,819	\$ 85,551,006	\$ 9,501,196				10.00%
ACTUALS TO DATE		\$ 16,220,339	\$ 4,952,115					
ANTICIPATED ACTUALS*		\$85,584,819	\$85,551,006	\$ 9,501,196				10.00%
Monthly Comp.	Above or within 2.00% of projection		Between 2.01% & 5.00% below projection		Below 5.01% of projection			
	*Calculated using actuals through the current month and projected revenue and expenditures for future months							
NOTE:	Estimated; amount may change depending on 2025-2026 fiscal year end adjustments.							
ENDING FUND BALANCE LEGEND		8.00% to 9.00% and above	Between 7.99% to 7.50%	7.49% and below				27

September Enrollment



2024 District Enrollment Summary	
District Enrollment	5329
Transfers Into the district through the Inter-district transfer process (included in the district enrollment number)	107
Transfers Out of the district through the Inter-district transfer process	224
Online Charter Enrollment	77
District Enrollment	5329
Student Total	5630

2025 District Enrollment Summary	
District Enrollment	5240
Transfers Into the district through the Inter-district transfer process (included in the district enrollment number)	121
Transfers Out of the district through the Inter-district transfer process	222
Online Charter Enrollment	78
District Enrollment	5240
Student Total	5540

2026 District Enrollment Summary	
District Enrollment	5012
Transfers Into the district through the Inter-district transfer process (included in the district enrollment number)	124
Transfers Out of the district through the Inter-district transfer process	215
Online Charter Enrollment	88
District Enrollment	5012
Student Total	5315

0930/2026 HERMISTON SCHOOL DISTRICT 8R - ELEMENTARY ENROLLMENT BY TEACHER												
Desert View	349	Highland Hills	281	Loma Vista	399	Rocky Heights	412	Sunset	345	West Park	365	
Kinder											Total	
McClanahan, Laura	19	Adams, Emily	20	Bartley, Renae	20	Chavez Lara, Areli	21	Brown, Jessica	17	Degan, Amanda	23	365
Ramirez, Nichole	18	Koenig, Marian	19	Clark, Jenna	17	Merrifield, Kalei	22	Bruce, Madison	19	Kellison, Amber	20	
Spears, Elsy	19	Gutierrez, Sarajane	1	Dowd, Abigail	20	Victorio, Daisy	22	Hunting, Kaitlyn	19	Searles, Eileen	20	
				Tomer, Jolee	20	Baker, Kennedy(BRITE)	1			Morris, Melissa (SC)	0	
				Esqueda, Sierra (Life S)	3	Hatfield, Diana(BRITE)	0			Tallion, Suzette (SC)	4	
				Vetsch, Haley (Life S)	1							Avg,
Total	56		40		81		66		55		67	20.3
1st grade											Total	
Bennett, Jeannine	15	Liebe, Martha	14	Milligan, Amber	14	Badillo-Juarez, Ana	16	Hantke, Sonia	22	Schaefer, Stacy	21	334
Farley, Kelsey	15	Seibel, Carolina	17	Newton, Jammie	17	Downing, Jeanne	15	Mosher, Aimee	22	Wattenburger, Marci	22	
Lillie, Shelly	15	Schwirse, Dezi	17	Powell, Annette	14	Dunkel, Michelle	15	Shasteen, Anani	22	Zuniga, Mariana	18	
		Rosenberg, Sara	1	Esqueda, Sierra (Life S)	0	Godby, Katia	15			Tallion, Suzette (SC)	1	
				Vetsch, Haley (Life S)	3	Baker, Kennedy(BRITE)	0			Morris, Melissa (SC)	0	
						Hatfield, Diana(BRITE)	3					
Total	45		49		48		64		66		62	17.6
2nd grade											Total	
Lowery, Jennifer	19	Johnston, Osieauna	14	Clayton, Nicole	23	James, Megan	15	Colbray, Delta	18	Johnston, Dawn	17	344
Rettkowski, Tiffany	18	Perez, Madison	13	Meade, Alesia	22	Phillips, Bobbi	18	Torres, Martha	17	Neddo, Tess	16	
Wells, Sarah	18	Phipps, Samantha	15	McConnell, Jennifer	22	Pitney, Courtnee	16	Trotter, Natalie	18	Springstead, Amy	16	
		Rosenberg, Sara	1	Esqueda, Sierra (Life S)	1	Putman, Brittanee	17			Tallion, Suzette (SC)	4	
				Vetsch, Haley (Life S)	1	Baker, Kennedy(BRITE)	2			Morris, Melissa (SC)	3	
						Hatfield, Diana(BRITE)	0					
Total	55		43		69		68		53		56	18.1
3rd grade											Total	
Artz, Cristal	21	Juul, Mackenzie	23	Mulkey, Kaitlin	21	Basso, Caroline	23	Gonzalez, Gabriela	21	Morgan, Michelle	16	366
Cope, Lyndsey	21	Ranger, Kelsey	24	Wilson, Hannah	21	Cotterell, Emily	23	Maddox, Noelle	22	Purswell, Kim	17	
Smith, Debra	22			Verwold, Taylor	23	Rodriguez, Adriane	24	Smith, Monica	21	Thompson, Lauren	17	
				Esqueda, Sierra (Life S)	2	Baker, Kennedy(BRITE)	0			Tallion, Suzette (SC)	0	
				Vetsch, Haley (Life S)	1	Hatfield, Diana(BRITE)	0			Morris, Melissa (SC)	3	
Total	64		47		68		70		64		53	21.5
4th grade											Total	
Kramer, Hailey	20	Cooke, Angie	25	Hamilton, Natalie	21	Clary, Hannah	24	Price, Trinity	17	Dopps, Kathy	22	370
Lomas, Sara	21	Plum, Deanna	25	McCann, Jessica	22	Combs, Heather	24	Rouska, Aaron	16	Madrigal, Jaime	19	
Wellsandt, Darci	20			Stuart, Eleanor	21	Thompson, Hannah	26	Scofe, Bailey	17	Young, Makaylee	23	
				Esqueda, Sierra (Life S)	0	Baker, Kennedy(BRITE)	2			Tallion, Suzette (SC)	1	
				Vetsch, Haley (Life S)	3	Hatfield, Diana(BRITE)	0			Morris, Melissa (SC)	1	
Total	61		50		67		76		50		66	21.8
5th grade											Total	
Dynes, Kelly	22	Cook, Justine	26	Culligan, Tracy	21	Best, Sara	23	Byrd, Kayla	19	Childs, Michelle	18	372
McCormack, Janey	23	Hamann, Bonnie	26	Hinton, Kelsey	21	Herrera, Daniel	23	Najera, Isaiah	18	Nyzc, David	20	
Miller, Sydney	23			Roberts, Cailyn	21	Linn, Josh	22	Stephenson, Peyton	20	Simpson-Pina, Faith	18	
				Esqueda, Sierra (Life S)	2	Baker, Kennedy(BRITE)	0			Tallion, Suzette (SC)	1	
				Vetsch, Haley (Life S)	1	Hatfield, Diana(BRITE)	0			Morris, Melissa (SC)	4	
Total	68		52		66		68		57		61	21.9

9/30/2026

CUMULATIVE SCHOOL ENROLLMENT -- HERMISTON SCHOOL DISTRICT 8R

	Part Time	Kg	1st grade	2nd grade	3rd grade	4th grade	5th grade	6th grade	7th grade	8th grade	9th grade	10th grade	11th grade	12th grade	Total	
DESERT VIEW		56	45	55	64	61	68								349	
HIGHLAND HILLS		40	49	43	47	50	52								281	
Loma Vista		81	48	69	68	67	66								399	
ROCKY HEIGHTS		66	64	68	70	76	68								412	
SUNSET		55	66	53	64	50	57								345	
WEST PARK		67	62	56	53	66	61								365	
Elementary Total		365	334	344	366	370	372								2151	
VLA students				1		1						4	1	5	12	
ALMS								213	214	219					646	
SMS								169	201	201					571	
															0	
HHS											460	390	389	398	1637	
COMBINED TOTAL		365	334	345	366	371	372	382	415	420	460	394	390	398	5012	
															Increase/ Decrease	
															Last month's total enrollment:	
															5077	-65
															Same month one year ago:	
															5240	-228

**BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON**

October 12, 2026

ASSISTANT SUPERINTENDENT'S RECOMMENDATION

7.0. CONSENT: Human Resources Department

7.1.1. TOPIC: Personnel Resignation

It is recommended. . . .

RECOMMENDATION:

. that the Board of Education approves the resignation of the following employees:

NAME	POSITION	BUILDING ASSIGNMENT
Charles Terry III	Behavior Specialist	District Office
Margaret Terry	Evaluation Specialist	District Office

**BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON**

October 12, 2026

SUPERINTENDENT'S RECOMMENDATION

7.2. Business Office

7.2.1. TOPIC: Acceptance of Gifts

It is recommended. . .

RECOMMENDATION:

. . . . that the Board of Education accepts the following gifts:

<u>School/Program</u>	<u>Gift</u>	<u>Value</u>	<u>Donor</u>
Hermiston School District	Fueling the Future Program	\$1,786	Morrow Cnty Grain Growers



Hermiston School District 8R

305 SW 11TH Street, Hermiston, Oregon 97838-2103
Phone: (541) 667-6000 Fax: (541) 667-6050
www.hermiston.k12.or.us

APPLICATION FOR ACCEPTANCE OF GIFT

Unit to be presented with Gift/Donation: Hermiston School District 8R

Name of Donor: Morrow County Grain Growers

Donor Address: PO Box 367 Lexington, OR 97839

Donor Telephone Number: 541-989-8221

Description of gift(s)/donation(s) including Serial #, purchase date, original purchase price and current cash value: Check # 159139 \$1,786.00

Purpose of gift/donation: Fueling The Future Program

Signature of Donor: N/A

Date: _____

Authority to accept a gift, donation, emolument, favor, or gratuity to the School District is vested in the Board of Education. All such gifts shall become property of the School District.

Gifts will be considered for acceptance, with full District responsibility for maintenance, if they are of a type appearing on approved standard equipment lists or are closely related in instructional value.

Recommendation of Unit Administrator Kari Lane Date: 9-23-2020

Recommendation of Business Manager Kari Lane Date: 9-23-2020

Recommendation of Superintendent Tim Woney Date: 10-6-20

Action of the Board of Education: Accepted _____ Not Accepted _____

Secretary to the Board of Education _____ Date: _____

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON
October 12, 2026

SUPERINTENDENT’S RECOMMENDATION

7.0. CONSENT ITEM

7.3.1. TOPIC: Policy Review – Second Read CBA G1-JHC D1

It is recommended that. . . .

RECOMMENDATION:

That the Board of Education adopts the list of policies as included:

CBA G1	Qualifications and Duties of the Superintendent
CBG G1	Evaluation of the Superintendent
CEA G1	Educational Equity Advisory Committee
DBEA D1	Budget Committee
EBB D1	Integrated Pest Management
EBBA D1	Student Health Services
GAA D1	Personnel: Definition (DELETE)
GBA D1	Equal Employment Opportunity
GBA R D1	Veterans’ Preference (VERSION 1) DELETE
GBA R G1	Veteran and State Servicemember Preference (VERSION 2)
GBN_JBA D1	Sexual Harassment
GCBDA_GDBDA R D1	Family and Medical Leave
GCBDD_GDBDD D1	Sick Time
JBA_GBN D1	Sexual Harassment
JHC D1	Student Health Services and Requirements (DELETE)

OSBA Model Sample Policy

Code: CBA
Adopted:

Qualifications and Duties of the Superintendent

The Board requires the superintendent be a strong educational leader who has the following professional experience and training:

1. A current license that qualifies the individual to serve as superintendent of the district^{1};
2. A master's degree or higher in the field of education, preferably in educational administration;
3. Successful teaching experience at the elementary or secondary school level;
4. Service as a superintendent or administrative experience in the central administration of a school system.

In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets alternative licensure requirements. The Board may take steps to assist an individual to qualify for such a license.

The superintendent will have the following personal and professional qualities:

1. Success in leadership roles with staff, community and professional peers;
2. Ability to communicate effectively, both orally and in writing;
3. Scholarship, intelligence and excellent ability to plan and organize;
4. Training, experience and success in personnel selection, evaluation and development;
5. Knowledge of curriculum development, implementation and evaluation;
6. Knowledge of business and support service systems which facilitate planning, control and accountability;
7. Experience in administering collective bargaining agreements;
8. Ability to motivate other administrators and significantly involve them in the decision-making process;
9. Strong management skills; and the desire and ability to motivate and innovate, taking advantage of the district's strengths.

General Functions

1. The superintendent is the chief executive officer of the district and, under the direction of the Board, is responsible for control and operation of the school system, and for implementing the decisions and policies of the Board.

^{1} Please contact the Teacher Standards Practices Commission (TSPC) with questions regarding licensure.}

2. The superintendent has the authority to formulate and delegate duties and responsibilities to subordinate administrative personnel. The delegation of such duties and responsibilities, however, will not relieve the superintendent of responsibility for the action taken under such delegation.

Specific Functions

The superintendent will have the duty and authority to perform the following specific functions:

1. Review data regularly and lead the district in enacting equitable changes to improve educational outcomes for every student;
2. Serve as educational leader to the Board, staff and community;
3. Act as the district's chief administrative officer;
4. Serve as district school clerk, performing such duties as required by law or by the Board;
5. Support the Board with scheduling meeting places, providing for required notices, and ensuring any required recordings or minutes are created for all Board meetings and for all committee meetings authorized by the Board, as appropriate;
6. Attend all regular and special meetings of the Board, except when excused;
7. Serve as executive officer of the budget committee and prepare an educational plan that is the basis for formulating the district's budget;
8. Administer adopted Board policies;
9. Regularly review adopted Board policies and make recommendations for needed changes;
10. Advise, inform and make recommendations to the Board on matters of policy and other required action(s), and inform the Board on all phases of district operation;
11. Provide an ongoing program of communication to and from the community, staff and Board concerning district programs and activities;
12. Assess trends and changing procedures in salary negotiations and assist the Board in collective bargaining and salary consultation with district employee groups;
13. Serve as a member of the Board's salary consultation and negotiations teams, and make recommendations to the Board on all issues;
14. Direct the implementation and administration of all agreements resulting from the consultation or negotiation process;
15. Develop and file a complete list of position descriptions, with job descriptions within each classification for all classes of personnel; review and change those descriptions as needed or directed by the Board;
16. Formulate and recommend for Board adoption such personnel policies as may be necessary for efficient functioning of the district staff;
17. Make rules and reasonable regulations to govern routine matters and see that such rules and regulations are communicated to employees concerned;
18. Resolve problems of operations and settle disputes referred through administrative channels;

19. Work with staff organizations and committees in the development of sound personnel practices and procedures and provide for their implementation;
20. Assume responsibility for the development, maintenance and operation of a constructive program of in-service, training and education for all school system employees. For this responsibility, the superintendent may employ lecturers, grant temporary leave from work, approve reimbursement for extension or college courses and develop professional library facilities as required, subject to Board approval;
21. Recommend to the Board, the appointment, renewal, contract extension, contract nonrenewal, contract non-extension or dismissal of licensed district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
22. Appoint, promote, demote or discharge classified and non-represented employees as provided by state law, Board policy, collective bargaining agreements and meet and confer agreements, as applicable;
23. Assign or transfer all district employees in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
24. Evaluate the performance of all district administrative personnel in accordance with state law and Board policy, and make recommendations for those positions to the Board before March 15 of each year;
25. Provide for performance evaluations of licensed and classified personnel in accordance with state law, Board policy and the employee's collective bargaining agreement, as applicable;
26. Assign and control the promotion of students;
27. Maintain a continuous inventory of all district property, furniture, material and supplies;
28. Recommend plans for repairs to district property and for new construction and see that all plans adopted by the Board are properly executed;
29. Establish procedures to involve teachers, principals, supervisory personnel and representatives from student and community groups in the preparation and selection of courses of study and other instructional materials;
30. Recommend instructional materials, instructional supplies and school equipment to be purchased by the district;
31. Direct the preparation of the budget, prepare the budget message for presentation to the budget committee, supervise the administration of all fiscal policies of the district and serve as custodian of all district funds;
32. Develop and recommend to the Board long-range plans for educational programs, facilities and financial resources that are consistent with population trends, district goals and community needs;
33. Direct the district in its relationships with federal, state and local government agencies;
34. Cooperate with universities and colleges in their student-teacher training programs;
35. Attend local, state and national meetings, conferences and workshops as deemed beneficial to the interests of the district;

36. Visit, as may be required, all district schools as a regular part of a schedule and institute and carry out such regulations, as may be necessary, to attain their efficient operation;
37. Direct the administrative staff in establishing and changing, as needed, school attendance area boundaries subject to Board approval;
38. In cases of matters not specifically covered by Board policies, take appropriate action and report such action to the Board no later than the next regular Board meeting;
39. Have other power and duties as may be approved by the Board, and as may be necessary to fulfill the functions of the office of superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#)
[ORS 342.143](#)
[ORS 342.173](#)

[ORS 342.850](#)
[OAR 584-020-0000 - 0035](#)
[OAR 584-046-0003 - 0024](#)

[OAR 584-080-0151](#)
[OAR 584-080-0152](#)
[OAR 584-080-0161](#)

OSBA Model Sample Policy

Code: CBG
Adopted:

Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance [at least once each year]. The evaluation will be based on the superintendent's job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and their performance will be conducted in an executive session, unless the superintendent requests a session open to the public.¹ Such an executive session will not include a general evaluation of any district goal, objective or operation or of any directive to personnel concerning district goals, objectives, operations or programs. Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)
[ORS 332.505](#)

[OAR 199-040-0027](#)
[OAR 199-040-0030](#)

[OAR 581-022-2405](#)

Hanson v. Culver Sch. Dist. (FDAB 1975).

¹ Notice must be provided to the superintendent in accordance with OAR 199-0040-0030. The superintendent must receive written notice of the meeting no less than one business day or 24 hours, whichever is greater, in advance of the meeting. The notice must include:

- a. Identification of the Board;
- b. The time, date and location of the meeting;
- c. The purpose for which the Board proposes to convene the executive session, including the citation to the applicable section of ORS 192.660 and the fact that the Board will be reviewing and evaluating the performance of the superintendent; and
- d. Information on how the superintendent may make a request for an open hearing.

Hermiston School District 8R

Code:
Adopted:

CEA

Educational Equity Advisory Committee

The duties of the district's educational equity advisory committee shall include:

1. Advising the superintendent about the educational equity impacts of policy decisions; and
2. Informing the superintendent when a situation arises in a district school that negatively impacts underrepresented students and advising the superintendent on how best to handle that situation.

The superintendent may act within the superintendent's authority on any recommendations of the educational equity advisory committee without approval from the Board. The superintendent does not have the authority to adopt or amend policy.

The educational equity advisory committee may prepare an annual report that:

1. Contains the following information:
 - a. The successes and challenges the district has experienced in meeting the educational equity needs of students in the district;
 - b. Recommendations the committee made to the superintendent, and the actions that were taken in response to those recommendation; and
 - c. Any other information required by the State Board of Education.
2. Is shared with the Board:
 - a. By the superintendent; and
 - b. If requested by the Board, by the committee as a presentation by the committee at a Board meeting.
3. Is made available by being:
 - a. Distributed to the parents of district students;
 - b. Posted on the district's website; and
 - c. Sent to the State Board of Education.

The educational equity advisory committee shall be selected and appointed by the superintendent and must be composed of parents, employees, students and community members from the district. For the purposes of selecting members, the superintendent:

1. Shall solicit names of possible members from the community;
2. Must ensure that membership is primarily representative of underserved student groups;

3. May not exclude or deny members based on language, immigration status or protected class, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity;
4. May not appoint a voting member of the Board or the superintendent to the educational equity advisory committee; and
5. Must ensure that the composition of an educational equity advisory committee elevates underrepresented parent, employee, student, and community member voices.

The district will provide sufficient support to educational equity advisory committee members to participate in meetings, including, but not limited to access to district-managed emails, translation and interpretation services, and relevant trainings.

A member of the educational equity advisory committee will also serve on the school district budget committee.²

END OF POLICY

Legal Reference(s):

[ORS 328.542](#)
[ORS 329.711](#)

[ORS 332.107](#)
[OAR 199-050-0010](#)

[OAR 581-022-2307](#)

House Bill 4066 (2026)

² The district is not required to include a member of the educational equity advisory committee on the budget committee if no member of the committee is willing or able to serve on the budget committee.

Hermiston School District 8R

Code: DBEA
Adopted: 11/12/13
Revised/Readopted: 7/10/17; 11/14/22
Orig. Code: DBEA

Budget Committee

By law, the budget committee is charged with making recommendations concerning financial priorities.

The budget committee will have the responsibility for reviewing the financial programs of the district, reviewing the proposed district budget as presented by the superintendent, and recommending an annual or biennial district budget in keeping with the provisions of applicable state laws.

Educational policy decisions are the responsibility of the Board, not the budget committee. The committee does not have the authority to add programs or to approve additional personnel or increase salaries. While the committee may, in effect, delete programs because of a fund decrease, the committee is charged primarily with a fiscal evaluation of programs. The committee may, alternatively, set an amount that changes the recommended budget and may request the administration make such changes in accordance with priorities set by the Board.

The following will govern the make-up and process of establishing the district's budget committee:

1. The budget committee consists of seven members appointed by the Board plus the elected Board members of the district. To be eligible for appointment, the appointive member must:
 - a. Live and be registered to vote in the district;
 - b. Not be an officer, agent or employee of the district.
2. At least one member of the budget committee must be a member of the district's educational equity advisory committee;¹
3. No budget committee member may receive any type of compensation from the district;
4. At its first meeting in December, the Board will identify vacant budget committee positions which must be filled by appointment of the Board. The Board will announce the vacancies and receive applications from interested persons during the month of December. Such applications will include a signed statement that the applicant is willing to serve as a member of the budget committee and to adhere to the policies of the district. The Board may appoint budget committee members to as many consecutive terms as deemed appropriate;
5. At the first regular Board meeting in January, the Board will review the names of persons filing applications and names of those persons who have served previously and are willing to be

¹ The budget committee is not required to include a member of the educational equity advisory committee until a vacancy on the budget committee occurs by a member who is not also a member of the school district board. The district is not required to include a member of the educational equity advisory committee on the budget committee if no member of the committee is willing or able to serve on the budget committee.

reappointed. At the first regular meeting in September, the Board will appoint persons to fill the vacant positions;

6. The appointive committee members of a budget committee in a district that prepares an annual budget will be appointed for three-year terms. The terms will be staggered so that, as near as practicable, one-third of the appointive members' terms end each year;
7. If any appointive member is unable to complete the term for which the member was appointed, the Board will announce the vacancy at the first regular Board meeting following the committee member's resignation or removal. An appointment to fill the position for its unexpired term will be made at the next regular Board meeting.

Budget Committee Responsibilities

The following items explain the budget committee responsibilities:

1. At its first meeting after appointment, the budget committee will elect a presiding officer from among its members. It may also establish other ground rules as necessary for successful operation of the committee;
2. A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action;
3. The budget committee shall hold one or more meetings to receive the budget message, receive the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public;
4. The budget committee may request any information used in the preparation of or for revising the budget document from the superintendent or business manager. The committee may request the attendance of any district employee at its meetings. The budget committee will approve the budget document as submitted by the superintendent or as subsequently revised by the committee;
5. After approval of the original or revised budget document, the budget committee's duties cease. The hearing on the approved budget is held by the Board.

END OF POLICY

Legal Reference(s):

[ORS 174.130](#)
[ORS 192.610 - 192.695](#)
[ORS 294.305 - 294.565](#)

[ORS 328.542](#)
[ORS 329.711](#)

[ORS 433.835 - 433.875](#)
[OAR 581-022-2307](#)

House Bill 4066 (2026)

Hermiston School District 8R

Code: **EBB**
Adopted: 1/13/15
Revised/Readopted: 7/10/17
Orig. Code: EBB

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the Board shall adopt an integrated pest management plan (IPM) which emphasizes the least possible risk to students, staff and community members and shall adopt a list¹ of low-impact pesticides for use with the IPM plan. The IPM plan and list shall be available to the public through the district's website².

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
 - a. Protect the health and safety of students and staff;
 - b. Protect the integrity of district buildings and grounds;
 - c. Maintain a productive learning environment; and
 - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;

¹ See ORS 634.705(5).

² Inclusion of the list and IPM in the district's Healthy and Safe Schools Plan satisfies this requirement as long as it is posted on the district's website.

8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and
12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The [facilities director] is designated as the Integrated Pest Management Plan Coordinator and has the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
3. Oversee pest prevention efforts;
4. Ensure identification and evaluation of pest situation;
5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
7. Evaluate pest management results;
8. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet (SDS);
 - c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
 - d. The pest condition that prompted the application;
 - e. The approximate amount and concentration of pesticide applied;
 - f. The location and description of the area where the pesticide was applied;
 - g. The type of application and whether the application was effective;
 - h. The name(s) of the person(s) applying the pesticide;
 - i. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - j. The dates and times for the placement and removal of warning signs; and

- k. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.
- 9. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints; and
- 10. Conduct outreach to district staff about the district's IPM plan.

At least once every five years, the Board shall review the IPM plan, make any necessary updates and readopt the IPM plan.³ The final IPM plan shall include the day, month and year the Board adopted or readopted the plan.

END OF POLICY

Legal Reference(s):

[ORS 634.116](#)

[ORS 634.700 - 634.750](#)

³ For IPMs adopted prior to January 1, 2026, the Board shall review, update and readopt the IPM no later than January 1, 2027, or five years from the date of the most recent approval of the plan, whichever is later.

Hermiston School District 8R

Code: EBBA
Adopted: 8/12/24
Orig. Code: JHC

Student Health Services**

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

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

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

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

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

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

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

7. Describe how hearing, vision and dental screenings are managed and/or verified for required students⁵;
8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school⁶;
9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids⁷;
10. Refer to adopted policy and procedures for medications in accordance with Oregon law⁸;
11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities⁹.

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

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

An administrator or other staff who is not a nurse may supervise, evaluate or direct a school nurse or registered nurse for purposes related to the nurse's role as a school employee, including but not limited to assigning the nurse's work hours, locations and workload and other matters addressed through a collective bargaining agreement. An administrator may not direct the school nurse or registered nurse in the practice of nursing.

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

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

⁶ For definitions for this policy see ORS 336.201.

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)

[ORS 332.107](#)

[ORS 336.201](#)

[ORS 336.204](#)

[ORS 336.211](#) – [336.214](#)

[ORS 342.458](#)

[OAR 581-021-0017](#)

[OAR 581-021-0031](#)

[OAR 581-021-0587](#)

[OAR 581-021-0590](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

[OAR 581-022-2515](#)

Every Student Succeeds Act, 20 U.S.C. § 7928 (2024).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2024).

Hermiston School District 8R

Code: GAA
Adopted: 9/14/15
Revised/Readopted: 7/10/17
Orig. Code: GAA

Personnel: Definitions

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

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

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

1. “Regular classified employees” are those employed in positions established by the Board requiring 20 or more hours per week for at least a full school year.
2. “Temporary/Substitute classified employees” are those employed on an as-needed basis. These employees are not eligible for benefits.

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

“Confidential employees” are designated in accordance with Oregon law (ORS 243.650(6)). Such employees will be excluded from any bargaining unit.

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

END OF POLICY

Legal Reference(s):

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

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

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

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

Hermiston School District 8R

Code: GBA
Adopted: 11/14/11
Revised/Readopted: 7/10/17; 2/10/20; 1/24/22
Orig. Code: GBA

Equal Employment Opportunity

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

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

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

The superintendent will develop other specific recruitment, interview and evaluation procedures necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.003	ORS 659A.112
ORS 243.305	ORS 659A.006	ORS 659A.147
ORS 326.051	ORS 659A.009	ORS 659A.820
ORS 332.505	ORS 659A.029	
ORS 408.225 – 408.237	ORS 659A.030	OAR 581-021-0045
ORS 652.210 - 652.220	ORS 659A.082	OAR 581-022-2405
ORS 659.850	ORS 659A.109	OAR 839-006-0435 - 0480

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).

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

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

Hermiston School District 8R

Code: **GBA-AR**
Revised/Reviewed: 7/10/17; 4/11/22

Veterans' Preference (Version 1)

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

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

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

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification³ of eligibility for preference, in addition to other requested materials.

Selection Procedures⁴

¹ See Oregon Revised Statute (ORS) 408.235.

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

³ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

⁴ If the district chooses not to use a scored system the law requires that the district give special consideration in the district's hiring decision to veterans and disabled veterans and the district will need to be able to demonstrate the method used for providing special consideration. ORS 408.230(2)(c).

Step 1: Before the review of any applications the human resource director will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.

Step 2: The human resource director will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the human resource director shall evaluate whether the skill experience obtained in the military are transferable to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the human resource director determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the human resource director shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.

Step 6: The human resource director makes the offer to the applicant with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

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

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

Filing a Complaint

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

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

Hermiston School District 8R

Code: GBA-AR
Revised/Reviewed:

Veteran and State Servicemember Preference (Version 2)

Oregon law requires the district to grant a preference to qualified and eligible veterans, disabled veterans, state servicemembers and former state servicemembers at each stage during the hiring or promotion process who claim a preference. To be **qualified** for preference, an applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for preference¹ an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law².

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

Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide a preference as required by Oregon law and the job posting will require applicants to provide certification³ of eligibility for preference, in addition to other requested materials.

Selection Procedures

Step 1: Before the review of any applications the [human resources director] will establish an evaluation scoring guide based on the minimum qualifications and any special qualifications listed in the job posting.

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 for definitions of veteran, disabled veteran, state servicemember and former state servicemember.

³ An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

- Step 2: The human resources director will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [human resources director] shall evaluate whether the skill experience obtained in service are transferable skills to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the human resources director determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the human resources director or designee shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.
- Step 6: The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.

The district may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect to the position.

In the event the district chooses not to appoint an applicant covered by this administrative regulation, the district shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant.

Filing a Complaint

A veteran, disabled veteran, state servicemember or former state servicemember is encouraged to contact the human resources office if there are any concerns or questions concerning the application of or the process used for preference.

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

Hermiston School District 8R

Code: **GBN/JBA**
Adopted: 11/10/14
Revised/Readopted: 7/10/17; 10/08/18; 7/13/20;
10/12/20; 8/12/24
Orig. Code: GBN

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.

¹ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

3. Assault when sexual contact occurs without consent².

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

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

Jake Bacon, Director of Human Resources at 541-667-6000 or jake.bacon@hermistonsd.org

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

² "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint,

reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

1. Name and contact information for all **persons** designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁴ Remember confidentiality laws when providing any information.

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity⁵;

⁵ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. The report can be made at any time.

The director of human resources is designated as the Title IX Coordinator and can be contacted at 541-667-6000. The Title IX Coordinator will coordinate the district’s efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.⁶ The district shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by

⁶ (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁷ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access

following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁹

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁰ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

No Retaliation

Neither the district or any person may retaliate¹¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act

to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.⁷ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

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

(FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy shall be prominently published in the district student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

<u>ORS 243.706</u>	<u>ORS 342.850</u>	<u>ORS 659A.030</u>
<u>ORS 332.107</u>	<u>ORS 342.865</u>	<u>OAR 581-021-0038</u>
<u>ORS 342.700</u>	<u>ORS 659.850</u>	<u>OAR 584-020-0040</u>
<u>ORS 342.704</u>	<u>ORS 659A.006</u>	<u>OAR 584-020-0041</u>
<u>ORS 342.708</u>	<u>ORS 659A.029</u>	

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

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

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

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Hermiston School District 8R

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 7/10/17; 1/11/21; 4/11/22;
12/11/23; 4/14/25

Family and Medical Leave

Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave.² In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines. An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the district for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.

An employee of the district who has separated and is reemployed within 180 days, or experiences a temporary cessation of schedule hours may be eligible for OFLA in accordance with ORS 659A.156.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period. In addition:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;
2. An employee unable to work because of a disabling compensable injury³ need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

Qualifying Reason

Eligible employees may access FMLA leave entitlements for the following reasons:

1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care⁴ or continuing treatment by a health care provider⁵.
2. Parental leave⁶ (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and caring for the employee's newborn child (within 12 months following birth);
 - b. Bonding with and caring for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
 - c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Military caregiver leave: leave for the care for a covered servicemember if the eligible employee is the spouse, child or next-of-kin of the servicemember with a serious injury or illness;
4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee's spouse, child or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.

³ As defined in ORS 656.005.

⁴ "Inpatient care" means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. See 29 CFR § 825.114.

⁵ "Continuing treatment" includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR § 815.115.

⁶ Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care; or leave taken to care for an employee's child whose school or child care provider has been closed⁸ in conjunction with a statewide public health emergency declared by a public health official.⁹
3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.¹⁰ When such leave is used for a family member who is related by affinity, the district requires an attestation form signed and submitted by the employee.

Eligible employees may also access OMFLA for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

Definitions

1. Family member:
 - a. For the purposes of FMLA, "family member" means:
 - (1) Spouse¹²;
 - (2) Parent¹³; or
 - (3) Child¹⁴.
 - b. For the purposes of OFLA, "family member" means an eligible employee's:
 - (1) Spouse or domestic partner;
 - (2) Child or the child's spouse or domestic partner;
 - (3) Parent or the parent's spouse or domestic partner;
 - (4) Sibling or stepsibling, or the sibling's or stepsibling's spouse or domestic partner;
 - (5) Grandparent or the grandparent's spouse or domestic partner;
 - (6) Grandchild or the grandchild's spouse or domestic partner; or

⁸ "Closure" (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

⁹ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

¹⁰ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹² "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage.

¹³ "Parent" means a biological, adoptive, step or foster parent, or any other individual who stood "in loco parentis" to the employee when the employee was a child as defined herein. This does not include parents "in law."

¹⁴ "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

- (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹⁵

2. Child:

- a. For the purposes of FMLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, the child of the employee’s spouse or domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”
- d. For the purposes of sick child leave under OFLA, the child must be under the age of 18 or substantially limited by a physical or mental impairment as described in ORS 659A.104.

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for or financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, “in loco parentis” means person in the place of a parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA , “next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent or child in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions;
- b. Siblings;
- c. Grandparents;
- d. Siblings of parents and their spouses; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means:

¹⁵ “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

- a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who:
 - (1) Is undergoing medical treatment, recuperation or therapy;
 - (2) Is otherwise in outpatient status; or
 - (3) Is otherwise on the temporary disability retired list for a serious injury or illness; or
- b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, “covered veteran” means an individual who was:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

7. Public health emergency:

For OFLA a “public health emergency” means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use the 12-month period measured forward from the date the employee’s leave begins.

For the purposes of calculating an employee’s leave period for OFLA, the district will use a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.

The leave period for the purposes of Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)¹⁶. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for:

1. Birth of a child or to care for a child after birth;

¹⁶ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

1. Placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement; or
2. Care of the employee's parent with a serious medical condition.

Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of up to 12 weeks of OFLA leave, for sick child leave and bereavement leave, during the designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each family member of the employee within a leave year, except that the eligible employee may not take more than four weeks of bereavement leave within a leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁷

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the designated leave period.

Qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA may also run concurrently with leave taken under the sick ~~time~~ law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁸. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

¹⁷ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

¹⁸ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹⁹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.²⁰ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

Intermittent Leave

With the exception of parental leave under FMLA which must be taken in one continuous block of time, an eligible employee is permitted under FMLA or OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in separate periods of time (i.e., hours, days, weeks, etc.), rather than in one continuous period of time, and/or requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

When an exempt employee is eligible for OFLA leave but not FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Alternate Work Assignment

Under FMLA, the district may transfer an employee taking intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment to an alternate position for which the employee is qualified and which better accommodates an employee's recovery from a serious health condition, a serious health condition of a spouse, parent, or child, or a serious injury of illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

Under OFLA, the district may transfer an employee on intermittent OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;

²⁰ See 29 CFR § 825.200(h).

2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

Under OFLA, an employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;
4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternative position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as signers for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

FMLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. In any such situation, the eligible instructional employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible instructional employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a covered servicemember or for the employee's own serious medical condition, the district may require the eligible instructional employee to choose either to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer to an available alternate position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the employee's regular position.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

2. Limitation on Leave Near the End of the Term²²

When an eligible instructional employee requests leave near the end of the term, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the term, the district may require the employee to continue taking leave until the end of the term if:
 - (1) The leave will last at least three weeks; and
 - (2) The employee would return to work during the three-week period before the end of the term.
- b. When the qualified leave begins during a five-week period before the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required by the district to remain on leave until the end of the term if:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the term.
- c. When the qualified leave begins within three weeks of the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required to remain on leave until the end of the term if the length of the leave will last more than five working days.

If the district requires an eligible instructional employee to remain on leave until the end of the term as described above, additional leave required by the district until the end of the school term shall not count against the eligible instructional employee's leave entitlement.

²² "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

For the purposes of OFLA leave, if an employee²³ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or vacation leave during the leave period. The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave. The district will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees taking OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA-, OFLA- or OMFLA-qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²⁴ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is

²³ Applies only to an employee who is employed principally in an instructional capacity by the district.

²⁴ See also ORS 342.934(4)(d) in reduction force situations.

designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

Application

For purposes of FMLA, an eligible employee requesting FMLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district. An eligible employee able to give advance notice of the need to take FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²⁵ to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information²⁶ to determine the requested leave qualifies as FMLA or OFLA leave as provided by law. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.²⁷

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁸ within 24 hours before or after commencement of the leave. In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

²⁵ Oral notice may be given by any other person on behalf of the employee taking the leave.

²⁶ See OAR 839-009-0260 for OFLA and 29 CFR § 825.305 et. al. for FMLA.

²⁷ See 29 CFR § 825.304.

²⁸ Notice may be given by any other person on behalf of the employee taking the leave.

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate²⁹, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate³⁰, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

1. The name of the child requiring home care;
2. The name of the school or child care provider that is subject to the closure;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.³¹ The district will also post a notice

²⁹ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

³⁰ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

³¹ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf {Electronic posting is not sufficient to satisfy this requirement but may be used to supplement the physical posting.}

explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.³²

Record Keeping

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

Federal vs. State Law

Both federal and state law contain provisions for family and medical leave. Federal regulations state an employer must comply with all leave laws; that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and OFLA leave, the leave used counts against the employee's entitlement under both laws. State law requires that FMLA and state leave entitlements run concurrently when for the same purpose.

³² <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf> {Electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.}

Hermiston School District 8R

Code: GCBDD/GDBDD
Adopted: 6/13/16
Revised/Readopted: 7/10/17; 4/14/25

Sick Time

“Employee” means an individual who renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers, independent contractors or others excluded by law.

Employees covered by collective bargaining agreements, while not exempt from this policy, are provided similar leave rights as spelled out in their associated collective bargaining agreement.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district and are eligible to use sick time beginning on the 91st calendar day of employment with the district and may use sick time as it is accrued.

The district employs 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works. Paid sick time of 40 hours shall be front-loaded to stipend employees at the beginning of their official duties.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. An employee is limited to accruing no more than 80 hours of sick time and using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments and may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for preventive care, or for reasons consistent with qualifying Family and Medical Leave (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA).

Sick time earned by an employee may also be used for the following reasons:

1. In the event of a public health emergency compliant with Oregon Revised Statute (ORS) 653.616;
2. To donate blood in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross; or
3. For leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272 (safe leave).

When sick time is used to care for, or to deal with the death of, an individual related by blood or affinity whose close association with the district employee is the equivalent of a family relationship, the district requires an attestation form signed and submitted by the employee.

¹ “Family member” is defined in OAR 839-007-0000.

The use of sick time may not lead to, or result in, an adverse employment action against the employee. The district reserves the right, after an employee uses sick time for more than three consecutive scheduled workdays, to require verification or certification in accordance with law of the need for the sick time, including a medical verification or certification³ paid for by the district. If an employee fails to provide verification or certification or fails to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or OFLA leave, sick time leave and qualifying FMLA, PFMLI or OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district requires an employee to provide advance notice of the intention to use sick time 10 days prior to when the requested sick time is to begin or as soon as otherwise practicable. When an employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings).

The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district consistent with the reporting time established by the district, or when circumstances prevent the employee from providing notice as required, as soon as practicable.

The district may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601 - 653.661](#)

[ORS 659A.150 - 659A.186](#)
[OAR 839-007-0020 – 007-0065](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2024); Family and Medical Leave Act, 29 C.F.R. Part 825 (2025).

³ In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

Hermiston School District 8R

Code: JBA/GBN
Adopted: 11/10/14
Revised/Readopted: 7/24/17; 10/08/18; 7/13/20;
10/12/20; 8/12/24
Orig. Code: JBA/GBN

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.

¹ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

3. Assault when sexual contact occurs without consent².

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

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

Jake Bacon, Director of Human Resources at 541-667-6000 or jake.bacon@hermistonsd.org

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

² "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint,

reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

1. Name and contact information for all **persons** designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the **persons** who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁴ Remember confidentiality laws when providing any information.

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Additionally, notice must be provided to the person who initiated the complaint and, if applicable, the person's parents, when an investigation is initiated and when it is concluded. The notification at the conclusion of the investigation must include whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity⁵;

⁵ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. The report can be made at any time.

The director of human resources is designated as the Title IX Coordinator and can be contacted at 541-667-6000. The Title IX Coordinator will coordinate the district’s efforts to comply with its responsibilities related to this policy. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.⁶ The district shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by

⁶ (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁷ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access

following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁹

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁰ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

No Retaliation

Neither the district or any person may retaliate¹¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act

to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.⁷ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

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

(FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy shall be prominently published in the district student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

<u>ORS 243.706</u>	<u>ORS 342.850</u>	<u>ORS 659A.030</u>
<u>ORS 332.107</u>	<u>ORS 342.865</u>	
<u>ORS 342.700</u>	<u>ORS 659.850</u>	<u>OAR 581-021-0038</u>
<u>ORS 342.704</u>	<u>ORS 659A.006</u>	<u>OAR 584-020-0040</u>
<u>ORS 342.708</u>	<u>ORS 659A.029</u>	<u>OAR 584-020-0041</u>

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

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

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

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Hermiston School District 8R

Code: JHC
Adopted: 12/01/09
Revised/Readopted: 7/24/17; 11/14/22
Orig. Code: JHC

Student Health Services and Requirements

Replaced with new EBBA adopted 8/12/24

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

The district shall staff nursing services appropriate for students with medical needs and prevention-oriented health services per applicable requirements of Oregon Revised Statutes (ORS) 336.201 and Oregon Administrative Rule (OAR) 581-022-2220.

The district shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The district may use the most cost effective means available to meet the above requirements.

The district shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems;
3. Health counseling for students and parents, when appropriate;
4. Healthcare and first-aid assistance that are appropriately supervised and isolate the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
7. Services for students who are medically fragile or have special healthcare needs;
8. Integration of school health services with school health education programs.

The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the district recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination¹ or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The district will abide by those requests.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 336.201](#)

[ORS 336.211](#)
[OAR 581-022-2050](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).
Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

Cross Reference(s):

JHH - Student Suicide Prevention

¹ The term “invasive physical examination,” as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8, HERMISTON
HERMISTON, OREGON
October 12, 2026

SUPERINTENDENT’S RECOMMENDATION

8.0. **ACTION ITEMS**

8.1. **TOPIC:** August 14, 2026, Complaint

It is recommended that

RECOMMENDATION:

It is recommended that the board takes no further action on the complaint dated August 14, 2026.

BOARD MEMBERS CALENDAR

Tue Oct 13, 2026

LVE & SES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Soccer vs Pasco HS

Where: Kennison Field, HHS

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Volleyball vs Hanford HS

Where: Hermiston High School Main Gym

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Wed Oct 14, 2026

LVE & SES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Thu Oct 15, 2026

LVE & SES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz



Highland Hills Elementary Fall Book Fair

Where: HHES, 450 SE 10th St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

3:30pm – 4:00pm Boys/Girls Varsity Cross Country vs Kamiakin HS

Where: Lawrence Scott Park, 6020 W Quinault Ave, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Volleyball vs Walla Walla HS

Where: Walla Walla, HS, 800 Abbott Rd, Walla Walla, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 10:00pm Boys Varsity Football vs Richland, HS

Where: Kennison Field, HHS

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Fri Oct 16, 2026



Highland Hills Elementary Fall Book Fair

Where: HHES, 450 SE 10th St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

BOARD MEMBERS CALENDAR

Mon Oct 19, 2026

8:30am – 9:30am Finance Committee Meeting

Where: DO – Superintendent’s Conference Room

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Tue Oct 20, 2026

HHES & WPES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Soccer vs Sageview HS

Where: Sageview, HS, 6091 Burns Rd, Pasco, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Volleyball vs Chiawana HS

Where: Main Gym H.H.S., 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Wed Oct 21, 2026

HHES & WPES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Thu Oct 22, 2026

HHES & WPES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz



Loma Vista Elementary Fall Book Fair

Where: LVES, 2095 NE 10th St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

1:30pm – 5:30pm Boys/Girls Varsity Cross Country vs Hanford HS

Where: Leslie Groves Park, 450 Hanford St, Richland, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

6:00pm – 7:30pm Charlotte’s Web Performance

Where: HHS, Auditorium, 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Soccer vs Southridge, HS

Where: Kennison Field, Hermiston High School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

BOARD MEMBERS CALENDAR

7:00pm – 9:00pm Girls Varsity Volleyball vs Southridge, HS

Where: Southridge, HS, Main Gym, 3520 Southridge Blvd., Kennewick, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Fri Oct 23, 2026

Loma Vista Elementary Fall Book Fair

Where: LVES, 2095 NE 10th St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 10:00pm Boys Varsity Football vs Sageview, HS

Where: Kennison Field, HHS

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Sat Oct 24, 2026

2:00pm – 3:30pm Charlotte's Web Performance

Where: HHS, Auditorium, 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 8:30pm Charlotte's Web Performance

Where: HHS, Auditorium, 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Mon Oct 26, 2026

OSBA Fall Regional Meeting

Where: Pendleton Convention Center, 1601 Westgate, Pendleton, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Tue Oct 27, 2026

DVE & RHES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

5:00pm – 7:00pm Negotiations

Where: Hermiston School District, Boardroom A & B

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 9:00pm Girls Varsity Volleyball vs Pasco, HS

Where: HHS, Main Gym

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Wed Oct 28, 2026

DVE & RHES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz

BOARD MEMBERS CALENDAR



Sunset Elementary Fall Book Fair

Where: SES, 300 E Catherine Ave, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Thu Oct 29, 2026

DVE & RHES Outdoor School

Calendar: Board Members

Created by: Rosa Cerda-Diaz



Sunset Elementary Fall Book Fair

Where: SES, 300 E Catherine Ave, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

6:00pm – 7:30pm Charlotte's Web Performance

Where: HHS, Auditorium, 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 7:30pm Girls Varsity Volleyball vs Richland, HS

Where: Richland HS, 930 Long Ave, Richland, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Fri Oct 30, 2026

Non-Student Day

Where: Hermiston School District

Calendar: Board Members

Created by: Rosa Cerda-Diaz

12:00pm – 4:00pm Girls Varsity Swimming vs Walla Walla HS

Where: Whitman College, 350 Boyer Ave, Walla Walla, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

6:00pm – 7:30pm Charlotte's Web Performance

Where: HHS, Auditorium, 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

7:00pm – 10:00pm Boys Varsity Football vs Walla Walla HS

Where: Walla Walla, HS, Blue Devil Field, 800 Abbott Rd, Walla Walla, WA

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Sat Oct 31, 2026

2:00pm – 3:30pm Charlotte's Web Performance

Where: HHS, Auditorium, 600 S 1st St, Hermiston, OR

Calendar: Board Members

Created by: Rosa Cerda-Diaz

BOARD MEMBERS CALENDAR

Mon Nov 2, 2026

Conference Week Nov. 2-6

Where: Hermiston School District

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Tue Nov 3, 2026

Conference Week Nov. 2-6

Where: Hermiston School District

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Wed Nov 4, 2026

Conference Week Nov. 2-6

Where: Hermiston School District

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Thu Nov 5, 2026

Conference Week Nov. 2-6

Where: Hermiston School District

Calendar: Board Members

Created by: Rosa Cerda-Diaz

Fri Nov 6, 2026

NO SCHOOL

Where: Hermiston School District

Calendar: Board Members

Created by: Rosa Cerda-Diaz