

MEDFORD SCHOOL DISTRICT 549C
JACKSON COUNTY, OREGON
ALL are Learning and Learning is for ALL

Regular Meeting OF THE BOARD OF DIRECTORS

Thursday, September 19, 2024 - 5:30 PM
Oakdale Middle School Room 230
815 S. Oakdale Ave.
Medford, OR 97501

AGENDA

This meeting will take place in person. The public may also view the School Board meeting via the following link: <https://portal.stretchinternet.com/msbm/>. Citizen comments will be accepted in-person and via Zoom at this link <https://medfordsd.zoom.us/j/97288598513>. To speak to the Board, please register here by noon on the meeting date and indicate if you will be speaking in-person (onsite) or virtually. Registration names must match the screen name when presenting citizen comments virtually. If the district does not receive requests to speak to the Board virtually by noon on the meeting date, the Zoom webinar will not be launched. The Board will accept written citizen comments sent via email. All written comments sent to citizencomment@medford.k12.or.us by noon on the meeting date will be read by the Board prior to the meeting.

1. Call to Order / Pledge of Allegiance / Roll Call

2. Agenda Adjustments and Approval

3. Citizen Comments

a. School Board meetings are meetings of the School Board held in public, not meetings with the public. As a general rule, the Board will not engage in discussion with the public during this portion of the meeting. Please rest assured that all comments are carefully considered and will help guide future Board action. When your name is called, come forward to the table and state your name, address and identify the organization, if any, that you represent. Keep your remarks brief and respect the three-minute time limit. Complaints about staff members cannot be discussed in open session and must be handled through a complaint procedure.

4. Items for Information & Discussion / Board Action Items

- a. Summer Projects & Facilities Update 3
- b. Cell Phone Policy Community Engagement Plan 4
- c. Board Operating Agreement Adoption 6
- d. 2024-25 Board/District Goals & Measures of the System Adoption 13
- e. Postpone Science Instructional Materials Adoption 16
- f. School Board Policies - *second reading* 18

5. Consent Agenda

- a. Staff Assignment Report 80

6. Board Reports

7. Announcements

- a. October 3, 2024 - Work Session at 5:30 PM - Oakdale Middle School

8. Adjournment

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Superintendent's office at (541) 842-3621 or superintendent.office@medford.k12.or.us.



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	Summer Projects & Facilities Update
Item Type:	Report
Administrator:	Ron Havniear
Objective:	Provide an update on the summer projects and updated facilities.

Background:

Capital projects and maintenance are critical for maintaining schools in our community. Without a sufficient investment in capital improvement it is very easy to fall behind on the “maintenance pace” of a school district. This results in schools having to live “bond-to-bond” with substandard facilities in the interim. As stewards of our community’s investment in schools, we believe it is important to stay ahead of that curve!

Summer break is no break for the facilities crews and local contractors. This critical window of time allows for large scale construction projects and critical maintenance to occur largely without students and staff being present. While some projects came down to the final hour, facilities teams made sure the schools were ready to receive students with a smile on their face!

Additional Materials: Provided in the slide deck.

Recommendation: Information Only

Suggested Motion: N/A



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	Cell Phone Policy Community Engagement Plan
Item Type:	Discussion
Administrator:	Bret Champion, Natalie Hurd, Board Chair Cynthia Wright
Objective:	The Board will discuss cell phones in school

Background: At the September 5 work session, the Board shared its desire to gather community input about student cell phone use at school. The Board suggested gathering information in a variety of methods, including:

- Community Survey
- Student Groups
- Community Outreach (Multicultural Fair and farmers market)
- Townhall

Additionally, the Board suggested sharing research on our website, and collecting data on academic and behavioral and mental health impacts on student cell phone use in schools.

Once the information is gathered, the Board can decide what changes, if any, need to be made to current [Board policy](#) regarding student cell phone use.

At the meeting on September 19, a draft plan for accomplishing the above task will be presented to the Board.

Additional Materials: Plan presented at the meeting

Recommendation: Either by vote or consensus, approve the Engagement Plan.

Suggested Motion: [If needed] *“I move to approve the Cell Phone Policy Community Engagement Plan as presented.”*

Medford School District 549C

Code: JFCEB
Adopted: 5/09/16
Revised/Readopted: 9/19/19
Orig. Code: JFCEB

Student Use of Personal Electronic Devices and Social Media**

Student possession or use of personal electronic devices on district property in district facilities during the school day and while the student is in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the principal and approved by the superintendent.

A “personal electronic device” is a device that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data including pictures and videos.

Personal electronic devices shall be turned off during instructional or class time or at any other time where such use of the device would cause a disruption of school activities, except as allowed by the instructor.

If the district implements a curriculum that uses technology, students may be allowed to use their own personal electronic devices to access the curriculum. Electronic curriculum will be provided free of charge to students.

The district will not be liable for personal electronic devices brought to district property and district-sponsored activities.

The district will not be liable for information/comments posted by students on social media websites.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with prior principal or designee approval or when use is provided for in a student’s individualized education program (IEP).

Students are subject to disciplinary action up to and including expulsion for using a personal electronic device in any manner that is academically dishonest, illegal or violates the student code of conduct or acceptable use policy. A referral to law enforcement officials may also be made. Personal electronic devices brought to district property or used in violation of this policy are subject to confiscation and will be released to the student’s parent/guardian as appropriate.

The superintendent shall ensure that the Board’s policy and any subsequent school rules developed by building administrators are reviewed and approved in advance to ensure consistency with this policy and that pertinent provisions of policy and school rules are communicated to staff, students and parents/guardians through building handbooks and other means.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.840](#)

Copyrights, 17 U.S.C. §§ 101-1332 (2012); 19 C.F.R. Part 133 (2017).



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	Board Operating Agreement
Item Type:	Action
Administrator:	Bret Champion, Board Chair Cynthia Wright
Objective:	The Board will review the updated Board Operating Agreement placed on the agenda for potential adoption

Background: At the Board Retreat on August 30th, the Board revisited the Board Operating Agreement (BOA) they worked on in March. Revisions that were suggested at the Board Retreat have been included in the attached BOA in blue font. At this meeting, the Board will determine if the updated BOA is ready to be adopted.

Additional Materials: [Board Operating Agreement with Revisions](#) and [Final Draft](#)

Recommendation: Review the revised BOA and consider adopting the document.

Suggested Motion: *“I moved to approve the Board Operating Agreement as presented.”*

How we work together

No surprises: We agree to ask the Board Chair or the Superintendent to place an item on an upcoming agenda to allow board members and staff to engage with the topic. The Board commits to only amending a meeting agenda, **during a meeting**, to add items where district operations necessitate a board decision.

Follow the chain of command: When a member receives an informal complaint, direct the person to solve the problem at the lowest level, **which for policy issues is the Board**. While members support constituents in the complaint process, they will be mindful to avoid hearing the substance of the issue and will refer complainants to district [Policy KL](#) when appropriate. Members will keep the Superintendent informed of potential formal complaints.

Own the collective decision-making process: The Board is committed to hearing all points of view, but once the Board makes a majority decision, all members should **support respect** the decision.

Exemplify the governance role: The Board governs through regularly reviewed policies prioritizing student needs, complying with the law, and involving the affected parties in development and revisions. We will consistently maintain and apply District policies while being aware of and recognizing any situation's potential uniqueness.

Vision Directed Leadership: The Board will set clear goals for themselves and the Superintendent. The Board and Superintendent will set clear goals for the District.

Assessment and Evaluation: Objectively evaluate the Superintendent's performance and provide constructive feedback. Regularly conduct a board self-assessment/evaluation of the Board's performance. Annually establish professional development goals for the Board. Commit to participate in Board professional development.

How we meet

Utilize input: The Superintendent should make recommendations, proposals, or suggestions on matters before the Board.

The Board acts only as a body: Individual Board members do not have authority. Only the Board as a whole has authority.

Respectful meetings: We agree to avoid words and actions that negatively impact an individual, the Board, or the District. We agree that we can disagree and will do so using common courtesy and respect for others. The Board will not react to impromptu complaints on the spot but will assure any individual(s) that the School District will follow up appropriately.

Be prepared: We agree to read all materials and seek clarification and information as needed before the Board meeting. Members will voice significant concerns about a proposal to the Superintendent or Board Chair in advance when possible.

Avoid marathon Board meetings: Members will make points as concisely as possible; speeches at Board meetings will be minimal. If a Board member does not have enough information to decide based on the information provided in the meeting agenda and attachments, the member should notify the Superintendent or Board Chair before the meeting. We agree to move to the question when the discussion is repetitive.

Executive/closed sessions: These will be held only for **legally** appropriate subjects. Board members will uphold confidentiality on all matters arising from the Board meeting in executive session.

Agenda Development: The Board Chair, Vice Chair, and one rotating member will meet at least one week before the Board meeting to prepare the agenda for the next meeting, work session, and executive session if applicable. The Board Secretary will email the draft agenda to the Board members following the agenda planning meeting. If the agenda is changed following the email, the Superintendent will communicate the change(s) via a follow-up email. Board members should contact the Chair to place an item on the agenda. Meeting materials will be available (email, hard copy, etc.) to the members **by Friday morning before approximately a week prior to** the Board meeting. The consent agenda will include routine items all members agree to approve, such as personnel actions and annual appointments.

Work Study Session Topics: Work study sessions are intended to present background or in-depth information. The Board will meet annually to determine topics of interest aligned to District priorities. Additional required district reporting may also take place during work study sessions. The Board secretary will prepare and maintain the Board Presentations Calendar, which is updated monthly and emailed to members.

How we communicate

Board-Superintendent Communication: The Superintendent will proactively inform the Board of important district activities and emergent issues. Routine matters will be communicated via email, while urgent or crises will use text messaging. Board members should avoid "reply all" and respect the chain of command by directing inquiries and concerns to the Superintendent. The Superintendent will take direction from the Board, not individual members.

Communication between Board and District patrons: To ensure that Board conversations and deliberations do not occur by email, the Board Chair should respond on behalf of the whole Board, with all Board members included in responses. The Board Chair may consult with the Superintendent and Vice Chair before responding. In certain

situations, and after consultation with the Superintendent, the Chair may prefer to delegate the response to the Communications Director or the District's attorney. Responses to community communications should occur within 72 hours of receipt. The chair will delegate if they are unable to meet this deadline. Use good judgment when replying to individual emails; confer with the Board Chair when in doubt.

Communication between Board and legal counsel: Legal counsel is responsible to the whole Board. The Board Chair or Superintendent will refer questions to legal counsel as necessary. Any legal opinion sought involving the Superintendent's employment or performance must be made to the Board Chair, with notice provided to other members. A Board member may request a legal opinion on different matters after consultation with the Board Chair.

Communication between Board and the media: While all members of the Board have the right to speak with the media, members must speak with a unified voice and after consultation with the Board Chair or Superintendent. Issues of a controversial nature should be referred to the Superintendent and the District Communications Director. In problems involving personnel matters, appeals, or other issues involving legal counsel, it is strongly recommended that members refer the media directly to the Superintendent, who may then consult with the District counsel.

School visits: Official school visits by Board members shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Board members will coordinate with the Board secretary **48 hours in advance and provide the amount of time expected for the visit, as well as the purpose.** The Board secretary will notify the principal **within 24 hours** prior to school visits. **Should the principal indicate the need for a different day or time, we will respect that request.**

How we work together

No surprises: We agree to ask the Board Chair or the Superintendent to place an item on an upcoming agenda to allow board members and staff to engage with the topic. The Board commits to only amending a meeting agenda, during a meeting, to add items where district operations necessitate a board decision.

Follow the chain of command: When a member receives an informal complaint, direct the person to solve the problem at the lowest level, which for policy issues is the Board. While members support constituents in the complaint process, they will be mindful to avoid hearing the substance of the issue and will refer complainants to district [Policy KL](#) when appropriate. Members will keep the Superintendent informed of potential formal complaints.

Own the collective decision-making process: The Board is committed to hearing all points of view, but once the Board makes a majority decision, all members should respect the decision.

Exemplify the governance role: The Board governs through regularly reviewed policies prioritizing student needs, complying with the law, and involving the affected parties in development and revisions. We will consistently maintain and apply District policies while being aware of and recognizing any situation's potential uniqueness.

Vision Directed Leadership: The Board will set clear goals for themselves and the Superintendent. The Board and Superintendent will set clear goals for the District.

Assessment and Evaluation: Objectively evaluate the Superintendent's performance and provide constructive feedback. Regularly conduct a board self-assessment/evaluation of the Board's performance. Annually establish professional development goals for the Board. Commit to participate in Board professional development.

How we meet

Utilize input: The Superintendent should make recommendations, proposals, or suggestions on matters before the Board.

The Board acts only as a body: Individual Board members do not have authority. Only the Board as a whole has authority.

Respectful meetings: We agree to avoid words and actions that negatively impact an individual, the Board, or the District. We agree that we can disagree and will do so using common courtesy and respect for others. The Board will not react to impromptu complaints on the spot but will assure any individual(s) that the School District will follow up appropriately.

Be prepared: We agree to read all materials and seek clarification and information as needed before the Board meeting. Members will voice significant concerns about a proposal to the Superintendent or Board Chair in advance when possible.

Avoid marathon Board meetings: Members will make points as concisely as possible; speeches at Board meetings will be minimal. If a Board member does not have enough information to decide based on the information provided in the meeting agenda and attachments, the member should notify the Superintendent or Board Chair before the meeting. We agree to move to the question when the discussion is repetitive.

Executive/closed sessions: These will be held only for legally appropriate subjects. Board members will uphold confidentiality on all matters arising from the Board meeting in executive session.

Agenda Development: The Board Chair, Vice Chair, and one rotating member will meet at least one week before the Board meeting to prepare the agenda for the next meeting, work session, and executive session if applicable. The Board Secretary will email the draft agenda to the Board members following the agenda planning meeting. If the agenda is changed following the email, the Superintendent will communicate the change(s) via a follow-up email. Board members should contact the Chair to place an item on the agenda. Meeting materials will be available (email, hard copy, etc.) to the members approximately a week prior to the Board meeting. The consent agenda will include routine items all members agree to approve, such as personnel actions and annual appointments.

Work Study Session Topics: Work study sessions are intended to present background or in-depth information. The Board will meet annually to determine topics of interest aligned to District priorities. Additional required district reporting may also take place during work study sessions. The Board secretary will prepare and maintain the Board Presentations Calendar, which is updated monthly and emailed to members.

How we communicate

Board-Superintendent Communication: The Superintendent will proactively inform the Board of important district activities and emergent issues. Routine matters will be communicated via email, while urgent or crises will use text messaging. Board members should avoid "reply all" and respect the chain of command by directing inquiries and concerns to the Superintendent. The Superintendent will take direction from the Board, not individual members.

Communication between Board and District patrons: To ensure that Board conversations and deliberations do not occur by email, the Board Chair should respond on behalf of the whole Board, with all Board members included in responses. The Board Chair may consult with the Superintendent and Vice Chair before responding. In certain

situations, and after consultation with the Superintendent, the Chair may prefer to delegate the response to the Communications Director or the District's attorney. Responses to community communications should occur within 72 hours of receipt. The chair will delegate if they are unable to meet this deadline. Use good judgment when replying to individual emails; confer with the Board Chair when in doubt.

Communication between Board and legal counsel: Legal counsel is responsible to the whole Board. The Board Chair or Superintendent will refer questions to legal counsel as necessary. Any legal opinion sought involving the Superintendent's employment or performance must be made to the Board Chair, with notice provided to other members. A Board member may request a legal opinion on different matters after consultation with the Board Chair.

Communication between Board and the media: While all members of the Board have the right to speak with the media, members must speak with a unified voice and after consultation with the Board Chair or Superintendent. Issues of a controversial nature should be referred to the Superintendent and the District Communications Director. In problems involving personnel matters, appeals, or other issues involving legal counsel, it is strongly recommended that members refer the media directly to the Superintendent, who may then consult with the District counsel.

School visits: Official school visits by Board members shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Board members will coordinate with the Board secretary 48 hours in advance and provide the amount of time expected for the visit, as well as the purpose. The Board secretary will notify the principal within 24 hours prior to school visits. Should the principal indicate the need for a different day or time, we will respect that request.



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	2024-25 Board/District Goals & Measures of the System Adoption
Item Type:	Action
Administrator:	Bret Champion
Objective:	Approve Goals and Measures of the System document

Background: The Board Directors reviewed the Board/District Goals & Objectives and Measures of the System document at the August 30 Board Retreat and provided feedback on the priorities for this school year. The document was also reviewed at the September 5 Work Session. The updated document has been placed in the Board packet for review and potential action.

Additional Materials: [2024-25 Board/District Goals and Measures of the System](#) document.

Recommendation: Approve the Board/District Goals & Measures of the System document.

Suggested Motion: *“I move to approve the 2024-25 Board/District Goals & Measures of the System as presented.”*

Objective Key Result and Key Performance Indicators

Objective Key Result:

ALL MSD students graduate with the skills, knowledge, curiosity, and drive to succeed in a job, trade school, college, or university.

Board/District Goals (Key Performance Indicators):

1. *Students Can Read:* Third Grade Reading, State Assessment
 2. *Students Are Numerate:* Eighth Grade Math, State Assessment
 3. *Students Are Engaged:* YouthTruth, Engagement Measure
 4. *Students Graduate:* Four Year Graduation Rate and Five Year Completer Rate
 5. *Students are Regularly Attending:* ODE Regular Attenders Data
- All Key Performance Indicators will be measured in aggregate, and disaggregated by student group.*

2024-2025 Goal: Student Success shows consistent growth year-to-year.

Priorities and Desired Outcomes 2024-2025:

- In order to know every student by name, strength, and need, identify the academic, social, and emotional needs of every student and develop a plan to help meet those needs.
- Provide a system for intentional systematization of flexible credit opportunities to facilitate graduating on time.
- Identify and adopt effective teaching and learning methods and strategies.
- Improve safety and security.

Created: March 4, 2021 Board Work Session
Revised: March 11, 2021 Executive Leadership Team (Shared with Board 3.12.21)
Adopted: March 18, 2021 Board Meeting
Revised: July 25, 2022 Board Retreat
Reviewed: August 17, 2023 Board Retreat
Revised: August 30, 2024 Board Retreat

Objective Key Result, Board/District Goals (KPIs), and Measures of the System 2024-2025

Measures of the System

Objective Key Result: ALL students graduate with the skills, knowledge, curiosity, and drive to succeed in a job, trade school, college, or university.

Measure	2023-24	2022-23	2021-22	2020-21	2019-20	2018-19
4-year Cohort Graduation Rate*	<i>Released Jan. '25</i>	85%	87.2%	82.4%	83.4%	80.3%
5-year Cohort Completer Rate*	<i>Released Jan. '25</i>	90.3%	89%	87.4%	89.8%	87.5%
3rd Grade Reading*	<i>Released Oct. '24</i>	36%	38%	**	**	42.9%
8th Grade Mathematics*	<i>Released Oct. '24</i>	24%	27%	**	**	43%
YouthTruth High School, Engagement	22 (Percentile)	21 (Percentile)	19 (Percentile)	5 (Percentile)	18 (Percentile)	27 (Percentile)
YouthTruth Middle School, Engagement	20 (Percentile)	14 (Percentile)	31 (Percentile)	24 (Percentile)	55 (Percentile)	60 (Percentile)
YouthTruth Elementary Family, Engagement	44 (Percentile)	30 (Percentile)	11 (Percentile)	***		
Regular Attenders**	<i>Released Oct. '24</i>	64%	68%	**	**	92.9% ¹
9th Grade On-Track*	<i>Released Oct. '24</i>	78%	75%	63%**	79.3%**	86.3%
Early Literacy (1st Grade EOY)	43%	43%	41%	33%	**	49%
Talented and Gifted Overall	8%	8%	7%	6.3%	7.4%	7.5%
Percentage TAG from Higher Poverty Schools (50% of Schools)	43%	20%	20%	33%	33%	
Dual Credit/College Credit Earned Students with College Credit	5,908 (793)	6,202 (804)	5,297 (712)	4,741 (645)	4,771 (745)	***
% of Total AP Students with Scores 3+ AP Students with Scores 3+	60% (429)	57% (373)	62% (330)	49% (187)	59% (364)	52% (382)
Out-of-School Suspension Student Discipline: Students Receiving	7.38% (1011)	6.74% (930)	6% (732)	**	4.17% (604)	4.86% (699)
Teacher School Retention	80% ²	84%	84%	85%	84%	

*Student Success Act Measure and State Report Card Measures

**Not reported due to COVID / 2019-20 & 2020-21 school year are not directly comparable to rates published for prior school years due to low participation rates

BOLD = Board/District Goal

¹ Final year ODE measured Attendance Average vs. Regular Attenders

² Due to teachers transferring for the opening of Oakdale Middle School and 6th graders to middle schools



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	Postpone Science Instructional Materials Adoption
Item Type:	Action
Administrator:	Jeanne Grazioli and Megan Young
Objective:	Request Approval for Postponement of Science Instructional Materials

Background: According to the Oregon instructional materials adoption schedule, the Medford School District must implement Science instructional materials in 2024-2025.

However, as we have previously shared with the Board, we first need to develop our written math curriculum before shifting our focus to science. We need our teachers fully engaged and focused in this process to select the best materials available. We are requesting to postpone the adoption of materials for Science until Spring of 2026 (for use in classrooms in the fall of 2026.)

We will continue to utilize our adopted programs, STEMScopes (K-8) and the following for high school courses:

- Physical Science - Physical Science w/Earth and Space Science by Holt McDougal
- Biology - *Miller/Levine Biology* by Savvas Learning
- Chemistry - *Chemistry 2017* by Savvas Learning
- Honors Chemistry - *Chemistry: A Molecular Approach, 5th Ed.* by Savvas Learning
- Physics - *Physics: Principles and Problems* by Glencoe
- Astronomy - *Explorations: An Introduction to Astronomy, 6th Ed.* by McGraw-Hill
- Forensics - *Forensics Science: Fundamentals and Investigations* by Cengage
- Environmental Science - *Environmental Science: Sustaining Your World* by Cengage
- Human Anatomy and Physiology - *Essentials of Human Anatomy and Physiology, 12th Ed.* by Savvas Learning
- Zoology - *Integrated Principles of Zoology, 14th Ed.* by McGraw-Hill
- AP Biology - *Campbell Biology, AP Edition, 11th Ed.* by Savvas Learning
- AP Chemistry - College Board Resources
- AP Physics - *College Physics: Explore and Apply* by Savvas Learning
- AP Environmental Science - *Environment: The Science Behind the Stories* by Savvas Learning

The postponement will not affect our future ability to purchase the new instructional materials once we have completed our adoption selection process. ODE requires the Board's approval for this postponement.

Additional Materials: None

Recommendation: Postpone Adoption of Science Instructional Materials

Suggested Motion: *“I move to approve the postponement of the Science instructional materials adoption until Spring of 2026.”*



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	School Board Policies - second reading
Item Type:	Action
Administrator:	Bret Champion, Jodi Fahy
Objective:	Review the policies and adopt/readopt as presented

Background: OSBA provides quarterly policy updates that include current revisions to state and federal laws and guidelines. Staff has reviewed the updated language and applied applicable revisions which are reflected in the policy packet.

The Board reviewed the policies and administrative regulation as a first reading on September 5, 2024.

Note: Following the September 5 Board work session, we asked our attorney about student-to-employee sexual harassment and if it needed to be specified in policy. The attorney’s response:

I believe that the intent of that policy is to cover all forms of sexual harassment, including 'student-to-staff' sexual harassment. The policy is clear that all students, staff and other persons are entitled to learn and work in an environment that is free of harassment, and that all staff members, students, volunteers, and third parties are subject to this policy. I don't see anything in the policy that would indicate that "student-to-staff" sexual harassment would not be included or would not be subject to investigation if reported. While it may be arguable whether student-to-staff sexual harassment is covered under Title IX, I believe that it would certainly be covered under Oregon statutes, including ORS 342.700 which broadly states that "It is the policy of the State of Oregon that sexual harassment will not be tolerated in schools". Further, ORS 342.704 requires school districts to adopt district policies on "sexual harassment of staff members by students and other staff members". I believe that this policy accomplishes that requirement.

Based on that information, we are not recommending additional language.

Revisions in **red** font indicate OSBA updated language. Revisions in **blue** font indicate staff updated language. Revisions added following the first reading at the Sept. 5 Work Session are in **green** font.

Policy/AR	Title	Summary
CCG	Evaluation of Administrators	<p><i>There are no significant changes to the policy on evaluation of administrators. However, it has been included in this update as a reminder to review the policy to ensure current practice and contract language align.</i></p>
GBN/JBA JBA/GBN	Sexual Harassment	<p><i>House Bill 2280 (2023 Legislature) modified the definition of sexual harassment affecting schools and has since followed up with new rule revisions. The revised definition changes the meaning of assault within the sexual harassment context and adds a footnote describing the meaning of “without consent,” which is also a new definition added to the law.</i></p> <p><i>This is a double-coded policy. When readopted, revisions will apply to both areas of the policy binder; Section G - Personnel and Section J - Students.</i></p>
GBNAB/JHFE JHFE/GBNAB	Suspected Abuse of a Child Reporting Requirements	<p><i>The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency’s current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. Reports must still be submitted to DHS as directed or to a law enforcement agency.</i></p> <p><i>This is a double-coded policy. When readopted revisions will apply to both areas of the policy binder; Section G - Personnel and Section J - Students.</i></p> <p><i>Following a suggestion at the first</i></p>

		<p><i>reading, additional language was added to paragraph #2 (The reporter does not need to know the name of the alleged perpetrator before making a report. Even without this information, reporting is required.)</i></p> <p><i>The word “to” was added to the first line on p. 2 of the revised version.</i></p> <p><i>A grammatical correction was made in the fourth paragraph on p. 2 (follow upon follow-up on).</i></p>
<p>GBNAB/JHFE-AR(1) JHFE/GBNAB-AR(1)</p>	<p>Reporting of Suspected Abuse of a Child</p>	<p><i>The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency’s current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. Reports must still be submitted to DHS as directed or to a law enforcement agency.</i></p> <p><i>This is a double-coded administrative regulation (AR). Revisions will apply to both areas of the policy binder; Section G - Personnel and Section J - Students.</i></p> <p><i>For information only. This AR does not require Board approval.</i></p> <p><i>Following a suggestion at the first reading, additional language was added to paragraph #3 (The reporter does not need to know the name of the alleged perpetrator before making a report. Even without this information, reporting is required.)</i></p>

GCDA/GDDA <i>Delete this version</i>	Criminal Records Checks and Fingerprinting	<i>To clean up duplicate language, a new version of model policy GCDA/GDDA – Criminal Records Checks and Fingerprinting* has been developed and eliminates the need for an administrative regulation. Consider a complete delete/rescind of the old policy version and administrative regulation and adopt the revised version of GCDA/GDDA.</i>
GCDA/GDDA-AR <i>Delete this AR</i>	Criminal Records Checks and Fingerprinting	<i>To clean up duplicate language, a new version of model policy GCDA/GDDA – Criminal Records Checks and Fingerprinting* has been developed and eliminates the need for an administrative regulation. Consider a complete delete/rescind of the old policy version and administrative regulation (AR) and adopt the revised version of GCDA/GDDA.</i> <i>For information only. This AR does not require Board approval.</i>
GCDA/GDDA <i>New version</i>	Criminal History Records Checks/Fingerprinting	<i>Newly revised rules regarding fingerprint collection offer the addition of a statewide vendor identified by Oregon Department of Administrative Services as an authorized fingerprint collector and removed the option for volunteers to appeal to ODE on a fitness determination issued by ODE. The other resulting changes come from a decision to have a stand-alone board policy.</i> <i>Consider a complete delete/rescind of the old policy version and administrative regulation and adopt the revised version of</i>

		GCDA/GDDA.
--	--	------------

Additional Materials: [Policy Packet](#)

The policy packet is organized with the revised version first (colored font), followed by a draft final version with the revisions incorporated.

Recommendation: Adopt and/or readopt policies included in the packet.

Suggested Motion: *“I move to readopt the policies as presented in the September 19th policy packet.”*

Medford School District 549C

Code: CCG
Adopted: 6/10/13
Readopted: 1/14/19; 4/20/23; xx/xx/xx
Orig. Code(s): CCG

Evaluation of Administrators

The superintendent **or designee** will implement and supervise an evaluation system for administrators ~~ive personnel~~ (as defined in Board policy GAA - Personnel Definitions). The purpose of administrator evaluations is to assist an administrator with developing and strengthening their professional abilities, to improve the instructional program and management of the school system, and for supervisors to make recommendations regarding their employment and/or salary status.

~~A formal evaluation will be conducted at least every other year. Probationary administrators will be evaluated annually.~~ Evaluation and support systems established by the district must evaluate administrators on a regular cycle. A formal evaluation will be conducted regularly **and at least once each year for probationary administrators.**

The evaluation shall be conducted according to the following guidelines:

1. Evaluative criteria for each position will be in written form and made available to the administrator;
2. Evaluations will be made by the superintendent and/or a qualified, licensed designee;
3. Evaluations will be in writing and discussed with the administrator by the person who conducts the evaluation; and
4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation and right of appeal through established procedures, if applicable.

An administrator's evaluation shall use the following educational leadership-administrator standards¹ adopted by the State Board of Education.

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership; and

¹ These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

6. Socio-political context.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with the administrators and any exclusive representative of the administration.

Local evaluation and support systems established by the district for administrators must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Consideration of multiple measures of administrator practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
3. Consideration of evidence of student academic growth and learning based on multiple measures of student progress including performance data of students, schools and districts that is both formative and summative. Evidence may also include other indicators of student success;
4. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the administrator's professional growth path;
5. Customized by the district, which may include individualized weighting and application of the standards.

An evaluation using the administrator standards must attempt to:

1. Strengthen the knowledge, skills, disposition and administrative practices of the administrator;
2. Refine the support, assistance and professional growth opportunities offered to the administrator, based on the individual needs of the administrator and the needs of the students, the school and the district;
3. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator, including other assignments of the administrator;
4. Establish a formative growth process for each administrator that supports professional learning and collaboration with other administrators;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the administrator; and
6. Address ways to help all educators strengthen their culturally responsive practices.

7. Monitor the implementation and effectiveness of delivery of the District’s curriculum with principals, teachers, and additional stakeholders as outlined in the Curriculum Management Plan.

Evaluation and support systems established by the district must evaluate administrators on a regular cycle. The superintendent **or designee** shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\),\(8\)](#)
[ORS 332.505](#)
~~[ORS 342.513](#)~~

[ORS 342.120](#)
[ORS 342.815](#)
[ORS 342.850](#)

[ORS 342.856](#)
[OAR 581-022-2405](#)
[OAR 581-022-2410](#)
[OAR 581-022-2420](#)

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

Medford School District 549C

Code: CCG
Adopted: 6/10/13
Readopted: 1/14/19; 4/20/23; xx/xx/xx
Orig. Code(s): CCG

Evaluation of Administrators

The superintendent or designee will implement and supervise an evaluation system for administrators (as defined in Board policy GAA - Personnel Definitions). The purpose of administrator evaluations is to assist an administrator with developing and strengthening their professional abilities, to improve the instructional program and management of the school system, and for supervisors to make recommendations regarding their employment and/or salary status.

Evaluation and support systems established by the district must evaluate administrators on a regular cycle. A formal evaluation will be conducted regularly and at least once each year for probationary administrators.

The evaluation shall be conducted according to the following guidelines:

1. Evaluative criteria for each position will be in written form and made available to the administrator;
2. Evaluations will be made by the superintendent and/or a qualified, licensed designee;
3. Evaluations will be in writing and discussed with the administrator by the person who conducts the evaluation; and
4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation and right of appeal through established procedures, if applicable.

An administrator's evaluation shall use the following educational leadership-administrator standards¹ adopted by the State Board of Education.

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership; and
6. Socio-political context.

¹ These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with the administrators and any exclusive representative of the administration.

Local evaluation and support systems established by the district for administrators must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Consideration of multiple measures of administrator practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
3. Consideration of evidence of student academic growth and learning based on multiple measures of student progress including performance data of students, schools and districts that is both formative and summative. Evidence may also include other indicators of student success;
4. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the administrator's professional growth path; and
5. Customized by the district, which may include individualized weighting and application of the standards.

An evaluation using the administrator standards must attempt to:

1. Strengthen the knowledge, skills, disposition and administrative practices of the administrator;
2. Refine the support, assistance and professional growth opportunities offered to the administrator, based on the individual needs of the administrator and the needs of the students, the school and the district;
3. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator, including other assignments of the administrator;
4. Establish a formative growth process for each administrator that supports professional learning and collaboration with other administrators;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the administrator; and
6. Address ways to help all educators strengthen their culturally responsive practices.

7. Monitor the implementation and effectiveness of delivery of the District's curriculum with principals, teachers, and additional stakeholders as outlined in the Curriculum Management Plan.

Evaluation and support systems established by the district must evaluate administrators on a regular cycle. The superintendent or designee shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\),\(8\)](#)
[ORS 332.505](#)
[ORS 342.120](#)

[ORS 342.815](#)
[ORS 342.850](#)
[ORS 342.856](#)

[OAR 581-022-2405](#)
[OAR 581-022-2410](#)
[OAR 581-022-2420](#)

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

DRAFT

Medford School District 549C

Code: GBN/JBA
Adopted: 6/01/15
Revised/Readopted: 5/06/19; 9/17/20; 11/18/21;
1/12/23; [xx/xx/xx](#)
Orig. Code(s): GBN/JBA

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, volunteers, and third parties are subject to this policy. Any person may report sexual harassment.

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

General Procedures

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

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

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

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

3. Assault when sexual contact occurs without ~~the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats consent~~².

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):

Fred Kondziela
Title IX Coordinator/Director of District Athletics & Activities
Email: fred.kondziela@medford.k12.or.us Phone: 541-842-3838

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

Response

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

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

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

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to district officials, this includes officials such as the principal,

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.

compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

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

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

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

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

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

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

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

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

Notice

When a 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 person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;

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.

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

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

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

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;
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 Federal Programs and School Improvement is designated as the Title IX Coordinator and can be contacted at 541-842-3633. The Title IX Coordinator will coordinate the district's efforts to comply

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))

with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

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 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);

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 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. 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))

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.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹¹, or both.

No Retaliation

Neither the district or any person may retaliate¹² against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

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

END OF POLICY

Legal Reference(s):

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

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

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

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

Cross Reference(s):

AC - Nondiscrimination

ACB - Every Student Belongs

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Menacing, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence – Student

Medford School District 549C

Code: GBN/JBA
Adopted: 6/01/15
Revised/Readopted: 5/06/19; 9/17/20; 11/18/21;
1/12/23; xx/xx/xx
Orig. Code(s): GBN/JBA

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, volunteers, 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):

Fred Kondziela
Title IX Coordinator/Director of District Athletics & Activities
Email: fred.kondziela@medford.k12.or.us Phone: 541-842-3838

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

Response

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

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

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

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to district officials, this includes officials such as the principal,

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.

compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

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

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

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

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

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

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

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

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

Notice

When a 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 person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;

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.

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

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

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

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;
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 Federal Programs and School Improvement is designated as the Title IX Coordinator and can be contacted at 541-842-3633. The Title IX Coordinator will coordinate the district's efforts to comply

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))

with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

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 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);

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 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. 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))

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.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹¹, or both.

No Retaliation

Neither the district or any person may retaliate¹² against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

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

END OF POLICY

Legal Reference(s):

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

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

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

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

Cross Reference(s):

AC - Nondiscrimination

ACB - Every Student Belongs

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Menacing, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence – Student

Medford School District 549C

Code: GBNAB/JHFE
Adopted: 1/13/22
Readopted: xx/xx/xx
Orig. Code: JHFE

Suspected Abuse of a Child Reporting Requirements**

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall ~~orally report or cause an oral report~~ immediately ~~by telephone or otherwise to the local office of~~ make a report to the Oregon Department of Human Services (DHS) ~~or its designee through the centralized child abuse reporting system²~~ or to ~~the~~ a law enforcement agency within the county where the person making the report is located at the time of the contact ~~pursuant to Oregon Revised Statute (ORS) 419B.010~~. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~described above to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010~~.

~~If known,~~ The report ~~shall~~ **must** contain, ~~if known,~~ the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator. **The reporter does not need to know the name of the alleged perpetrator before making a report. Even without this information, reporting is required.**

Abuse of a child by district employees, contractors⁴, agents⁵, volunteers⁶, or students is prohibited will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

³ "Person" could include adult, student or other child.

⁴ "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁵ "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁶ "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

district employee, contractor, agent, volunteer or student shall immediately report such ~~to the Oregon Department of Human Services (DHS) or its designee~~ through its centralized child abuse reporting system or ~~the local~~ to a law enforcement agency ~~pursuant to ORS 419B.015~~, and to ~~the~~ a designated licensed administrator.

The district will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the Deputy Superintendent who shall also report to the Board chair.

The ~~district will post the names and contact information of principal~~ will serve as the designees for each school building, in the respective school, ~~designated~~ to receive reports of suspected abuse and follow the procedures in GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child. ~~†~~The designee will ~~follow-up on~~ follow-up on receipt of a report, the contact information for ~~making a report to local~~ law enforcement ~~and or the local centralized child abuse reporting system of DHS, office or its designee~~ and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedures established by the district and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, ~~or its designee~~, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid or unpaid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 -

419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail, using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

The superintendent [or designee](#) shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).
~~Senate Bill 51 (2021).~~

Medford School District 549C

Code: GBNAB/JHFE
Adopted: 1/13/22
Readopted: xx/xx/xx
Orig. Code: JHFE

Suspected Abuse of a Child Reporting Requirements**

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall immediately make a report to the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system² or to a law enforcement agency within the county where the person making the report is located at the time of the contact. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report in the same manner described above.

The report must contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator. The reporter does not need to know the name of the alleged perpetrator before making a report. Even without this information, reporting is required.

Abuse of a child by district employees, contractors⁴, agents⁵, volunteers⁶, or students is prohibited will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS through its centralized child abuse reporting system or to a law enforcement agency, and to a designated licensed administrator.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

³ "Person" could include adult, student or other child.

⁴ "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁵ "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁶ "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

The district will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the Deputy Superintendent who shall also report to the Board chair.

The principal will serve as the designee for each school building, in the respective school, to receive reports of suspected abuse and follow the procedures in GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child. The designee will follow-up on receipt of a report, the contact information for making a report to law enforcement or the centralized child abuse reporting system of DHS, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedures established by the district and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid or unpaid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic

communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail, using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

The superintendent or designee shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 339.370 - 339.400
ORS 418.257 - 418.259

ORS 419B.005 - 419B.050

OAR 581-022-2205

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

Medford School District 549C

Code: GBNAB/JHFE-AR(1)
Adopted: 1/13/22
Readopted: xx/xx/xx
Orig. Code: JHFE

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ ~~shall orally report or cause an oral report~~ immediately ~~make a report to by telephone or otherwise to the local office of~~ the Oregon Department of Human Services (DHS) ~~or its designee through the centralized child abuse reporting system~~² or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~as described above to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419.010.~~

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS or its designee ~~through its centralized child abuse reporting system or the local~~ to a law enforcement agency ~~pursuant to ORS 419B.015~~, and to ~~the~~ a designated licensed administrator or alternate licensed administrator for their school building.

~~If known,~~ The report ~~shall~~ **must** contain, ~~if known,~~ the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator. **The reporter does not need to know the name of the alleged perpetrator before making a report. Even without this information, reporting is required.**

If the superintendent is the alleged abuser the report shall be submitted to the Deputy Superintendent who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

³ "Person" could include adult, student or other child.

which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of district administrator who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report, a copy shall be provided to the designee that received the report, and a copy will be provided to the department of human resources.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid or unpaid administrative leave⁴ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁵ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement if applicable.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

⁴ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

Definitions

1. Oregon law ~~recognizes these and other types of abuse~~ defines “abuse” in ORS 419B.005(1):
 - ~~a. Physical;~~
 - ~~b. Neglect;~~
 - ~~c. Mental injury;~~
 - ~~d. Threat of harm;~~
 - ~~e. Sexual abuse and sexual exploitation.~~
2. “Child” means an unmarried person who is under 18 years of age or is ~~under 21 years of age and residing in or receiving care or services at a child-caring agency~~ a child in care, as defined in ORS 418.257.
3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

Failure to Comply

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by ~~this~~ policy ~~or this administrative regulation~~, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or

designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officials wishing to remove a child from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the child out on a form to be provided by the school in accordance with district procedures;

4. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
5. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
6. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

Medford School District 549C

Code: GBNAB/JHFE-AR(1)
Adopted: 1/13/22
Readopted: xx/xx/xx
Orig. Code: JHFE

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ immediately make a report to the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system² or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report in the same manner as described above.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS or its designee through its centralized child abuse reporting system or to a law enforcement agency, and to a designated licensed administrator or alternate licensed administrator for their school building.

The report must contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator. The reporter does not need to know the name of the alleged perpetrator before making a report. Even without this information, reporting is required.

If the superintendent is the alleged abuser the report shall be submitted to the Deputy Superintendent who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report;

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

³ "Person" could include adult, student or other child.

date and time that the report was made; and name of district administrator who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report, a copy shall be provided to the designee that received the report, and a copy will be provided to the department of human resources.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid or unpaid administrative leave⁴ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁵ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement if applicable.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Definitions

⁴ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

1. Oregon law defines “abuse” in ORS 419B.005(1).
2. “Child” means an unmarried person who is under 18 years of age or is a child in care, as defined in ORS 418.257.
3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

Failure to Comply

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by policy or this administrative regulation, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See GBNAB/JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officials wishing to remove a child from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the child out on a form to be provided by the school in accordance with district procedures;

4. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
5. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
6. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

Medford School District 549C

Code: GCDA/GDDA
Adopted: 10/20/87
Revised/Readopted: 6/03/08; 1/14/19; 5/06/19;
11/21/19; 1/09/20
Orig. Code(s): GCDA/GDDA

Criminal History Records Checks/Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting, as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, a criminal records check or fingerprint-based criminal records checks shall be required of the following individuals²:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the district to have direct unsupervised contact with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Head coach;

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² Subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

2. Assistant coach;
3. Overnight chaperone;
4. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity;
4. Others, as necessary, deemed by the district

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprint information only after the offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due the individual.

The district shall begin the employment of a subject individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records checks.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed, will be terminated. When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual will not be employed or contracted with the district, or if employed by the district may be terminated. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law, may be employed or contracted by the district.

The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The service of a volunteer allowed to have direct, unsupervised contact with students may begin on a probationary basis with authorization by designated administrator before the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check will not begin before the return and disposition of a state and national criminal records check based on fingerprints.

A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district.

The superintendent or designee shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, under ORS 183.413 – 183.470.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)

[ORS 181A.230](#)

[ORS 326.603](#)

[ORS 326.607](#)

[ORS 332.107](#)

[ORS 336.631](#)

[ORS 342.143](#)

[ORS 342.223](#)

[OAR 414-061-0010 - 0030](#)

[OAR 581-021-0500](#)

[OAR 581-021-0502](#)

[OAR 581-022-2430](#)

[OAR 584-050-0012](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).

Medford School District 549C

Code: GCDA/GDDA-AR
Revised/Reviewed: 12/03/18; 5/06/19; 11/07/19;
11/03/22
Orig. Code(s): GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting

Subject Requirements

1. Any individual newly hired employee¹ whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist, or school nurse, shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to submit to a criminal records check and fingerprinting with TSPC.
3. Any individual registering with TSPC for student teaching, practicum, or internship as a teacher, administrator, or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor², whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.

The superintendent or designee will identify contractors who are subject to such requirements.

5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to submit to a criminal records check and fingerprinting.
6. An individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to submit to a criminal records check and fingerprinting.
7. A volunteer allowed by the district into a position that has direct, unsupervised contact with students shall submit to an in-state criminal records check.
8. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

identified in Board policy³ by the district as requiring a fingerprint-based criminal records check, shall submit to a state and national criminal records check based on fingerprints.

9. A volunteer that is not likely to have direct, unsupervised contact with students will be required to submit to an in-state criminal records check.

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if:

1. The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or
2. The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the TSPC.

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the ODE that impact employment, contracts or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to required criminal records checks and/or fingerprinting shall result in immediate termination from employment or contract status or the ability to volunteer in the district.
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts or ODE forms (written or electronic) will result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district. The district will remove the volunteer from the position allowing direct, unsupervised contact with students.

³ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

⁴ Any individual hired within the last three months.

2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

Processing/and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms or authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
2. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district; or
 - c. Local or state law enforcement agency.
3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment or contract or volunteering.
5. A copy of the fingerprinting results will be kept by the district.

Fees

1. Fees associated with criminal records checks for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors, shall be paid by the district. Fees for fingerprinting for individuals applying for employment with the district and not requiring licensure, shall be paid for by the individual. Fees for fingerprinting for contractors⁵ when necessary shall be paid by the district.
2. An individual offered a contract or employment by the district may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
3. Fees associated with required criminal records checks for volunteers shall be paid by the district.
4. Fees associated with a required fingerprinting for volunteers shall be paid by the individual.

⁵ A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. A subject individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment, contract status, or withdrawal of offer of employment or contract will be made by the district upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁶ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
 - c. Volunteer or contractor failure to pass the MSD Risk Management Matrix for criminal convictions.
2. A subject individual will be terminated from employment or contract status or withdrawal of offer of employment upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. If the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.
6. A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form will be denied the ability to volunteer in the district.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

DELETED

Medford School District 549C

Code: GCDA/GDDA
Adopted: xx/xx/xx

Criminal Records Checks and Fingerprinting *

{Required policy. Requirement/Authority for policy comes from OAR 581-021-0510 - 021-0512 and ORS 326.603 - 326.607.}

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers, and others.

Requirements for Employees not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)

All newly hired employees¹ not identified under Oregon Revised Statutes (ORS) 342.223² are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district³ or private school, and has not resided outside the state between the two periods of employment.

An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the district. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the district and not requiring licensure shall be paid by the individual. The district will withhold this amount ~~only upon~~ unless requested otherwise by ~~of~~ the subject individual.

The district may⁴ begin the employment of an individual on a probationary basis pending the return and disposition of the required criminal records checks, as long as the state record has cleared and the individual will not be alone with students and is supervised at all times.

When the criminal records check indicates an individual has been convicted of any crimes⁵ prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any crime, the individual may be employed by the district, with an acceptable explanation (i.e., applicant believed record has been expunged), or if employed by the district may be terminated. An individual who

¹ Any individual hired within the last three months. This does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

³ As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

⁴ Decisions regarding which employees may begin before the return of the required criminal records checks must be made in a nondiscriminatory manner.

⁵ See OAR 581-021-0511(8).

fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law may be employed by the district. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Requirements for individuals in positions requiring licensure, certification or registration with Teacher Standards and Practices Commission (TSPC) are outlined in ORS 342.223.

Requirements for TSPC Licensed, Certified or Registered Individuals

1. Any individual who is applying for a license as a teacher, administrator or personnel specialist is subject to a criminal records check and fingerprinting, unless the individual has submitted to such a check through the Teacher Standards and Practices Commission (TSPC) within the previous three years, or has remained continuously licensed by or registered with TSPC for a different license or registration for which the individual has already submitted to a criminal records check and fingerprinting.
2. Any individual who is applying for an initial certificate under ORS 342.475 as a school nurse shall submit to a criminal records check and fingerprinting with TSPC.
3. Any individual who is applying for a registration as a public charter school teacher or administrator with TSPC shall submit to a criminal records check and fingerprinting with TSPC.
4. Any individual applying for reinstatement of an Oregon license or registration as a teacher, administrator or personnel specialist, or a certificate as a school nurse with the TSPC, whose license, registration or certificate has lapsed for at least three years, shall submit to a criminal records check and fingerprinting with TSPC.
5. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the individual does not hold a current license issued by TSPC and has not submitted to a criminal records check by TSPC within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist, shall be required to submit to a criminal records check and fingerprinting with TSPC.

Requirements for Contractors

All individuals employed as or by a contractor and considered by the district to have direct, unsupervised contact with students⁶ or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

The superintendent or designee will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the district upon:

⁶ “Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification⁷ from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

A subject individual may be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

Requirements for Volunteers

Volunteers allowed by the district into a position designated by the district to have direct, unsupervised contact with students shall submit to an in-state criminal records check.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

A volunteer that is not likely to have direct, unsupervised contact with students, as determined by the district, will be required to submit to an in-state criminal records check.

A volunteer who knowingly made a false statement on a district volunteer application form or has a conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the district.

A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the district.

Requirements for Others

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day is required to submit to a criminal records check and a fingerprint-based criminal records check.

Any individual who is an employee of a public charter school and not identified under ORS 342.223 is required to submit to a criminal records check and a fingerprint-based criminal records check.

Notification

The district will provide written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

⁷ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

The district will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers, or the ability to volunteer, are contingent upon the results of such checks;
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment, contract status, or the ability to volunteer in the district;
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the district may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;
5. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
7. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district. The district will remove the volunteer from the position allowing direct, unsupervised contact with students.

Processing and Reporting Procedures

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing district staff;
2. Contracted agent of employing district;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any

individual it believes has knowingly made a false statement as to conviction of a crime or has a conviction of a crime prohibiting employment, contract, or volunteering.

A copy of the fingerprinting results will be kept by the district. The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

END OF POLICY

Legal Reference(s):

ORS 181A.180

ORS 181A.230

ORS 326.603

ORS 326.607

ORS 332.107

ORS 336.631

ORS 342.143

ORS 342.223

OAR 414-061-0010 – 061-0030

OAR 581-021-0510 – 021-0512

OAR 581-022-2430

OAR 584-050-0012

OAR 584-050-0100

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

Medford School District 549C

Code: GCDA/GDDA
Adopted: xx/xx/xx

Criminal Records Checks and Fingerprinting *

{Required policy. Requirement/Authority for policy comes from OAR 581-021-0510 - 021-0512 and ORS 326.603 - 326.607.}

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers, and others.

Requirements for Employees not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)

All newly hired employees¹ not identified under Oregon Revised Statutes (ORS) 342.223² are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district³ or private school, and has not resided outside the state between the two periods of employment.

An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the district. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the district and not requiring licensure shall be paid by the individual. The district will withhold this amount unless requested otherwise by the subject individual.

The district may⁴ begin the employment of an individual on a probationary basis pending the return and disposition of the required criminal records checks, as long as the state record has cleared and the individual will not be alone with students and is supervised at all times.

When the criminal records check indicates an individual has been convicted of any crimes⁵ prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any crime, the individual may be employed by the district, with an acceptable explanation (i.e., applicant believed record has been expunged), or if employed by the district may be terminated. An individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with

¹ Any individual hired within the last three months. This does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

³ As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

⁴ Decisions regarding which employees may begin before the return of the required criminal records checks must be made in a nondiscriminatory manner.

⁵ See OAR 581-021-0511(8).

the district as provided by law may be employed by the district. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Requirements for individuals in positions requiring licensure, certification or registration with Teacher Standards and Practices Commission (TSPC) are outlined in ORS 342.223.

Requirements for TSPC Licensed, Certified or Registered Individuals

1. Any individual who is applying for a license as a teacher, administrator or personnel specialist is subject to a criminal records check and fingerprinting, unless the individual has submitted to such a check through the Teacher Standards and Practices Commission (TSPC) within the previous three years, or has remained continuously licensed by or registered with TSPC for a different license or registration for which the individual has already submitted to a criminal records check and fingerprinting.
2. Any individual who is applying for an initial certificate under ORS 342.475 as a school nurse shall submit to a criminal records check and fingerprinting with TSPC.
3. Any individual who is applying for a registration as a public charter school teacher or administrator with TSPC shall submit to a criminal records check and fingerprinting with TSPC.
4. Any individual applying for reinstatement of an Oregon license or registration as a teacher, administrator or personnel specialist, or a certificate as a school nurse with the TSPC, whose license, registration or certificate has lapsed for at least three years, shall submit to a criminal records check and fingerprinting with TSPC.
5. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the individual does not hold a current license issued by TSPC and has not submitted to a criminal records check by TSPC within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist, shall be required to submit to a criminal records check and fingerprinting with TSPC.

Requirements for Contractors

All individuals employed as or by a contractor and considered by the district to have direct, unsupervised contact with students⁶ or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

The superintendent or designee will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the district upon:

⁶ “Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification⁷ from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

A subject individual may be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

Requirements for Volunteers

Volunteers allowed by the district into a position designated by the district to have direct, unsupervised contact with students shall submit to an in-state criminal records check.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

A volunteer that is not likely to have direct, unsupervised contact with students, as determined by the district, will be required to submit to an in-state criminal records check.

A volunteer who knowingly made a false statement on a district volunteer application form or has a conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the district.

A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the district.

Requirements for Others

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day is required to submit to a criminal records check and a fingerprint-based criminal records check.

Any individual who is an employee of a public charter school and not identified under ORS 342.223 is required to submit to a criminal records check and a fingerprint-based criminal records check.

Notification

The district will provide written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

⁷ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

The district will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers, or the ability to volunteer, are contingent upon the results of such checks;
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment, contract status, or the ability to volunteer in the district;
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the district may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;
5. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
7. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district. The district will remove the volunteer from the position allowing direct, unsupervised contact with students.

Processing and Reporting Procedures

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing district staff;
2. Contracted agent of employing district;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime or has a conviction of a crime prohibiting employment, contract, or volunteering.

A copy of the fingerprinting results will be kept by the district. The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

END OF POLICY

Legal Reference(s):

ORS 181A.180
ORS 181A.230
ORS 326.603
ORS 326.607

ORS 332.107
ORS 336.631
ORS 342.143
ORS 342.223

OAR 414-061-0010 – 061-0030
OAR 581-021-0510 – 021-0512
OAR 581-022-2430
OAR 584-050-0012
OAR 584-050-0100

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



EXECUTIVE SUMMARY

Meeting Date:	September 19, 2024
Agenda Item:	Staff Assignment Report
Item Type:	Report
Administrator:	Janel Reed
Objective:	Approve new licensed and administrative staff.

Background:

Under current Board policy, one responsibility of the Board is to approve the hiring of licensed and administrative staff. The Staff Assignment Report includes that information, as well as any retirements or resignations.

Additional Materials: Staff Assignment Report

Recommendation: Administration recommends approval of the new hires.

Suggested Motion: A formal motion is not required if approved with the consent agenda.

**Medford School District Staff Assignment
School Board Meeting, September 19, 2024**

Recommendation for election to the position of Teacher for the 2024-25 school year:

Employee Name	School/Location	Position	University/College
Earle, Quinn	North Medford	English Language Arts/ELD	Eastern Oregon University
Miller-Notestone, Julia	Jacksonville	Elementary - Grade 2	Gallaudet University
Myers, Scott	North Medford	Health/PE	Grand Canyon University

Recommendation for election to the position of Temporary Teacher for the 2024-25 school year:

Employee Name	School/Location	Position	University/College
Allred, Laura	Jacksonville	Speech Language Pathologist	University of Montana
Carr, Christina	Special Education	Homebound Instructor	Southern Oregon University
Valdes-Mendez, Raul Xavier	North Medford	Spanish	University of Oregon
White, Heather	Kennedy	Elementary - Grade 5	Southern Oregon University

Resignations:

Employee Name	School/Location	Position	Effective Date
Daniel, Hannah	Wilson	Elementary - Grade 3	09.30.2024
Engel, Elaine	McLoughlin	ELD	09.12.2024
Gracey, Ryan	Special Education	Temporary Roving Special Education	09.06.2024
Sicairos, Christian	Wilson	Social Emotional Learning Advocate	08.22.2024

Retirements:

Employee Name	School/Location	Position	Effective Date
Howe, Bonnie	McLoughlin	Social Studies	11.26.2024
Snowden, Andy	Roosevelt	Kindergarten	11.30.2024