



Regular Meeting OF THE BOARD OF DIRECTORS

Thursday, October 17, 2024 - 5:30 PM
 Oakdale Middle School Room 230
 815 S. Oakdale Ave.
 Medford, OR 97501

AGENDA

- 1. **Call to Order / Pledge of Allegiance / Roll Call**
- 2. **Agenda Adjustments and Approval**
- 3. **Recognitions**
 - a. AP Scholars 2
- 4. **Recess**
- 5. **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, share if you reside in the district, 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.*
- 6. **Items for Information & Discussion / Board Action Items**
 - a. Division 22 Assurances 4
 - b. Personal Finance Requirement Waiver 31
 - c. Identify Budget Committee Vacancies 32
 - d. School Board Policies - *second reading* 36
 - e. School Board Policies - *first reading* 95
- 7. **Consent Agenda**
 - a. Staff Assignment Report 134
 - b. Minutes from previous Board meetings 136
- 8. **Board Reports**
- 9. **Announcements**
 - a. October 22 - Lunch & Learn Meeting with Local Legislators at 12:00 PM - Rogue X
 - b. November 7 - Work Session **has been canceled** (Board will attend the OSBA Conference)
 - c. November 18 - Cell Phone Town Hall at 5:30 PM - NMHS Commons
- 10. **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:	October 17, 2024
Agenda Item:	Recognitions
Item Type:	Board Recognitions
Administrator:	Bret Champion, Natalie Hurd
Objective:	Recognition of 2023-24 Advanced Placement (AP) Scholars

Background: There are many outstanding students and staff in the Medford School District, and the Medford School District Board of Directors takes time in each regularly scheduled Board meeting to celebrate many of them. Students may be recognized for a variety of areas, including academics, athletics, arts, career and technical education, and music, or as nominated by school district staff. Staff members may also be nominated for exemplary contributions to the district.

Tonight, we celebrate:

AP Scholars

The College Board's Advanced Placement Program (AP) provides motivated and academically prepared students with the opportunity to take rigorous college-level courses while still in high school, and to earn college credit, advanced placement, or both for successful performance on the AP Exams. Fewer than 20% of the over two million students who take AP Exams earn an AP Scholar Award.

***AP Scholar** - Students who receive scores of 3 or higher on three or more AP Exams.*

***AP Scholar with Honor** - Students who receive an average score of at least 3.25 on all AP Exams taken, and scores of 3 or higher on four or more of these exams.*

***AP Scholar with Distinction** - Students who receive an average score of at least 3.5 on all AP Exams taken, and scores of 3 or higher on five or more of these exams.*

South Medford High School

Principal Jon Lyons

AP Scholar with Distinction

Seth A. Davis
Amelia J. Hall
Seth M. Hungerford
Kendric M. Hurley
Oliver E. Mertz
Ricky J. Parks

AP Scholar with Honor

Lillyan J. Carroll
Taiga M. Ellis
Rece Moser
Jacob C. Salsedo
Payson R. Wallace

AP Scholar

Escher P. Beard
Braeden W. Carson
Joseph T. Clevenger
Norah J. Doyle
Roman M. Dunnihoo
Kenton D. Fine
Bridget M. Grady
Alexander A. Gurov
Rodrigo G. Gutierrez
Craig R. Israelsen

Adam J. LeClair
Kayla R. Mancina
Kaia B. Maukonen
Victor C. Mog
Gwendolyn A. Nichols
Hadassah J. Pannell
Matias L. Smith
Jaqsan B. Spires
Mina L. Wadnizak
Stella B. Weston

In addition to these AP Scholars, South received the **AP 2024 Bronze School Honor Roll**, which recognizes schools whose AP programs are delivering results for students while broadening access. Schools can earn this recognition annually based on criteria that reflect a commitment to increasing college-going culture, providing opportunities for students to earn college credit, and maximizing college readiness.

South also received the **AP Access Award** which is given to schools when the percentage of underrepresented and/or low income students accessing the school's AP Program is the same as, or greater than, the percentage in the school's graduating class.



EXECUTIVE SUMMARY

Meeting Date:	October 17, 2024
Agenda Item:	Division 22 Assurances for 2023-2024
Item Type:	Report
Administrator:	Bret Champion, Jeanne Grazioli
Objective:	Present Division 22 Report to Community

Background: Each year, Oregon’s school districts are required to review the Oregon Administrative Rules (OAR), located in Chapter 581, Division 22, related to Oregon’s standards for public schools. Each district must assess whether the district is in compliance with those standards for the prior school year. On or before November 1st of each school year, school district superintendents are to provide a Community Report to their local school board regarding the district’s standing with respect to all Standards for Public Elementary and Secondary Schools as set forth in Oregon Administrative Rules 581-022-2305. Districts are required to post the report on their district website by November 1, 2024. Districts then complete and submit the annual Elementary and Secondary Schools Assurance Form by November 15, 2024 to the Oregon Department of Education (ODE)

For this year, there are 56 standards in Division 22 that school districts must report whether or not they are in compliance. Districts need to identify specific evidence and keep close internal tracking of each requirement. We are pleased to report that for the first time in several years, we are in compliance in all areas of Division 22.

We are also pleased to report that for the fourth year in a row, the Medford School District is one of three districts mentioned on ODE’s [Division 22 Standards and Assurance of Compliance](#) website for providing exemplary reports to the school board and community, which can be read in a newsletter, [here](#). We were also asked to present in two sessions of a [professional learning series](#) as a “best practice spotlight” for other districts across Oregon.

The Division 22 Community Report (linked below) will be posted on [Medford's Division 22 Assurances](#) website by November 1st.

Additional Materials: [Division 22 Community Report \(2023-2024\)](#)

Recommendation: N/A

Suggested Motion: N/A

Medford School District

Report on Compliance with Public School Standards

2023-24 School Year

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

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

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

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Category: Teaching & Learning

Subcategory: Curriculum & Instruction

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2030 District Curriculum	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Medford School District Curriculum Management Plan • District Commitment to Student Learning Board Policy (IFAA), Curriculum 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<p>Guides and Course Outlines Board Policy (IFE), Curriculum Development Board Policy (IF)</p> <p>English, Science, Math, Social Science, World Languages, Health, Electives</p> <ul style="list-style-type: none"> • 6 -12 Planned Course Statements <p>Arts:</p> <ul style="list-style-type: none"> • Arts Courses <p>*Technology:</p> <ul style="list-style-type: none"> • MSD Tech Plan 2018-2021 being revised as MSD Educational Technology Implementation and Innovation Plan • Digital Citizenship Lessons <p>Career Education</p> <ul style="list-style-type: none"> • CTE Course Standards • CTE Program Self-Evaluation <p>SEL</p> <ul style="list-style-type: none"> • K-5 SEL Instructional 	

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> • Framework MS 6-8 Advisory Calendar • HS Guidance Lesson Calendar 	
581-022-2045 Substance Use Prevention and Intervention Plan	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Included in Great Body Shop curriculum grades K-8 See Substance Abuse and Misuse Lessons • Teen Intervene program with Upshift at secondary “Alternative to Suspension” • Alex’s Story “Dangers of Fentanyl” in secondary Health Class 	<p>Not applicable</p>
581-022-2050 Human Sexuality Education	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Included in Health Planned Course Statements • MSD Comprehensive Sexuality Education Plan • Human Sexuality 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<p>AIDS/HIV, Sexually (IGAI)</p> <ul style="list-style-type: none"> • MSD Health K-12 • Parent Opt Out & Health Info • Health Standards Letter from MSD Board 	
<p>581-022-2055 Career Education</p>	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Major Clarity implemented grades 6-8 - Usage Report • Major Clarity Tier 1 implementation begins 2024-2025 	<p>Not applicable</p>
<p>581-022-2060 Comprehensive School Counseling</p>	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <p>Fully implemented CSCP Grades 7-12:</p> <ul style="list-style-type: none"> • CSCP Handbook • Exec Presentation overview • MSD CSCP Full Assessment 	<p>Not applicable</p>
<p>581-022-2263 Physical Education Requirements *Elementary Grades</p>	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p>	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> • ODE PE Minutes Report • Grades K-5 minutes remained unchanged. 	
581-022-2263 Physical Education Requirements *Middle Grades	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • ODE PE Minutes Report • Grades 6-8 minutes reduced from 225 to 150. This has been verified with all middle school administrators. 	Not applicable
581-022-2320 Required Instructional Time	In compliance	The district has met all of the requirements for this rule. Instructional Minutes 2023-2024	Not applicable
581-022-2340 Media Programs	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Medford School District has a District Media Specialist that supports Media Technicians at 14 elementary schools. The 3 comprehensive middle schools, and 2 comprehensive high schools have a licensed media specialist dedicated to their support. 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> • The Instructional Media Center (IMC) is staffed with one person that facilitates the distribution of physical instructional materials to all schools. • The MSD Library Media Center Procedures Manual provides guidance and support for maintaining consistent, equitable, and aligned procedures in K-12 libraries and media centers. • The Elementary and Secondary ELA Instructional Materials Canvas courses provide support for teachers to access high quality research databases and lessons to support teaching research skills. 	
581-022-2500 Programs and Services for TAG Students	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Medford School District Plan for Talented and Gifted (TAG) Education 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2350 Independent Adoptions of Instructional Materials	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • All schools are using the same core instructional materials which were adopted using ODE's IMET process. • Curriculum Development and Adoption Board Policy (IF) 	Not applicable
581-022-2355 Instructional Materials Adoption	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Curriculum and Instructional Materials Development and Adoption Process • Adoption Cycle 6-Year Plan 	Not applicable
581-022-2360 Postponement of Purchase of State-Adopted Instructional Materials	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Math: Request for Approval to Postpone Selection and Use of Adopted Instructional Materials Good for 2 years. 	Not applicable

Subcategory: Assessment & Reporting

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2100 Administration of State Assessments	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Elementary Assessment Calendar 23-24 • Secondary Assessment Calendar 23-24 • 23-24 STC training • We test all our students annually following all the expectations of ODE. The Annual notice is provided to parents at the beginning of the school year and again 30 days prior. All pertinent staff is trained, and a Canvas course with all training materials has been developed. A monthly newsletter is sent to all STCs, including SOESD specialized programs, as well as the Charters in our district. We review and validate the data. We report improprieties. 	<p>Not applicable</p>
581-022-2110 Exception of Students with Disabilities from State Assessments	In compliance	<p>The district has met all of the requirements for this rule.</p>	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> The Medford School District adheres to the Division 22 Standards of the state of Oregon by ensuring that the assessment exemption process is applied consistently to all students, regardless of ability or disability. In compliance with state requirements, MSD includes necessary accommodations for state assessments within each student's Individualized Education Program (IEP) when appropriate. This approach aligns with legal obligations to ensure equitable access to assessments and resources. Importantly, while parents may request an exemption from assessments, the decision to include or exclude students from assessments, and the accommodations provided, are determined based on the student's educational needs and not solely on parental requests, ensuring compliance with 	

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		both the Oregon Department of Education standards and the district's <ul style="list-style-type: none"> • Board Policy (IL) 	
581-022-2115 Assessment of Essential Skills: Diploma Requirements	Waived through the end of 2027-28 school year	Not applicable	Not applicable
581-022-2115(2) Assessment of Essential Skills: Local Performance Assessment Requirement	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • The Medford School District Work Sample Guidelines (Archived 2023-2024) manual provides comprehensive guidance and resources for administering and scoring required work samples in writing, speaking, math problem-solving and scientific inquiry for students in grades 3 through 12. The guidelines also outline the process for entering scores into Synergy. 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2120 Essential Skill Assessments for English Language Learners	Waived through the end of 2027-28 school year	Not applicable	Not applicable
581-022-2270 Individual Student Assessment, Recordkeeping and Reporting	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> ● School Board Policies on Grading and Assessment (IKA) (IKA-AR) ● Report Cards & Transcripts are shared and recorded for each student ● Summarized Grading Timelines - MSD - 23-24 ● Grading Timeline Summary ● Elementary Assessment Calendar 23-24 ● Secondary Assessment Calendar 23-24 ● Credit Retrieval Courses are offered during the school year as well as during the summer. ● Ongoing performance feedback provided by teachers to students in Canvas and End of Term grades shared with families and students in Synergy Gradebook. 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> • Synergy SIS keeps SSID information 	
581-022-2445 Universal Screenings for Risk Factors of Dyslexia	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • iReady Dyslexia assessments 	Not applicable

Subcategory: Program & Service Requirements

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2315 Special Education for Children with Disabilities	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • The Medford School District provides a continuum of services for all students eligible for special education. • Board Policies: IGBAG, IGBAJ, IGBAF 	Not applicable
581-022-2325 Identification of Academically Talented and Intellectually Gifted Students	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Medford School District Plan for Talented and Gifted (TAG) Education • Blue Screening Report • ODE Training Slide Decks 	Not applicable

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Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> • Nomination form • Parent Permission to Evaluate • Use NNAT3, CogAt, iReady, OSAS for scores as well as state scoring rubrics for evidence collection 	
581-022-2330 Rights of Parents of TAG Students	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Medford School District Plan for Talented and Gifted (TAG) Education • Parent Notification of TAG Identification • Parent TAG Brochure • Student Observation Profile for Parents of TAG Students • Permission for Services with Opt-out 	<p>Not applicable</p>
581-022-2505 Alternative Education Programs	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Alternative Education Program** Board Policy (IGBHA) • Establishment of Alternative Education Programs Board Policy (IGBHB) 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2515 Menstrual Dignity for Students	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Verified with Facilities 9/27/24 	Not applicable

Subcategory: High School Diploma

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2000 Diploma Requirements	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Graduation Requirements Board Policy (IKF) 	Not applicable
581-022-2005 Veterans Diploma	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Graduation Requirements Board Policy (IKF) 	Not applicable
581-022-2010 Modified Diploma	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Graduation Requirements Board Policy (IKF) 	Not applicable
581-022-2015 Extended Diploma	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Graduation Requirements Board Policy (IKF) 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2020 Certificate of Attendance	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Graduation Requirements Board Policy (IKF) 	Not applicable
581-022-2025 Credit Options	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Board Policies: Expanded Options Board Policy (IGBHE), MSD College Credit Options, Graduation Requirements Board Policy (IKF) 	Not applicable

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Category: Health & Safety

Subcategory: Policies & Practices

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2205 Policies on Reporting of Child Abuse	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • The District has adopted policies on the reporting of Child Abuse: JHFE/GBNAB and JHFE-AR(1), BBFC 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2220 Health Services	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • 2023-2024 School-Level Communicable Disease Management Plans 	Not applicable
581-022-2307 Educational Equity Advisory Committees	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Name, Strength and Need Advisory • Board Bulletin • Member Criteria • MSD Diversity, Equity and Inclusion Interest Form (2022-2024) 	Not applicable
581-022-2310 Equal Education Opportunities	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Board Policies: JB - Equal Education Opportunity, AC - Nondiscrimination, JFCF - Hazing, Harassment, Intimidation..., GBN/JBA - Sexual Harassment 	Not applicable
581-022-2312 Every Student Belongs	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Every Student Belongs Board Policy (ACB) • Reporting: Bias Incident by 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		School <ul style="list-style-type: none"> • Resolved: Bias Incident by School • Checklist 	
581-022-2345 Auxiliary Services	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Transportation report submitted on time (9/1/2023). • Food service records are complete in CNPweb. • Buildings and grounds are appropriate for education purposes and are routinely cleaned and maintained. • Our facilities are routinely inspected by our liability insurance provider and are considered safe for use by students and staff. 	Not applicable

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Subcategory: Plans & Reports

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2223 Healthy and Safe Schools Plan	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • MSD has an approved 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		HASS Plan in place.	
581-022-2225 Emergency Plans and Safety Programs	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> MSD has an emergency and safety plan in place. MSD Safety, Security and Emergency Management 	Not applicable
581-022-2230 Asbestos Management Plans	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> We have AMPs for all sites. Custodial and maintenance staff have been trained. 	Not applicable
581-022-2267 Annual Report on Restraint and Seclusion	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> 23-24 Restraint and Exclusion Annual Report 	Not applicable
581-022-2510 Suicide Prevention Plan	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> MSD Suicide Prevention Plan STAT Manual Signs of Suicide Tier 1 curriculum in grades 7-11 	Not applicable

Subcategory: Athletics & Interscholastic Activities

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2210 Anabolic Steroids and Performance Enhancing Substances	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Secondary coaches & AD's - Take online course through NFHS (every four years). Training tracked by high school & middle school ADs. • Lesson delivered to secondary students during Red Ribbon Week at SMHS and school wide at Innovation Academy and MOA. NMHS covers content in health classes in grade 10 and 12 and/or athletes receive the training from their coach directly. • Oregon Department of Education Anabolic Steroids and Performance-Enhancing Substances Training 	<p>Not applicable</p>
581-022-2215 Safety of School Sports – Concussions	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Coaches & AD's take an annual online course 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		through NFHS . Training is tracked by high school AD and Middle School Athletic Office.	
581-022-2308 Agreements Entered Into with Voluntary Organizations	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • IGDJ - Interscholastic Activities 	Not applicable

Category: District Performance & Accountability

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2250 District Improvement Plan	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • Aligning for Student Success: Integrated Guidance MSD website 	Not applicable
581-022-2255 School and District Performance Report Criteria	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • District and School Report Cards website 	Not applicable
581-022-2260 Records and Reports	In compliance	The district has met all of the requirements for this rule. <ul style="list-style-type: none"> • The District instructs schools on student body 	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<p>funds usage; the District reviews student body accounts and does annual audits to make sure student body account funds raised by students are being spent for students. The District maintains student records in compliance with board policies (IGBAB/JO and IGBAB/JO-AR) and complies with reporting requirements.</p>	
581-022-2265 Report on PE Data	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Physical Education Facilities • Physical Education Instructional Minutes 	<p>Not applicable</p>
581-022-2300 Standardization	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • MSD Division 22 website 	<p>Not applicable</p>
581-022-2305 District Assurances of Compliance with Public School Standards	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • MSD Division 22 website 	<p>Not applicable</p>
581-022-2370 Complaint Procedures	<p>In compliance</p>	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • In addition to the board 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<p>adopting policy housed under School Board policies, the link to the complaint process and forms can also be found at the bottom of the District webpage which link the board policies and forms.</p> <ul style="list-style-type: none"> • Board policies: KL-Public Complaints, AC-AR-Discrimination Complaint Procedures, GBN/JBA(2) Federal Law Title IX Sexual Harassment Complaint Procedure, GBN/JBA(1)-Sexual Harassment Complaint Procedure, JFCF-AR & GBNA-AR, Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedure, ACB-AR Bias Incident Complaint Procedure, GBEA-AR Workplace Harassment Reporting and Procedure 	

Category: Human Resources/Staffing

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2335 Daily Class Size	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • 23-24 Class Size Report to Board 	<p>Not applicable</p>
581-022-2400 Personnel	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • All employees hired into licensed positions must hold licenses before beginning work in that position. • For qualified candidates who do not hold appropriate licensure, Human Resources reviews and determines whether or not a provisional/emergency license could apply. The District writes a letter to TSPC and awaits TSPC issuance of a license before the staff member can begin working. • Board Policies: Licensed Staff Positions Board Policy (GC), License Requirements Board Policy (GCA) 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
581-022-2405 Personnel Policies	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • We are in compliance in all areas. We have adopted board policies that support these practices including: • GBA- Equal Employment Opportunity, GBA-AR Veterans' Preference, GCC-Recruitment of Licensed and Administrative Staff, GCN/GDN Evaluation of Staff, CCG Evaluation of Administrators, GBAA Educator Equity, GCL Staff Development, GBL Personnel Records, GCAB Personal Electronic Devices and Social Media Staff (communication) 	<p>Not applicable</p>
581-022-2410 Teacher and Administrator Evaluation and Support	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • Teacher Evaluation PROFESSIONAL GROWTH and PERFORMANCE EVALUATION MANUAL • Admin Evaluation Handbook available on request. • Evaluation of Staff Board Policy (GCN/GDN) 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> • Evaluation of the Superintendent Board Policy (CBG) 	
581-022-2415 Core Teaching Standards	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • MSD uses the Danielson Framework for Teaching for teacher evaluations. These standards are aligned to the InTASC standards and are an approved set of standards by ODE. • Evaluation of Staff Board Policy (GCN/GDN) 	<p>Not applicable</p>
581-022-2420 Educational Leadership - Administrator Standards	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> • MSD uses the most current leadership standards that replaced the previous ISLLC standards (which are the PSEL standards from 2015). They are aligned to the old ISLLC standards and expand on the 6 areas of <ul style="list-style-type: none"> ○ Visionary Leadership ○ Instructional Improvement ○ Effective Management 	<p>Not applicable</p>

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
		<ul style="list-style-type: none"> ○ Inclusive Practice ○ Ethical Leadership ○ Socio-political context ● Evaluation of Administrators Board Policy (CCG) 	
581-022-2430 Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> ● All individuals hired in positions are background checked and fingerprinted. ● Criminal History Records Checks/Fingerprinting Board Policy (GCDA/GDDA) ● Volunteers Board Policy (IICC) 	Not applicable
581-022-2440 Teacher Training Related to Dyslexia	In compliance	<p>The district has met all of the requirements for this rule.</p> <ul style="list-style-type: none"> ● iReady Dyslexia assessments 	Not applicable



EXECUTIVE SUMMARY

Meeting Date:	October 17, 2024
Agenda Item:	Personal Finance Graduation Requirement
Item Type:	Action
Administrator:	Jeanne Grazioli
Objective:	Request Approval for Waiver

Background:

As presented at the Board work session on October 3, Oregon Senate Bill 3 requires high school students to earn 0.5 credits in personal finance as part of their graduation requirements beginning with the class of 2027. While personal finance is currently taught at both comprehensive high schools, it is taught as an elective, and the curriculum has not been aligned with standards released by Oregon Department of Education in late spring 2024.

In order to implement the new graduation requirement with fidelity, MSD needs time to review available curriculum, align the curriculum with the personal finance standards adopted by the State Board of Education, and develop an implementation plan to shift personal finance courses from elective to required in all MSD high schools.

Additional Materials: None

Recommendation: Board approval to apply for a one-year waiver of this requirement.

Suggested Motion: *“I move to approve the district to apply for a one year waiver of the personal finance graduation requirement.”*



EXECUTIVE SUMMARY

Meeting Date:	October 17, 2024
Agenda Item:	Identify Budget Committee Vacancies
Item Type:	Items for Information and Discussion
Administrator:	Bret Champion, Jodi Fahy
Objective:	Identify Budget Committee vacancies

Background: School Board Policy DBEA requires the Board to identify vacant budget committee positions at its first meeting in October. Currently, Budget Committee terms for Positions 1 (Lupe Murillo) and 2 (Carrie Cheatum) have expired. It was also brought to our attention that Randy Goyne (Position 7) has moved out of the area and therefore will not be serving on the committee. At this time, we are waiting for an official confirmation from him.

The Budget Committee consists of seven members appointed by the Board plus the elected Board members. To be eligible for appointment, the appointive member must: 1) live and be registered to vote in the district; and 2) not be an officer, agent or employee of the district. No budget committee member may receive any type of compensation from the district. At the first regular meeting in January, the Board will appoint persons to fill the vacant positions.

Senate Bill 732 was passed in the 2021 Legislative session requiring districts to establish an educational equity advisory committee. At least one member of the budget committee must be a member of the district's educational equity advisory committee.

Additional Materials: [Budget Committee Members](#) list with term dates; [Policy DBEA](#).

Recommendation: Review the vacancies and direct staff to move forward with posting the application for interested community members on the district website November 1, 2024.

Suggested Motion: No action is required.



Budget Committee Members (3 year term)

Position 1 Lupe Murillo	Term Expired: 06/30/2024
Position 2 Carrie Cheatum	Term Expired: 06/30/2024
Position 3 Casey Stine	Term Expires: 06/30/2025
Position 4 Margie Grether	Term Expires: 06/30/2025
Position 5 Ilex Brandenberger	Term Expires: 06/30/2026
Position 6 Kaylee Fugate	Term Expires: 06/30/2026
Position 7 Randy Goyne (Vacant)	Term Expires: 06/30/2026

Medford School District 549C

Code: DBEA
Adopted: 4/16/02
Revised/Readopted: 3/11/19; 9/21/23
Orig. Code(s): DBEA

Budget Committee

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

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

Educational policy decisions are the responsibility of the Board, not the budget committee. The committee does not have the authority to add programs or to approve additional personnel or increase salaries. The committee may, alternatively, set an amount that changes the recommended budget and may request the administration make such changes in accordance with priorities set by the Board.

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

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

7. If any appointive member is unable to complete the term for which the member was appointed, the Board will announce the vacancy at the first regular Board meeting following the committee member's resignation or removal. An appointment to fill the position for its unexpired term will be made at the next regular Board meeting.

Budget Committee Responsibilities

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

END OF POLICY

Legal Reference(s):

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

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

[ORS 433.835 - 433.875](#)

Cross Reference(s):

DBG - Budget Hearing



EXECUTIVE SUMMARY

Meeting Date:	October 17, 2024
Agenda Item:	School Board Policies - second reading
Item Type:	Information and Discussion
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 October 3, 2024.

Revisions in **red** font indicate OSBA updated language. Revisions in **blue** font indicate staff updated language.

Policy	Title	Summary
BG	Board-Staff Communication	<i>The Board adopted their Board Operating Agreement (BOA) on September 19 that includes a section on school visits. The language in this policy has been revised to reflect the language in the BOA.</i>
DJC <i>Delete previous version and replace with new version</i>	Bidding Requirements	<i>OSBA recommends deleting the current versions of DJC – Bidding Requirements, DJC-AR – Special Procurements and Exemptions from Competitive Bidding, DJCA – Personal Service Contracts and DJCA-AR – Personal Service Contracts, and replacing them with the new proposed versions of DJC and DJC-AR. The proposed DJC outlines the procurement requirements for Small Procurement, Intermediate Procurement, Regular Procurement, Emergency Procurement, Sole-Source Procurement and Personal</i>
DJC-AR <i>Delete previous version and replace with new version</i>	Special Procurements and Exemptions from Competitive Bidding (previous title) Exemptions from Competitive Bidding and Special	

<p>DJCA <i>Delete this policy</i></p> <p>DJCA-AR <i>Delete this administrative regulation</i></p>	<p>Procurements (<i>new title</i>)</p> <p>Personal Services Contracts</p> <p>Personal Services Contracts</p>	<p><i>Services Contracts.</i></p> <p><i>Additionally, the proposed policy DJC – Bidding Requirements, reflects the new amounts for the procurement levels passed in House Bill 1047 (2023) and went into effect January 1, 2024. The policy also defines “public improvements” for purposes of the procurement levels, defines “community benefit contract” and the “Construction Manager/General Contractor procurement.”</i></p> <p><i>The proposed administrative regulation, DJC-AR – Exemptions from Competitive Bidding and Special Procurements, has been updated and continues to provide guidance for procurements which are exempt from competitive bidding or are special procurements.</i></p> <p><i>Staff has reviewed the OSBA recommendations and approves the suggested revisions.</i></p>
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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 delete, adopt and readopt the policies as presented in the October 17th policy packet.”*

Medford School District 549C

Code: BG
Adopted: 2/16/10
Revised/Readopted: 3/11/19; xx/xx/xx
Orig. Code(s): BG

Board-Staff Communications

The Board desires to maintain open channels of communication between itself and the district staff. The basic line of communication will, however, be through the superintendent.

Staff Communications to the Board

All formal communications or reports to the Board or any Board committee from staff members should be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district. In addition, this procedure does not restrict protected labor relations communications of bargaining unit members. Staff members are invited to Board meetings which provide an opportunity to observe the Board's deliberations on matters of district operation.

Board Communications to Staff

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

Visits to Schools

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 [24 hours in advance and provide the estimated amount of time expected for the visit, as well as the purpose. The Board secretary will ~~to~~ notify the principal as soon as possible](#), prior to school visits.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2405](#)

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

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

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

Medford School District 549C

Code: BG
Adopted: 2/16/10
Revised/Readopted: 3/11/19; xx/xx/xx
Orig. Code(s): BG

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Board Communications to Staff

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

Visits to Schools

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 24 hours in advance and provide the estimated amount of time expected for the visit, as well as the purpose. The Board secretary will notify the principal as soon as possible, prior to school visits.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2405](#)

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

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

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

Medford School District 549C

Code: DJC
Adopted: 9/15/14
Revised/Readopted: 3/11/19; 2/17/22
Orig. Code(s): DJC

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. All public contracts shall be invited in accordance with applicable competitive procurement provisions of the Oregon Revised Statutes and the adopted public contracting rules.

The Board, acting as its own LCRB, adopts¹ the Oregon Attorney General's Model Public Contract Rules, Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049 in effect at the time this policy is adopted.

Regardless of whether or not the district adopts the Model Public Contract Rules, if the district uses the construction manager/general contractor (CM/CG) alternative contracting methodology, the district shall procure the services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3).

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

The Board may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules as required by ORS 279A.065 (6)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. New rules, as necessary, shall be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

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

END OF POLICY

¹ Public Contracts shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

Legal Reference(s):

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

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

Cross Reference(s):

DJ - District Purchasing
DJCA - Personal Services Contracts
DJG - Vendor Relations

DELETED

Medford School District 549C

Code: DJC
Adopted: xx/xx/xx

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. The LCRB has not adopted its own rules of procurement. Consequently, the *Oregon Attorney General's Model Public Contracting Rules*¹ shall apply to the district.²

Additionally, the district may include as part of its procedures portions of the Oregon Department of Administrative Services administrative rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 - 249.

The LCRB may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district may not artificially divide or fragment a procurement to reduce the procurement requirements.

The superintendent or designee may develop administrative regulations or procedures to assist with the implementation of this policy and applicable procurement rules.

Goods and Services

The district will purchase goods and services through the following procedures, unless an exception applies:

1. **Small Procurement.** For purchases of goods and services with a contract price not exceeding \$25,000, the district can use any manner deemed practical or convenient, including direct selection or award. Amendments to a contract awarded through small procurement must be in accordance with OAR 137-047-0800.
2. **Intermediate Procurement.** For purchases of goods and services with a contract price exceeding \$25,000, but not exceeding \$250,000, the district shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The district will keep record of the request and quotes. If three quotes are not reasonably available, fewer will suffice, but the district will make a written record of the effort made. The district may negotiate with a prospective contractor to clarify the quote or offer, or to effect modifications. Amendments to a contract awarded through intermediate procurement must be in accordance with OAR 137-047-0800.
3. **Regular Procurement.** For purchases exceeding \$250,000, the district will use competitive sealed bids (OAR 137-047-0255) or competitive sealed proposals (OAR 137-047-0260). Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-047-0800.

¹ Oregon Administrative Rules (OAR) 137-045 - 049

² See ORS 279A.065(5).

4. **Emergency Procurements.** In situations of emergency, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the district is not required to follow general procurement requirements. The district must ensure competition for the contract that is reasonable and appropriate under the circumstances. The district must document the nature of the emergency and the method used for the selection of the contractor.
5. **Sole-source Procurements.** If the LCRB or designee determines that the goods or services are available from only one source, the district may award a contract without competition. To the extent reasonably practicable, the district shall negotiate with the sole source to obtain contract terms that are advantageous to the district. The determination of sole source must be based on written findings and may include:
 - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
 - b. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.³
6. **Special Procurements.** “Special procurement” means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small procurement or intermediate procurement. Special procurements require LCRB approval and will be conducted in accordance with ORS 279B.085, OAR 137-047-0285 and this policy and administrative regulation DJC-AR - Exemptions from Competitive Bidding and Special Procurement.
7. **Personal Services Contracts.** “Personal services contract,” as used in this policy, means a contract whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.⁴ Unless otherwise designated by the LCRB, personal services contracts will be procured in accordance with applicable procurement laws. The LCRB may designate certain service contracts or classes of service contracts as personal services contracts and exempt them from competitive bidding. All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price. Personal service contractors may be required to qualify as independent contractors in accordance with applicable laws.⁵

Procurements for services estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process in accordance with ORS 279B.030.

³ If the contract does not exceed \$250,000, using intermediate procurement is likely less burdensome than sole source.

⁴ This includes, but is not limited to, contracts for the services of an accountant, physician or dentist, educator, consultant (including a provider under an Architectural and Engineering Service Contract), broadcaster, or artist (including a photographer, filmmaker, painter, weaver or sculptor (OAR 137-045-0010(19))). Also includes architectural, engineering, photogrammetric mapping, transportation planning or land surveying services procured under ORS 279C.105 (ORS 279C.100) and related services procured under ORS 279C.120 (ORS 279C.100(5)).

⁵ See ORS 670.600 and OAR 459-005-0020.

Public Improvements

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the district.⁶ The district will contract for public improvements using the following procedures, unless an exception applies.

1. Public improvements contracts with a value of less than \$25,000 are exempt from competitive bidding.
2. Intermediate Procurements. For public improvement contracts not exceeding \$100,000, the district may utilize three quotes⁷:
 - a. The request for the quotes shall be in writing (unless not reasonably practicable)⁸;
 - b. The request for quotes shall include the selection criteria and if the criteria are not of equal value, their relative value or ranking.

The district shall award the contract to the prospective contractor whose quote will best serve the interest of the district, based on the selection criteria. If the award is not made to the offeror and quote with the lowest price, the district will make a written record of the basis for the award. Amendments to a contract awarded via intermediate procurement may be increased in accordance with OAR 137-049-0160(6)-(7).

3. Regular Procurements. For purchases exceeding \$100,000, the district will use invitation to bid or request for proposals except as otherwise allowed by law. See OAR 137-049-0130 and OAR 137-049-0640. Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-049-0910.
4. Emergency Procurements. Emergency contracts for construction services are not considered public improvement contracts and will be procured in accordance with OAR 137-049-0140 and OAR 137-049-0150.
5. Community Benefit Contracts. “Community benefit contract” means a public improvement contract that includes, but is not limited to, terms and conditions that require the contractor to:
 - a. Qualify as a training agent, as defined in ORS 660.010, or provide apprenticeship training that meets applicable federal and state standards for apprenticeship training;
 - b. Employ apprentices to perform a specified percentage of work hours that workers in apprenticeable occupations perform on the community benefit project;
 - c. Provide employer -paid family health insurance; and
 - d. Meet any other requirements that the LCRB sets forth.

⁶ Public improvement does not include:

1. Projects for which no funds of the district are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
2. Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

⁷ If three quotes are not reasonably available, the district shall make a written record of the effort made to obtain these quotes.

⁸ For Public Works Contracts, oral quotations may only be utilized in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.

Community benefits contracts may be procured in accordance with ORS 279C.308.

6. Construction Manager/General Contractor (CM/GC) Procurement. The district shall procure CM/GC services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3) and OAR 137-049-0690, which requires “the assistance of legal counsel with substantial experience and necessary expertise in using the CM/GC Method, as well as knowledgeable staff, consultants or both staff and consultants who have demonstrated capability of managing the CM/GC process in the necessary disciplines of engineering, construction scheduling and cost control, accounting, legal, Public Contracting and project management.”

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)
[ORS Chapter 279A](#)
[ORS Chapter 279B](#)
[ORS Chapter 279C](#)

[ORS 670.600](#)
[OAR Chapter 125](#), Divisions 246 -
249

[OAR Chapter 137](#), Divisions 045 -
049
[OAR 459-005-0020](#)

[OREGON PROCUREMENT MANUAL](#), Oregon Department of Administrative Services.

Medford School District 549C

Code: DJC
Adopted: xx/xx/xx

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. The LCRB has not adopted its own rules of procurement. Consequently, the *Oregon Attorney General's Model Public Contracting Rules*¹ shall apply to the district.²

Additionally, the district may include as part of its procedures portions of the Oregon Department of Administrative Services administrative rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 - 249.

The LCRB may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district may not artificially divide or fragment a procurement to reduce the procurement requirements.

The superintendent or designee may develop administrative regulations or procedures to assist with the implementation of this policy and applicable procurement rules.

Goods and Services

The district will purchase goods and services through the following procedures, unless an exception applies:

1. Small Procurement. For purchases of goods and services with a contract price not exceeding \$25,000, the district can use any manner deemed practical or convenient, including direct selection or award. Amendments to a contract awarded through small procurement must be in accordance with OAR 137-047-0800.
2. Intermediate Procurement. For purchases of goods and services with a contract price exceeding \$25,000, but not exceeding \$250,000, the district shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The district will keep record of the request and quotes. If three quotes are not reasonably available, fewer will suffice, but the district will make a written record of the effort made. The district may negotiate with a prospective contractor to clarify the quote or offer, or to effect modifications. Amendments to a contract awarded through intermediate procurement must be in accordance with OAR 137-047-0800.

¹ Oregon Administrative Rules (OAR) 137-045 - 049

² See ORS 279A.065(5).

3. Regular Procurement. For purchases exceeding \$250,000, the district will use competitive sealed bids (OAR 137-047-0255) or competitive sealed proposals (OAR 137-047-0260). Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-047-0800.
4. Emergency Procurements. In situations of emergency, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the district is not required to follow general procurement requirements. The district must ensure competition for the contract that is reasonable and appropriate under the circumstances. The district must document the nature of the emergency and the method used for the selection of the contractor.
5. Sole-source Procurements. If the LCRB or designee determines that the goods or services are available from only one source, the district may award a contract without competition. To the extent reasonably practicable, the district shall negotiate with the sole source to obtain contract terms that are advantageous to the district. The determination of sole source must be based on written findings and may include:
 - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
 - b. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.³
6. Special Procurements. “Special procurement” means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small procurement or intermediate procurement. Special procurements require LCRB approval and will be conducted in accordance with ORS 279B.085, OAR 137-047-0285 and this policy and administrative regulation DJC-AR - Exemptions from Competitive Bidding and Special Procurement.
7. Personal Services Contracts. “Personal services contract,” as used in this policy, means a contract whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.⁴ Unless otherwise designated by the LCRB, personal services contracts will be procured in accordance with applicable procurement laws. The LCRB may designate certain service contracts or classes of service contracts as personal services contracts and exempt them from competitive bidding. All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and

³ If the contract does not exceed \$250,000, using intermediate procurement is likely less burdensome than sole source.

⁴ This includes, but is not limited to, contracts for the services of an accountant, physician or dentist, educator, consultant (including a provider under an Architectural and Engineering Service Contract), broadcaster, or artist (including a photographer, filmmaker, painter, weaver or sculptor (OAR 137-045-0010(19))). Also includes architectural, engineering, photogrammetric mapping, transportation planning or land surveying services procured under ORS 279C.105 (ORS 279C.100) and related services procured under ORS 279C.120 (ORS 279C.100(5)).

obtain services at a fair and reasonable price. Personal service contractors may be required to qualify as independent contractors in accordance with applicable laws.⁵

Procurements for services estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process in accordance with ORS 279B.030.

Public Improvements

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the district.⁶ The district will contract for public improvements using the following procedures, unless an exception applies.

1. Public improvements contracts with a value of less than \$25,000 are exempt from competitive bidding.
2. Intermediate Procurements. For public improvement contracts not exceeding \$100,000, the district may utilize three quotes⁷:
 - a. The request for the quotes shall be in writing (unless not reasonably practicable)⁸;
 - b. The request for quotes shall include the selection criteria and if the criteria are not of equal value, their relative value or ranking.

The district shall award the contract to the prospective contractor whose quote will best serve the interest of the district, based on the selection criteria. If the award is not made to the offeror and quote with the lowest price, the district will make a written record of the basis for the award. Amendments to a contract awarded via intermediate procurement may be increased in accordance with OAR 137-049-0160(6)-(7).

3. Regular Procurements. For purchases exceeding \$100,000, the district will use invitation to bid or request for proposals except as otherwise allowed by law. See OAR 137-049-0130 and OAR 137-049-0640. Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-049-0910.
4. Emergency Procurements. Emergency contracts for construction services are not considered public improvement contracts and will be procured in accordance with OAR 137-049-0140 and OAR 137-049-0150.

⁵ See ORS 670.600 and OAR 459-005-0020.

⁶ Public improvement does not include:

1. Projects for which no funds of the district are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
2. Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

⁷ If three quotes are not reasonably available, the district shall make a written record of the effort made to obtain these quotes.

⁸ For Public Works Contracts, oral quotations may only be utilized in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.

5. Community Benefit Contracts. “Community benefit contract” means a public improvement contract that includes, but is not limited to, terms and conditions that require the contractor to:
 - a. Qualify as a training agent, as defined in ORS 660.010, or provide apprenticeship training that meets applicable federal and state standards for apprenticeship training;
 - b. Employ apprentices to perform a specified percentage of work hours that workers in apprenticeable occupations perform on the community benefit project;
 - c. Provide employer -paid family health insurance; and
 - d. Meet any other requirements that the LCRB sets forth.

Community benefits contracts may be procured in accordance with ORS 279C.308.

6. Construction Manager/General Contractor (CM/GC) Procurement. The district shall procure CM/GC services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3) and OAR 137-049-0690, which requires “the assistance of legal counsel with substantial experience and necessary expertise in using the CM/GC Method, as well as knowledgeable staff, consultants or both staff and consultants who have demonstrated capability of managing the CM/GC process in the necessary disciplines of engineering, construction scheduling and cost control, accounting, legal, Public Contracting and project management.”

END OF POLICY

Legal Reference(s):

ORS Chapter 279
ORS Chapter 279A
ORS Chapter 279B
ORS Chapter 279C

ORS 670.600
OAR Chapter 125, Divisions 246 -
249

OAR Chapter 137, Divisions 045 -
049
OAR 459-005-0020

OREGON PROCUREMENT MANUAL, Oregon Department of Administrative Services.

Medford School District 549C

Code: DJC-AR
Adopted: 6/13/16
Revised/Readopted: 3/11/19
Orig. Code(s): DJC-AR

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under Oregon Revised Statute (ORS) 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
- c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification

will meet the needs of the district based on one or more of the following written determinations:

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

of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

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

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

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

2. Advertising Contracts, Purchase of

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

Findings of Fact

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

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;

- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

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

3. Advertising Contracts, Sale of

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

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any

business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

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

4. Equipment Repair and Overhaul

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

Findings of Fact

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

formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

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

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

5. Copyrighted Materials

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

Findings of Fact

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

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

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

Conclusion of Compliance with Law

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

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

6. Product Prequalification

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

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of

products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

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

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

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

Conclusion of Compliance with Law

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

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

the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

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

Findings of Fact

- a. This rule permits the district to enter into a requirements contract, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.

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

- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes a requirements contract as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

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

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase²

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

Findings of Fact

² When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services (DAS), State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-3014.

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

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

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

9. Information Technology Contracts

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

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

- d. If the amount of the contract is estimated to exceed \$150,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

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

Conclusion of Compliance with Law

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

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

19. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract and LCRB Rules*. The

district shall document the evaluation and award process, which will be part of the public record justifying the award.

- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

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

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

11. Telecommunications Services

- b. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.
- c. The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.
- d. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Jackson County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as a RFP.
- d. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.

- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

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

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

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under a.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.

- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

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

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

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

13. Renegotiation of Existing Contracts with Incumbent Contractors

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

- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:

- (1) Price;
- (2) Term;
- (3) Delivery and shipping;
- (4) Order size;
- (5) Substitution;
- (6) Warranties;
- (7) On-line ordering systems;
- (8) Price adjustments;
- (9) Product availability;
- (10) Product quality;
- (11) Reporting requirements; or
- (12) Discounts.

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

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

Conclusion of Compliance with Law

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

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

EXEMPTIONS FROM COMPETITIVE BIDDING

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

- 1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and

2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

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

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award

the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

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

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

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district’s findings of current market research to support the determination that the product is available from only one seller or source. The district’s findings shall include:

- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
- (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

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

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

2. Product Prequalification

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

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

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

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.

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

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

Findings of Fact

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

Conclusion of Compliance with Law

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

condition applies also to the use of requirements contracts established by other public contracting agencies.

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

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

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

Findings of Fact/Conclusion of Compliance with Law

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

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

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

Findings of Fact/Conclusion of Compliance with Law

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

6. Projects with Complex Systems or Components

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

for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

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

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

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project.

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

Medford School District 549C

Code: DJC-AR
Revised/Reviewed: xx/xx/xx

Exemptions from Competitive Bidding and Special Procurements

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

1. Contracts below threshold levels in accordance with ORS 279B.065 (small procurements for goods and services), 279B.070 (intermediate procurements for goods and services) and 279C.412 (intermediate procurements for public improvements);
2. Special procurements for goods and services in accordance with ORS 279B.085 and OAR 137-047-0285;¹
3. Contracts which have been exempted under ORS 279A.025 and 279C.335; and
4. Any other contract exempted by law.

SPECIAL PROCUREMENTS FOR GOODS AND SERVICES

To proceed with a special procurement, the district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB). This request shall describe the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement, and circumstances that justify the use of a special procurement.

The special procurement must be unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts; and (A) must be reasonably expected to result in substantial cost savings to the district or to the public; or (B) must substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or any related rules.

After LCRB approval, the district may proceed with a special procurement. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district.

When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

¹ Procurement law for goods and services uses the term “special procurement.” Procurement law for public improvement contracts does not use the term “special procurement,” but a comparable exemption is allowed under ORS 279C.335.

The following are additional considerations and requirements for specific types of special procurements. The request submitted to the LCRB should address these provisions and satisfy any requirements.

Brand Names or Equal²

1. “Brand name or equal specification” means a specification that uses one or more manufacturers’ names, makes, catalog numbers or similar identifying characteristics needed to meet the district’s requirements and that authorizes bidders or proposers to offer goods or services that are equivalent or superior to those named or described in the specification.
2. “Brand name specification” means a specification limited to one or more products, brand names, makes, manufacturer’s names, catalog numbers or similar identifying characteristics.”
3. “Specification” means any description of the physical or functional characteristics of, or of the nature of, goods or services to be procured by a contracting agency.³

A brand name or equal specification may be used when the use of a brand name or equal specification is advantageous to the district because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district. The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final. Nothing in the law or this administrative regulation may be construed as prohibiting the district from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the contracting agency.

A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

1. That use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;
2. That use of a brand name specification would result in substantial cost savings to the contracting agency;
3. That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or
4. That efficient utilization of existing goods requires the acquisition of compatible goods or services.

Advertising Contracts, Purchase of⁴

The district traditionally purchases advertising in newspapers, however, the district may also purchase advertising in other media, such as radio, television or the internet. Advertising contracts may be procured without competitive procurement based on findings of:

² For additional guidance, see OAR 125-247-0691.

³ Specification may include a description of any requirement for inspecting, testing or preparing goods or services for delivery.

⁴ See OAR 125-247-0288(5) for additional guidance.

1. Advertisements are placed in a particular source because of the specific audience that source serves;
2. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
3. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
4. Advertisements may be placed to satisfy legal notice or Board policy requirements;
5. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
6. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities; or
7. It is unknown whether contracts for advertisements placed with radio, television, the internet or other media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible, savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Advertising Contracts, Sale of

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

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Equipment Repair and Overhaul⁵

The district may enter into a public contract for equipment repair or overhaul without competitive bidding when competitive procurement is not practical. This may include when service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing, or service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source. The district will use a competitive procedure to the extent practicable.

If the repair or overhaul qualifies as an emergency, the district may use emergency procurement procedures.

Copyrighted Materials

⁵ For additional guidance, see OAR 127-247-0288(6).

Contracts for the procurement or distribution of textbooks are exempt from public procurement requirements. Purchase of copyrighted materials available from only one source may be procured through the sole source procedures. Requests for special procurement approval for the purchase of other copyrighted materials may be submitted to the LCRB with supporting information.

Used Personal Property or Equipment, Purchase⁶

The district may purchase used property or equipment without obtaining competitive bids or quotes, if at the time of purchase, the LCRB has determined that the purchase will result in substantial cost savings to the district or promote the public interest and will unlikely diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used,” at the time of district purchase.

Information Technology and Telecommunication Contracts⁷

The district may enter into a contract to acquire information technology hardware and software and services (including telecommunications) without competitive bidding if the LCRB has determined that the purchase will result in substantial cost savings to the district or promote the public interest and will unlikely diminish competition or encourage favoritism.

Renegotiation of Existing Contracts with Incumbent Contractors

The district may amend or renegotiate contracts with existing vendors, service providers or other parties in accordance with OAR 137-047-0800.

EXEMPTIONS FOR PUBLIC IMPROVEMENT CONTRACTS

Oregon law⁸ allows for exceptions to competitive bidding for public improvement contracts or classes of contracts when the LCRB approves findings that:

1. The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts; and
2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the district.

In approving a finding, the LCRB shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

⁶ For additional guidance, see OAR 125-247-0288(10). When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

⁷ For additional guidance, see OAR 127-247-0185.

⁸ See ORS 279C.335.

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvement;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
11. Whether the public improvement involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

In granting this exemption, the LCRB shall:

1. If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition;
2. Require and approve or disapprove written findings by the district that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirements. The findings must show that the exemption complies with the requirements outlined in this administrative regulation; and
3. If the procurement involves construction manager/general contractor services, require the district conduct the procurement in accordance with OAR 137-049-0690.

Notification of a proposed exemption under this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the LCRB intends to take action to approve or disapprove the exemption. The notice must state that in response to a written request, the district will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.⁹ If a hearing is held, the district shall offer an opportunity for any interested party to appear and comment. If the district must act promptly because of circumstances beyond the district's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the district's solicitation of contractors, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.

⁹ The district may hold a hearing even if there is no written request.

Medford School District 549C

Code: DJC-AR
Revised/Reviewed: xx/xx/xx

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⁷ For additional guidance, see OAR 127-247-0185.

⁸ See ORS 279C.335.

2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the district.

In approving a finding, the LCRB shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvement;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
11. Whether the public improvement involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

In granting this exemption, the LCRB shall:

1. If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition;

2. Require and approve or disapprove written findings by the district that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirements. The findings must show that the exemption complies with the requirements outlined in this administrative regulation; and
3. If the procurement involves construction manager/general contractor services, require the district conduct the procurement in accordance with OAR 137-049-0690.

Notification of a proposed exemption under this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the LCRB intends to take action to approve or disapprove the exemption. The notice must state that in response to a written request, the district will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.⁹ If a hearing is held, the district shall offer an opportunity for any interested party to appear and comment. If the district must act promptly because of circumstances beyond the district's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the district's solicitation of contractors, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.

⁹ The district may hold a hearing even if there is no written request.

Medford School District 549C

Code: DJCA
Adopted: 3/03/09
Revised/Readopted: 3/11/19
Orig. Code(s): DJCA

Personal Services Contracts

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

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

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$100,000 shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

[ORS Chapters 279](#)

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

[ORS 332.107](#)

[ORS 670.600](#)

[OAR 459-010-0030](#)

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

Medford School District 549C

Code: DJCA-AR
Adopted: 3/03/09
Revised/Readopted: 3/11/19
Orig. Code(s): DJCA-AR

Personal Services Contracts

1. Personal Services Contracts Defined

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

2. Eligibility

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

- a. State requirements¹:
 - (1) The contractor must be free from the direction and the control of the employer;
 - (2) The contractor must obtain required business licenses;
 - (3) The contractor must furnish necessary tools and equipment;
 - (4) The contractor has authority to hire and fire employees;
 - (5) The contractor is paid on completion of portions of projects or on a retainer basis;
 - (6) The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
 - (7) The contractor must file appropriate business tax returns;
 - (8) The contractor must represent to the public that the labor or services are provided by an independent business.

¹ See ORS 670.600 for complete listing.

b. PERS requirements:

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

- (1) Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- (2) Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- (3) Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- (4) Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- (5) Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
- (6) Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- (7) Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set his/her own work hours;
- (8) Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom he/she chooses;
- (9) Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
- (10) Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- (11) Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- (12) Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- (13) Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- (14) Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- (15) Significant investment. An independent contractor has a significant investment in the facilities he/she uses in performing services for someone else;
- (16) Realization of profit or loss. An independent contractor can make a profit or suffer a loss;

- (17) Working for more than one employer at a time. An independent contractor is generally free to provide his/her services to two or more unrelated persons or firms at the same time;
- (18) Making service available to general public. An independent contractor makes his/her services available to the general public;
- (19) Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as he/she produces a result that meets the specifications of the contract;
- (20) Right to terminate. An employee can quit his/her job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

c. IRS requirements:

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

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

3. Personal Services Contracts – Procurement Requirements

- a. Contracts for personal services less than \$50,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- b. Contracts for personal services greater than \$50,000 that do not exceed \$100,000 may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- c. Contracts for personal services greater than \$100,000 shall be based on written solicitations, request for qualifications, or the request for proposal (RFP) process.
- d. The district may enter into a personal services contract when the amount of the services does not exceed \$150,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - (1) The superintendent or designee shall make the following written findings for inclusion in the contract file:

- (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
- e. If the cost of the services is more than \$100,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:
- (1) Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
 - (2) The advertised notice is published at least seven days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
 - (3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

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

4. ITB/RFP Requirements

- a. An invitation to bid (ITB) or (RFP) will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
- b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
- c. The solicitation document must, at a minimum, address the following:
 - (1) Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - (a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - (b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - (c) A procurement description;

- (d) A time, date and place that prequalified applications, if any, must be filled and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - (e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - (f) A statement that “Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document.” if the invitation to bid is issued by a state contracting agency;
 - (g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
 - (h) All contractual terms and conditions applicable to the procurement.
- (2) Requirements for solicitation documents under OAR 137-047-0255(2) and 137-047-0260 (2):
- (a) General Information.
 - (i) Notice of any pre-offer conferences as follows:
 - a) The time, date and location of any pre-offer conferences; and
 - b) Whether attendance at the conference will be mandatory or voluntary; and
 - c) A provision that provides that statements made by the contracting agency’s representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum;
 - (ii) The form and instructions for submission of proposals and any other special information, e.g., whether proposals may be submitted by electronic means;
 - (iii) The time, date and place of opening;
 - (iv) The office where the solicitation document may be reviewed;
 - (v) For bidders, a statement whether the bidder is a “resident bidder,” as defined in ORS 279A.120 (1);
 - (vi) Contractor’s certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
 - (vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.
 - (b) Contracting Agency Need.

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.
 - (c) Bid/Proposal and Evaluation Process.
 - (i) The anticipated solicitation schedule, deadlines, protest process, and evaluation process;
 - (ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements or ORS 279B.060 (2)(h)(E).

- (iii) If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.
 - (d) Applicable preferences described in ORS 279A.125 (2) and 282.210.
 - (e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
 - (f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.
- d. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.
 - e. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
 - f. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):
 - (1) Where, when, how, and for how long the solicitation document may be obtained;
 - (2) A general description of the goods or services to be acquired;
 - (3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - (4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified.
 - (5) The office where contract terms, conditions and specifications may be reviewed;
 - (6) The name, title and address of the individual authorized by the contracting agency to receive offers;
 - (7) The scheduled opening; and
 - (8) Any other information the contracting agency deems appropriate.

5. Screening and Selection Procedures

- a. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.
- b. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:
 - (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;

- (2) A satisfactory record of performance². The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - (3) A satisfactory record of integrity³. The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - (4) Qualified legally to contract with the contracting agency;
 - (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
 - (6) Not been debarred by the contracting agency under ORS 279B.130.
- c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
 - d. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

6. Documentation

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

7. Fingerprinting

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

8. Payment

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

² A contracting agency should review carefully the offeror's record of contract performance if the offeror is or recently has been materially deficient in contract performance. In reviewing the offeror's performance, the contracting agency should determine whether the offeror's deficient performance was expressly excused under the terms of the contract, or whether the offeror took appropriate corrective action. The contracting agency may review the offeror's performance on both private and public contracts.

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



EXECUTIVE SUMMARY

Meeting Date:	October 17, 2024
Agenda Item:	School Board Policies - first reading
Item Type:	Information and Discussion
Administrator:	Bret Champion, Jodi Fahy
Objective:	Review the policies presented for a first reading

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.

Revisions in **red** font indicate OSBA updated language. Revisions in **blue** font indicate staff updated language.

Policy	Title	Summary
EBC/EBCA	Emergency Procedures and Disaster Plans	<i>Recommend deleting this double-coded policy and replacing it with separate policies EBC and EBCA (see below).</i>
EBC <i>New policy</i>	Emergency Plan and First Aid**	<i>House Bill 3584 was passed in the 2023 legislative session. The bill requires districts to adopt policy language about using electronic communication to notify parents, guardians and employees within 24 hours of a safety threat action that was not a drill. The bill states the communication should be “provided in a manner that communicates relevant facts and details as necessary and useful.” (HB 3584, Section 1., (3)(b)) More detail can be found by reading the entire bill.</i>
EBCA <i>New policy</i>	Safety Threats**	<i>This update includes a revision of other policies identified herein, resulting from recommendations on reorganization and may include recoding and/or reassigning</i>

EBCB	Emergency Procedure Drills and Instruction	<i>content to a different policy or policy section.</i>
JEA	Compulsory Attendance**	<i>School districts are still required to monitor for non-enrollment and irregular attendance issues and to send related notices in accordance with ORS 339.080, however, as the Oregon Department of Education has recently noticed, citations for compulsory attendance are no longer issued.</i>
JEA-AR <i>Does not require Board approval</i>	Compulsory Attendance Notices and Citations**	<p><i>However, after collaboration with their ESD about which entity will be responsible for tracking whether any students who are homeschooled have registered with the ESD or are complying with ORS 339.035, a district may choose to issue a citation. After discussion with the ESD, if the district will be responsible for tracking such students, the district may choose to add language in JEA-AR – Compulsory Attendance Notices and Citations**, regarding their actions concerning citations related to violation of homeschool statute (ORS 339.035) for registration and testing. A school district or ESD superintendent may issue a citation for violations of ORS 339.035. Before doing so, there must be specific notice given, as provided by law, and proposed language is included in JEA-AR.</i></p> <p><i>Additionally, a violation of compulsory attendance law is no longer a Class C violation, however violation of ORS 163.577 (1)(c) (failing to supervise a child)</i></p>

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

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: Review revised language and move the policies forward for adoption/readoption at the November 21st Board meeting.

Suggested Motion: No action required at this meeting.

Enrolled
House Bill 3584

Sponsored by Representative RUIZ, Senators WEBER, DEMBROW, Representative HELFRICH, Senator SMITH DB; Representatives BOSHART DAVIS, BOWMAN, BREESE-IVERSON, CATE, CONRAD, CRAMER, DEXTER, DIEHL, ELMER, EVANS, GRAYBER, HARTMAN, HIEB, JAVADI, KROPF, LEVY B, LEVY E, LEWIS, MANNIX, MCINTIRE, MORGAN, NERON, OSBORNE, OWENS, RESCHKE, REYNOLDS, SCHARF, WALLAN, WRIGHT, Senators CAMPOS, FREDERICK, JAMA

CHAPTER

AN ACT

Relating to responses to safety threats in schools; creating new provisions; and amending ORS 336.071.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, “safety threat action” means a lockdown, lock-out, shelter in place or evacuation that:

- (a) Is initiated by a school in response to a safety threat; and**
- (b) Is not a planned drill.**

(2) Each school district board shall adopt a policy for notifying the school community when a school takes a safety threat action.

(3) The policy adopted under this section must require that:

(a) As expediently as possible, but no later than 24 hours after the initiation of a safety threat action, a school or school district shall provide an electronic communication to parents and guardians of students attending the school at which the safety threat action occurred. The communication must include:

- (A) A general description of the issue that caused the safety threat action to be taken;**
- (B) The duration of time that the safety threat action was taken, from when the action was initiated until when it concluded;**

(C) Actions taken by the school or school district to resolve the situation that caused the safety threat action and actions taken to protect student safety; and

(D) An explanation of how the situation was resolved.

(b) The communication required under paragraph (a) of this subsection shall be provided in a manner that communicates relevant facts and details as may be necessary or useful:

- (A) For parents and guardians to understand any potential threats to student safety; and**
- (B) To assist parents and guardians in helping students understand and mentally process the incident and any resulting trauma.**

(c) The communication required under paragraph (a) of this subsection shall be provided and made available in culturally appropriate languages to communicate effectively with parents and guardians of students of the school or school district.

(d) As expediently as possible, but no later than 24 hours after the initiation of a safety threat action, a school or school district shall provide an electronic communication to school

district employees who are employees of the school at which the safety threat action occurred. The communication required under this paragraph must include the same information described in paragraph (a) of this subsection and any additional information as may be permitted by relevant confidentiality and privacy requirements.

SECTION 2. ORS 336.071 is amended to read:

336.071. (1) All schools are required to instruct and drill students on emergency procedures so that the students can respond to an emergency without confusion or panic. The emergency procedures shall include drills and instruction on:

(a) Fires;

(b) Earthquakes, which shall include tsunami drills and instruction in schools in a tsunami hazard zone; and

(c) Safety threats.

(2)(a) Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

(b) Drills and instruction on earthquake emergencies shall include the earthquake emergency response procedure known as “drop, cover and hold on.” A school may drill earthquake emergency response procedures in addition to “drop, cover and hold on” when the school determines, based on evaluation of specific engineering and structural issues related to a building, that “drop, cover and hold on” may not be the most effective earthquake emergency response procedure to prevent or limit injury or loss of life.

(c) Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake when appropriate or after a tsunami warning to protect students against inundation by tsunamis.

(d) Drills and instruction on safety threats shall include:

(A) Procedures related to lockdown, lockout, shelter in place and evacuation, **including the procedures described in section 1 of this 2023 Act**; and

(B) Other appropriate actions to take when there is a threat to safety.

(3)(a) At least 30 minutes in each school month shall be used to instruct students on the emergency procedures described in subsection (1) of this section.

(b) At least two drills on earthquakes shall be conducted each year.

(c) At least two drills on safety threats shall be conducted each year.

(d) In schools in a tsunami hazard zone, at least three drills on earthquakes and tsunamis shall be conducted each year.

(4) All schools shall maintain all exit doors so that the doors can be opened from the inside without a key during school hours.

(5) Units of local government and state agencies associated with emergency procedures training and planning shall:

(a) Review emergency procedures proposed by schools; and

(b) Assist schools in the instruction and drilling of students in emergency procedures.

(6) As used in this section, “school” means any:

(a) Kindergarten through grade 12 public or private school; or

(b) Educational institution having an average daily attendance of 50 or more students.

Passed by House March 29, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

.....
Secretary of State

Medford School District 549C

Code: EBC/EBCA
Adopted: 4/24/17
Revised/Readopted: 5/06/19
Orig. Code: EBC/EBCA

Emergency Procedures and Disaster Plans

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as, but not limited to, disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and safety threats on district property. The superintendent will consult with Medford Police Department Student Resource Officers, as well as other community and county agencies while developing this plan.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the district. Parents will be informed that the district has a plan for the care of students during an emergency situation. The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)
[ORS 332.107](#)
[ORS 433.260](#)

[ORS 433.441](#)
[OAR 437-002-0161](#)

[OAR 581-022-2030\(3\)\(c\)](#)
[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

Cross Reference(s):

EEAC - School Bus Safety Program
GBE - Hazardous Materials
JHCC - Communicable Diseases – Students

Medford School District 549C

Code: EBC
Adopted: xx/xx/xx

Emergency Plan and First Aid**

The district will maintain a comprehensive safety program for all employees and students. This program will include a plan for responding to emergency situations. The superintendent or designee will consult with community and county agencies while developing this plan. The district’s emergency plan will meet any requirements of the State Board of Education.

Copies of the emergency plan will be available in every school office and other strategic locations throughout the district. Parents or guardians will be informed of the district’s plan.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Each school in the district shall have, at a minimum, at least one staff member with a current first-aid/CPR/AED card for every 60 students enrolled and who are trained annually on the district and building emergency plans. Emergency planning will include the presence of at least one staff member with a current first-aid/CPR/AED card for every 60 students for school-sponsored activities where students are present.

The district shall provide instruction to staff and students in the emergency plan and safety program.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[ORS 192.660\(2\)\(k\)](#)
[ORS 332.107](#)
[ORS 433.260](#)
[ORS 433.441](#)

[OAR 437-002-0042](#)
[OAR 437-002-0120 - 0139](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)
[OAR 581-053-0003\(40\)](#)
[OAR 581-053-0220\(3\)\(e\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

Medford School District 549C

Code: EBC
Adopted: xx/xx/xx

Emergency Plan and First Aid**

The district will maintain a comprehensive safety program for all employees and students. This program will include a plan for responding to emergency situations. The superintendent or designee will consult with community and county agencies while developing this plan. The district's emergency plan will meet any requirements of the State Board of Education.

Copies of the emergency plan will be available in every school office and other strategic locations throughout the district. Parents or guardians will be informed of the district's plan.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Each school in the district shall have, at a minimum, at least one staff member with a current first-aid/CPR/AED card for every 60 students enrolled and who are trained annually on the district and building emergency plans. Emergency planning will include the presence of at least one staff member with a current first-aid/CPR/AED card for every 60 students for school-sponsored activities where students are present.

The district shall provide instruction to staff and students in the emergency plan and safety program.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[ORS 192.660\(2\)\(k\)](#)
[ORS 332.107](#)
[ORS 433.260](#)
[ORS 433.441](#)

[OAR 437-002-0042](#)
[OAR 437-002-0120 - 0139](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)
[OAR 581-053-0003\(40\)](#)
[OAR 581-053-0220\(3\)\(e\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

Medford School District 549C

Code: EBCA
Adopted: xx/xx/xx

Safety Threats**

“Safety threat action” means a lockdown, ~~lockout~~ secure, shelter in place or evacuation that: (a) is initiated by a school in response to a safety threat; and (b) is not a planned drill.

When a school or the district initiates a safety threat action, the school or district shall issue an electronic communication as expediently as possible and not later than 24 hours after initiation of the safety threat action. The communication will be issued in culturally appropriate languages to effectively communicate with parents and guardians of students attending the school at which the safety threat action occurred.

The communication must include:

1. A general description of the issue that caused the safety threat action to be taken;
2. The duration of time the safety threat action was taken, from when the action was initiated until when it concluded;
3. Actions taken by the school or district to resolve the situation that caused the safety threat action and actions taken to protect student safety; and
4. An explanation of how the situation was resolved.

The communication shall be provided in a manner which communicates relevant facts and details as may be necessary or useful for parents and guardians to understand any potential threats to student safety, and to assist parents and guardians in helping students understand and mentally process the incident and any resulting trauma.

A communication will also be issued to employees of the school at which the safety threat action occurred, and must include the same information as above and any additional information as may be permitted by relevant confidentiality and privacy requirements.

The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 332.107](#)

[ORS 339.324](#)

Medford School District 549C

Code: EBCA
Adopted: xx/xx/xx

Safety Threats**

“Safety threat action” means a lockdown, secure, shelter in place or evacuation that: (a) is initiated by a school in response to a safety threat; and (b) is not a planned drill.

When a school or the district initiates a safety threat action, the school or district shall issue an electronic communication as expediently as possible and not later than 24 hours after initiation of the safety threat action. The communication will be issued in culturally appropriate languages to effectively communicate with parents and guardians of students attending the school at which the safety threat action occurred.

The communication must include:

1. A general description of the issue that caused the safety threat action to be taken;
2. The duration of time the safety threat action was taken, from when the action was initiated until when it concluded;
3. Actions taken by the school or district to resolve the situation that caused the safety threat action and actions taken to protect student safety; and
4. An explanation of how the situation was resolved.

The communication shall be provided in a manner which communicates relevant facts and details as may be necessary or useful for parents and guardians to understand any potential threats to student safety, and to assist parents and guardians in helping students understand and mentally process the incident and any resulting trauma.

A communication will also be issued to employees of the school at which the safety threat action occurred, and must include the same information as above and any additional information as may be permitted by relevant confidentiality and privacy requirements.

The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 332.107](#)

[ORS 339.324](#)

Medford School District 549C

Code: EBCB
Adopted: 4/24/17
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code: EBCB

Emergency **Procedure** Drills and Instruction

Each building administrator will conduct emergency **procedure** drills in accordance with the provisions of Oregon Revised Statutes (ORS) **and the applicable Oregon Fire Code**.

All schools are required to instruct and drill students on **district** emergency procedures so ~~that students they~~ can respond to an emergency without confusion and panic. The emergency procedures shall include drills and instruction on fires, earthquakes, and safety threats. Instruction on ~~fires, earthquakes, and safety threats and drills for students~~; **emergency procedures** shall be conducted for at least 30 minutes each school month.

The first emergency evacuation drill shall be conducted within 10 days of the beginning of classes.

Fire Emergencies

~~The district will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year.~~ Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

Earthquake Emergencies

At least two drills on earthquakes shall be conducted each year.

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover, and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the district may include additional response procedures for earthquake emergencies.

Safety Threats

~~It is recommended that staff conduct three drills each year, however a~~At least two drills on safety threats shall be conducted each year. Drills and instruction on safety threats shall include procedures related to lockdown, ~~lockout~~ **secure**, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety, **and will include explanation of the district’s communication strategy following a safety threat action (See Board policy EBCA - Safety Threats**).**

~~The Board may use ORS 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.~~

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the district with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\)\(k\)](#)

[ORS 336.071](#)

[ORS 339.324](#)

[ORS 476.030\(1\)](#)

[OAR 581-022-2225](#)

[OREGON STATE FIRE MARSHAL](#), OREGON FIRE CODE ~~(2014)~~

~~**Cross-Reference(s):**~~

~~GBE -- Hazardous Materials~~

Medford School District 549C

Code: EBCB
Adopted: 4/24/17
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code: EBCB

Emergency Procedure Drills and Instruction

Each building administrator will conduct emergency procedure drills in accordance with the provisions of Oregon Revised Statutes (ORS) and the applicable Oregon Fire Code.

All schools are required to instruct and drill students on district emergency procedures so they can respond to an emergency without confusion and panic. The emergency procedures shall include drills and instruction on fires, earthquakes, and safety threats. Instruction on emergency procedures shall be conducted for at least 30 minutes each school month.

The first emergency evacuation drill shall be conducted within 10 days of the beginning of classes.

Fire Emergencies

Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

Earthquake Emergencies

At least two drills on earthquakes shall be conducted each year.

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover, and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the district may include additional response procedures for earthquake emergencies.

Safety Threats

At least two drills on safety threats shall be conducted each year. Drills and instruction on safety threats shall include procedures related to lockdown, secure, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety, and will include explanation of the district’s communication strategy following a safety threat action (See Board policy EBCA - Safety Threats**).

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the district with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

Legal Reference(s):

ORS 192.660(2)(k)

ORS 336.071

ORS 339.324

ORS 476.030(1)

OAR 581-022-2225

OREGON STATE FIRE MARSHAL, OREGON FIRE CODE

DRAFT

Medford School District 549C

Code: JEA
Adopted: 12/04/17
Revised/Readopted: 9/19/19; 1/22/20; 10/20/22; xx/xx/xx
Orig. Code: JEA

Compulsory Attendance**

Except when exempt by Oregon law, all children between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term. Persons having **legal** control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to **have send** the child **attend to school** and maintain the child in regular attendance during the entire school term.

All children five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school. Persons having **legal** control of a child, who is five years of age and **has who have** enrolled the child in a public school, are required to **have send** the child **attend to school** and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. **A citation for violation of ORS 339.035 may be issued.**

~~The district will develop procedures for issuing a citation.~~

A parent **or guardian** who is not supervising their student by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c). Failing to supervise a child is a Class A violation.

Exemptions from Compulsory School Attendance

In the following cases, children shall not be required to attend public, full-time schools.

1. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Children proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Children who have received a high school diploma or a modified diploma.
4. Children being taught by a private teacher **who instructs that include the** courses of study usually taught in kindergarten through grade 12 in the public school **and** for a period equivalent to that required of students attending public schools.
5. Children being educated in the home by a parent or **legal** guardian or private teacher:

- a. When a student is taught or is withdrawn from a public school to be taught by a parent, legal guardian or private teacher, the parent, legal guardian or private teacher must notify the Southern Oregon Education Service District (ESD) in writing, within 10 days, of the intent to homeschool. In addition, when such a home-schooled student moves to a new ESD, the parent, legal guardian or private teacher shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD shall acknowledge receipt of any notification in writing within 90 days of the receipt of the notification. ~~Notification must be received and acknowledged before a student is withdrawn from school and thereafter before the start of each school year.~~ The ESD is to notify, at least annually, the school districts of home-schooled students who are registered with the ESD and reside in their district.
 - b. Each student being taught by a parent, legal guardian or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10.
 - (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew from public school;
 - (2) If the child never attended public or private school, the first examination shall be administered prior to the end of grade 3.
 - c. Procedures for home-schooled students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029;
 - d. Examination ~~testing each child~~ shall be from the list of approved examinations from the State Board of Education;
 - e. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education;
 - f. The person administering the examination shall score the examination and report the results to the parent or guardian. Upon request of the ESD superintendent, the parent or guardian shall submit the results of the examination to the ESD;
 - g. All costs for the test instrument, administration and scoring are the responsibility of the parent or guardian;
 - h. In the event the ESD superintendent finds that the child is not showing satisfactory educational progress, the ESD superintendent shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
 7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
 8. Children excluded from attendance as provided by law.

9. Children who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.
10. An exemption may be granted to the parent or guardian of any child 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.
11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 163.577](#)
[ORS 339.010 - 339.095](#)
[ORS 339.139](#)
[ORS 339.990](#)
~~[ORS 807.065](#)~~
~~[ORS 807.066](#)~~

[OAR 581-021-0026](#)
[OAR 581-021-0029](#)
[OAR 581-021-0076](#)
[OAR 581-021-0077](#)

Cross Reference(s):

IGBHA - Alternative Education Programs
IGBHB - Establishment of Alternative Education Programs
IGBHC - Alternative Education Notification

¹ “Military child” means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

Medford School District 549C

Code: JEA
Adopted: 12/04/17
Revised/Readopted: 9/19/19; 1/22/20; 10/20/22; xx/xx/xx
Orig. Code: JEA

Compulsory Attendance**

Except when exempt by Oregon law, all children between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public, full-time school during the entire school term. Persons having control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to send the child to school and maintain the child in regular attendance during the entire school term.

All children five years of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school. Persons having control of a child, who is five years of age and who have enrolled the child in a public school, are required to send the child to school and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. A citation for violation of ORS 339.035 may be issued.

A parent or guardian who is not supervising their student by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c). Failing to supervise a child is a Class A violation.

Exemptions from Compulsory School Attendance

In the following cases, children shall not be required to attend public, full-time schools.

1. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Children proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Children who have received a high school diploma or a modified diploma.
4. Children being taught by a private teacher who instructs the courses of study usually taught in kindergarten through grade 12 in the public school and for a period equivalent to that required of students attending public schools.
5. Children being educated in the home by a parent or legal guardian or private teacher:
 - a. When a student is taught or is withdrawn from a public school to be taught by a parent, legal guardian or private teacher, the parent, legal guardian or private teacher must notify the Southern Oregon Education Service District (ESD) in writing, within 10 days, of the intent to

- homeschool. In addition, when such a student moves to a new ESD, the parent, legal guardian or private teacher shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD shall acknowledge receipt of any notification in writing within 90 days of the receipt of the notification. The ESD is to notify, at least annually, the school districts of students who are registered with the ESD and reside in their district.
- b. Each student being taught by a parent, legal guardian or private teacher shall be examined no later than August 15, following grades 3, 5, 8 and 10.
 - (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew from public school;
 - (2) If the child never attended public or private school, the first examination shall be administered prior to the end of grade 3.
 - c. Procedures for home-schooled students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029;
 - d. Examination shall be from the list of approved examinations from the State Board of Education;
 - e. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education;
 - f. The person administering the examination shall score the examination and report the results to the parent or guardian. Upon request of the ESD superintendent, the parent or guardian shall submit the results of the examination to the ESD;
 - g. All costs for the test instrument, administration and scoring are the responsibility of the parent or guardian;
 - h. In the event the ESD superintendent finds that the child is not showing satisfactory educational progress, the ESD superintendent shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
 7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
 8. Children excluded from attendance as provided by law.
 9. Children who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.

¹ "Military child" means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

10. An exemption may be granted to the parent or guardian of any child 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.
11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 163.577](#)
[ORS 339.010 - 339.095](#)
[ORS 339.139](#)
[ORS 339.990](#)

[OAR 581-021-0026](#)
[OAR 581-021-0029](#)
[OAR 581-021-0076](#)
[OAR 581-021-0077](#)

Cross Reference(s):

IGBHA - Alternative Education Programs
IGBHB - Establishment of Alternative Education Programs
IGBHC - Alternative Education Notification

Medford School District 549C

Code: JEA-AR
Revised/Reviewed: 10/31/16; 9/19/19; 10/06/22; xx/xx/xx
Orig. Code: JEA-AR

Compulsory Attendance Notices and Citations**

~~Compulsory attendance citations may be issued by the superintendent or designee as a means to enforce the compulsory attendance law. All such citations shall be issued according to the following procedures:~~

Appropriate notices on student absences or irregular attendance may be issued by the district in accordance with law. A citation may be issued by the superintendent or designee for noncompliance of ORS 339.035¹ in accordance with ORS 339.095.

1. Attendance Supervisor

The attendance supervisor shall:

- a. ~~Determine that the whether~~ a parent or guardian has either failed to enroll their student or failed to maintain the student in regular attendance at a public school. Regular attendance shall mean attendance, which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which school is in session;
- b. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification notification of the violation from the proper authority. If the student is a youth offender an adjudicated youth on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor principal or designee shall notify the student's parole or probation officer of the student's absence;
- c. Serve the notification personally or by certified mail via email or through ParentVue. The notification will be written in the native home language of the parent or guardian of the student;
- d. Ensure that notification includes a statement requiring the student to appear at the public school on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- e. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP) or Section 504 plan ("504 plan"), or right to request a review of their child's current IEP or 504 plan;
- f. Provide a copy of the notice and pertinent attendance records to the superintendent or designee at the time notice is given to the parent or guardian. The attendance supervisor, within three days of knowledge of noncompliance by the parent or guardian, shall notify the superintendent or designee.
- g. ~~Notify the building administrator within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.~~

¹ ORS 339.035 provides requirements for teaching by private teacher, parent or guardian.

2. Superintendent or Designee

~~The superintendent or designee will:~~

- a. ~~—~~If after review of ~~attendance records~~ a student's record, a citation ~~in violation of ORS 339.035~~ appears warranted, prior to issuing the citation, ~~the superintendent or designee shall~~ provide written notification to the parent or guardian ~~of the student and the student~~. The notice will be written in the ~~native home~~ language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:
 - a. The student is required to attend school regularly, ~~a full-time school during the school year;~~
 - b. A citation for violation of ~~compulsory attendance laws~~ ORS 339.035 may be issued by the superintendent or designee;
 - c. The parent ~~or guardian~~ has the right to request: an evaluation to determine if the student should have an ~~individualized education program (IEP) or 504 plan~~, if the student does not have one; or a review of the student's current IEP ~~or 504 plan~~.
 - d. The parent or guardian and student are required to attend a ~~scheduled~~ conference with the superintendent or designee. The date, time and place of conference will be specified ~~in the notice~~.

If an evaluation or review as described in item c. above has been requested, ~~this conference may not be scheduled until after an evaluation or review as described in item 3. Above, if requested by the parent, has been completed~~ will be scheduled after its completion.

3. Conference

The superintendent or designee ~~will may~~ conduct a conference with the parent or guardian and student. Auxiliary aids and services will be provided upon advance request. The superintendent or designee ~~will may~~:

- a. Review Oregon's ~~compulsory~~ attendance law and the student's attendance record;
- b. Determine the reasons for the noncompliance;
- c. Develop a ~~student success~~ plan for student attendance improvement (~~i.e., contract, etc.~~);
- d. ~~Refer~~ ~~Inform~~ the parent or guardian and student ~~to~~ of other ~~available resources in the district and community, if available agencies as necessary (i.e. building support team; youth services team; Oregon Department of Human Services, Community Human Services; Juvenile Department, etc.);~~
- e. Discuss the potential consequences for continued ~~compulsory~~ attendance noncompliance, including the potential for the issuance of a citation ~~and the consequences for violation of the board's student conduct and truancy policies~~ if applicable.

~~4. Citation~~

~~Compulsory attendance noncompliance citations may be issued by the superintendent or designee. The superintendent or designee shall:~~

- a. ~~— Determine that the parent or guardian has continued to fail to enroll their student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required.~~

- ~~b. Contact the clerk of the court for the county and determine which court will hear the case and when.~~
- ~~e. Ensure official representing the district will be available to present evidence of the violation at the time and date specified.~~
- ~~d. Determine whether the local court's interpretation of Oregon Revised Statute (ORS) 339.925 requires the parent be named as defendant. Complete form accordingly.~~
- ~~e. Complete Uniform Compulsory Attendance Citation and Complaint form as follows:
 - ~~(1) Specify appropriate court, district, circuit, municipal or justice as appropriate.~~
 - ~~(2) Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form.~~
 - ~~(3) Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant.~~
 - ~~(4) Provide all pertinent offense information, including the period of time during which the absences occurred.~~
 - ~~(5) Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation.~~
 - ~~(6) Provide all pertinent student information including the grade, date of birth, length of time in the school district, and parent(s) name(s). The Oregon Department of Education will compile this information at the end of the calendar year to determine trends in excessive absenteeism.~~
 - ~~(7) Provide date superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent.~~
 - ~~(8) Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation.~~
 - ~~(9) Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form.~~
 - ~~(10) Personally serve (or send via certified mail) the citation.~~
 - ~~(11) Complete time and date citation was issued, name, title and signature of district official serving the citation.~~
 - ~~(12) Ensure that the parent or guardian is provided with the citation. Ensure the designated court is appropriately notified immediately after the citation is served.~~
 - ~~(13) Ensure the district retains a copy of the citation.~~
 - ~~(14) Consult with district's attorney to assist in these procedures as necessary.~~~~
- ~~f. Maintain student attendance records in accordance with applicable education records laws.~~

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 1. NOTICE *****

[Date]

To the parent or guardian of [Student Name],

The school staff at [School Name] is committed to improving student achievement and is concerned when a student has missed school for any reason.

This letter is to inform you that as of [Date], [Student Name] has [#] unexcused absences within a four-week period.

We realize certain occasions arise in which students will have a necessary and excused absence. Please remember to contact the school office at [School Phone Number] if will be absent. Open communication between parents and school staff is encouraged for promoting student success.

If you would like to arrange a meeting with a member of our team to discuss your child's needs in greater detail, please call the office. We hope to continue to support to achieve success and seek goals for their future.

This notification is to let you know that we have resources to promote positive attendance. If you believe that you received this notice in error or if you have any questions, please contact us at your earliest opportunity.

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder

Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student's absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 2. IRREGULAR ATTENDANCE *****

[Date]

To the parent or guardian of [Student Name],

This letter is to notify you of ongoing irregular attendance for [Student Name]. According to our records, has [#] unexcused absences from school. Children with regular school attendance are most successful in school. Regular attendance can promote a sense of belonging, reduce confusion, and increasing learning while establishing positive relationships with their classmates.

Families and schools working together is vital to student success. We want to do everything possible to help your child succeed and look forward to partnering with you. Our hope is that by notifying you we can help your student achieve regular school attendance.

If you have not already done so, we encourage you to schedule an appointment with your child's school team and/or school administrator to create a plan to improve [Student Name]'s attendance. We have school services, programs, and partners who may be able to support your child in attending school regularly and achieving academic success.

We can be reached by calling [School Phone Number] or emailing their teacher(s). Thank you for your support and making yourself available to connect.

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder

Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student's absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 3. EXCESSIVE ABSENCE *****

[Date]

To the parent or guardian of [Student Name],

We are very concerned that 's school performance will be affected by absenteeism. Research tells us that when a student misses school for any reason, excused or unexcused, this creates a gap in their learning. This learning gap becomes significant when a student misses 10% or more days of school in a year. At 10% of missed school days, your child would be considered chronically absent. Like you, we are concerned about 's academic success.

Oregon Law ORS 339.010 requires children between the ages of six and eighteen to attend school. In addition, the Oregon Department of Education has established 90% attendance as the minimum attendance required for all schools and thus for all students.

This letter is to notify you that your student currently has an excessive amount of absences, which is also a violation of Medford School District Attendance Policy. Since the beginning of the year, has had [#] unexcused absences.

We look forward to working with you to improve your child's attendance. Please contact the school's office at [School Phone Number] to schedule a meeting and build a success plan.

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder

Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student's absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 4. TRUANCY *****

[Date]

To the parent or guardian of [Student Name],

This letter serves as notification that we have significant concerns about the lack of attendance for [Student Name]. This is our fourth notification regarding your student's attendance concerns. [Student Name] is currently not attending regularly, which is a violation of Medford School District's Attendance Policy and Oregon State law.

According to our records, [Student Name] has [#] unexcused absences from school. Unfortunately, [Student Name]'s absences have continued to increase which can put students at risk for graduating on time.

Please come in to meet with us to collaborate on ways to help your child achieve regular attendance. We are deeply concerned about your child's academic and social development. Please contact the school office to schedule a meeting with our team .

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder

Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student's absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER - 10 DAY DROP NOTIFICATION *****

[Date]

[NAME]

[ADDRESS]

[CITY, STATE ZIP]

To the parent or guardian:

This letter is to notify you that [Student Name] has been withdrawn from [School Name] for non-attendance as of [Date]. Oregon Administrative Rule 581.023.0006 requires that if a student has 10 consecutive absences for any reason, they must be withdrawn from active school enrollment.

Oregon law ORS 339.020 requires that [Student Name] must regularly attend school during the entire school term and that you, as parent or guardian, are responsible for assuring your student does so.

As directed by OAR 581-021-0077, we are notifying you that your student must be in school the next scheduled school day following receipt of this letter and must maintain regular attendance for the remainder of the school year.

Our goal at [School Name] is to contribute to your student's educational progress. We would like to work with you to help your student be successful. For assistance with re-enrollment of your student, please call [Contact Number]. A reentry meeting with your student's counselor and a school administrator may be required.

Please contact [School Name] for more information.

Sincerely,

[Principal Name]

Principal

cc: Cumulative Folder

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

[District Name
Address, City, State, Zip Code
Phone:]

~~***** [ATTENDANCE SUPERVISOR'S] NON-ENROLLMENT NOTICE *****~~

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your child _____ (name) is not exempted from compulsory attendance for school, under provisions of ORS 339.030, and is not currently enrolled in school.

In accordance with Oregon law, children between ages 6 through 18 must be enrolled in school. Please enroll your child at [name of school] no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan ("504 plan"), or request a review of your child's current IEP or 504 plan.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Attendance Supervisor] [Principal]

[cc: [Principal]/[Superintendent]]

[District Name
Address, City, State, Zip Code | Phone:]

~~***** [ATTENDANCE SUPERVISOR'S] IRREGULAR ATTENDANCE NOTICE *****~~

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your child _____ (name) is not maintaining regular attendance at a public school as required by ORS 339.065. [“Regular attendance” is defined by Oregon law as attendance which does not include more than eight unexcused one-half day absences or the equivalent thereof in any four-week period school is in session.] According to attendance records, your child has had [] unexcused absences from school on the following dates: []:

Please send your child to school no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan (“504 plan”), or request a review of your child’s current IEP or 504 plan. If you request an evaluation for an IEP or a review of a current IEP or 504 plan, a conference will be held after such evaluation or review has been completed.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Attendance Supervisor] [Principal]

[cc: _____ [Principal] [/Superintendent]]

[District Name
Address, City, State, Zip Code
Phone:—]

~~**SUPERINTENDENT'S NOTICE OF COMPULSORY ATTENDANCE NONCOMPLIANCE**~~

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

~~According to district records, you were notified by the district's attendance supervisor on [date] that your child, [name], [is not yet enrolled in school] [is not maintaining regular school attendance] [is not enrolled with the local education service district] as required by Oregon compulsory attendance laws.~~

~~Your child was required to appear in school no later than the next school day following your receipt of the notice and to maintain regular attendance for the remainder of the school year. District records indicate your child continues to be absent from a public school. A child is required to regularly attend a full-time school.~~

~~The superintendent or designee may issue a citation for your continued violation of Oregon's compulsory attendance law.~~

~~You [may request an evaluation of your child's individualized education program (IEP) or Section 504 plan or a review of your child's current IEP/same.] [requested an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan.] [requested a review of an existing IEP or Section 504 plan for your child] and the requested evaluation or review was completed on [date].]~~

~~In accordance with law, you and your child are required requested to attend a conference with [designated school official] on [date] at [time] to discuss:~~

- ~~1. Oregon's compulsory attendance law and your child's attendance record;~~
- ~~2. The reasons for your noncompliance;~~
- ~~1. The development of a plan for improvement;~~
- ~~2. Resources available to help your child be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;~~
- ~~3. Any questions you may have concerning the potential consequences for continued noncompliance with Oregon's compulsory attendance law, as set forth above and as provided in Board student conduct and truancy policies district programs and resources to help your child attend regularly.~~

~~Failure to attend this conference or to maintain your child in regular school attendance will result in the issuance of a citation, as provided by law.~~

~~If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].~~

~~If you have questions and/or need assistance, please contact [name] at [number].~~

Sincerely,

[Superintendent][Designee]

Medford School District 549C

Code: JEA-AR
Revised/Reviewed: 10/31/16; 9/19/19; 10/06/22; xx/xx/xx
Orig. Code: JEA-AR

Compulsory Attendance Notices and Citations**

Appropriate notices on student absences or irregular attendance may be issued by the district in accordance with law. A citation may be issued by the superintendent or designee for noncompliance of ORS 339.035¹ in accordance with ORS 339.095.

1. Attendance Supervisor

The attendance supervisor shall:

- a. Determine whether a parent or guardian has either failed to enroll their student or failed to maintain the student in regular attendance at a public school. Regular attendance shall mean attendance, which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which school is in session;
- b. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of notification of the violation from the proper authority. If the student is an adjudicated youth on parole or probation, at the same time notice is given to the parent or other person, the principal or designee shall notify the student's parole or probation officer of the student's absence;
- c. Serve the notification via email or through ParentVue. The notification will be written in the home language of the parent or guardian of the student;
- d. Ensure that notification includes a statement requiring the student to appear at the public school on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- e. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP) or Section 504 plan ("504 plan"), or right to request a review of their child's current IEP or 504 plan;
- f. Provide a copy of the notice to the superintendent or designee at the time notice is given to the parent or guardian. The attendance supervisor, within three days of knowledge of noncompliance by the parent or guardian, shall notify the superintendent or designee.

2. Superintendent or Designee

If after review of a student's record, a citation in violation of ORS 339.035 appears warranted, prior to issuing the citation, the superintendent or designee shall provide written notification to the parent or guardian of the student and the student. The notice will be written in the home language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:

- a. The student is required to attend school regularly, a full-time school during the school year;

¹ ORS 339.035 provides requirements for teaching by private teacher, parent or guardian.

- b. A citation for violation of ORS 339.035 may be issued by the superintendent or designee;
- c. The parent or guardian has the right to request: an evaluation to determine if the student should have an IEP or 504 plan, if the student does not have one; or a review of the student's current IEP or 504 plan.
- d. The parent or guardian and student are required to attend a scheduled conference with the superintendent or designee. The date, time and place of conference will be specified in the notice.

If an evaluation or review as described in item c. above has been requested, this conference will be scheduled after its completion.

3. Conference

The superintendent or designee may conduct a conference with the parent or guardian and student. Auxiliary aids and services will be provided upon advance request. The superintendent or designee may:

- a. Review Oregon's attendance law and the student's attendance record;
- b. Determine the reasons for the noncompliance;
- c. Develop a student success plan for student attendance improvement;
- d. Inform the parent or guardian and student of other available resources in the district and community;
- e. Discuss the potential consequences for continued attendance noncompliance, including the potential for the issuance of a citation if applicable.

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 1. NOTICE *****

[Date]

To the parent or guardian of [Student Name],

The school staff at [School Name] is committed to improving student achievement and is concerned when a student has missed school for any reason.

This letter is to inform you that as of [Date], [Student Name] has [#] unexcused absences within a four-week period.

We realize certain occasions arise in which students will have a necessary and excused absence. Please remember to contact the school office at [School Phone Number] if will be absent. Open communication between parents and school staff is encouraged for promoting student success.

If you would like to arrange a meeting with a member of our team to discuss your child’s needs in greater detail, please call the office. We hope to continue to support to achieve success and seek goals for their future.

This notification is to let you know that we have resources to promote positive attendance. If you believe that you received this notice in error or if you have any questions, please contact us at your earliest opportunity.

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder

Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child’s school for more information.

Please see below for a list of your student’s absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 2. IRREGULAR ATTENDANCE *****

[Date]

To the parent or guardian of [Student Name],

This letter is to notify you of ongoing irregular attendance for [Student Name]. According to our records, has [#] unexcused absences from school. Children with regular school attendance are most successful in school. Regular attendance can promote a sense of belonging, reduce confusion, and increasing learning while establishing positive relationships with their classmates.

Families and schools working together is vital to student success. We want to do everything possible to help your child succeed and look forward to partnering with you. Our hope is that by notifying you we can help your student achieve regular school attendance.

If you have not already done so, we encourage you to schedule an appointment with your child’s school team and/or school administrator to create a plan to improve [Student Name]’s attendance. We have school services, programs, and partners who may be able to support your child in attending school regularly and achieving academic success.

We can be reached by calling [School Phone Number] or emailing their teacher(s). Thank you for your support and making yourself available to connect.

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder
Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student’s absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 3. EXCESSIVE ABSENCE *****

[Date]

To the parent or guardian of [Student Name],

We are very concerned that 's school performance will be affected by absenteeism. Research tells us that when a student misses school for any reason, excused or unexcused, this creates a gap in their learning. This learning gap becomes significant when a student misses 10% or more days of school in a year. At 10% of missed school days, your child would be considered chronically absent. Like you, we are concerned about 's academic success.

Oregon Law ORS 339.010 requires children between the ages of six and eighteen to attend school. In addition, the Oregon Department of Education has established 90% attendance as the minimum attendance required for all schools and thus for all students.

This letter is to notify you that your student currently has an excessive amount of absences, which is also a violation of Medford School District Attendance Policy. Since the beginning of the year, has had [#] unexcused absences.

We look forward to working with you to improve your child's attendance. Please contact the school's office at [School Phone Number] to schedule a meeting and build a success plan.

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder
Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student's absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER 4. TRUANCY *****

[Date]

To the parent or guardian of [Student Name],

This letter serves as notification that we have significant concerns about the lack of attendance for [Student Name]. This is our fourth notification regarding your student's attendance concerns. [Student Name] is currently not attending regularly, which is a violation of Medford School District's Attendance Policy and Oregon State law.

According to our records, [Student Name] has [#] unexcused absences from school. Unfortunately, [Student Name]'s absences have continued to increase which can put students at risk for graduating on time.

Please come in to meet with us to collaborate on ways to help your child achieve regular attendance. We are deeply concerned about your child's academic and social development. Please contact the school office to schedule a meeting with our team .

Respectfully,

[Principal Name]
Principal



cc: Cumulative Folder

Oregon State Laws:

Oregon Administrative Rule OAR 581-021-0077 (1E) states "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which the school is in session. (2A) states that students must maintain regular school attendance after receipt of this letter.

* You have the right to request an evaluation to determine if your child qualifies for special education and an individualized education program (IEP). If your child has an IEP, you have the right to request a meeting to review the IEP. Please contact your child's school for more information.

Please see below for a list of your student's absences to date

Medford School District
680 Biddle Rd.
Medford, OR 97504

***** ATTENDANCE LETTER - 10 DAY DROP NOTIFICATION *****

[Date]

[NAME]

[ADDRESS]

[CITY, STATE ZIP]

To the parent or guardian:

This letter is to notify you that [Student Name] has been withdrawn from [School Name] for non-attendance as of [Date]. Oregon Administrative Rule 581.023.0006 requires that if a student has 10 consecutive absences for any reason, they must be withdrawn from active school enrollment.

Oregon law ORS 339.020 requires that [Student Name] must regularly attend school during the entire school term and that you, as parent or guardian, are responsible for assuring your student does so.

As directed by OAR 581-021-0077, we are notifying you that your student must be in school the next scheduled school day following receipt of this letter and must maintain regular attendance for the remainder of the school year.

Our goal at [School Name] is to contribute to your student's educational progress. We would like to work with you to help your student be successful. For assistance with re-enrollment of your student, please call [Contact Number]. A reentry meeting with your student's counselor and a school administrator may be required.

Please contact [School Name] for more information.

Sincerely,

[Principal Name]

Principal



EXECUTIVE SUMMARY

Meeting Date:	October 17, 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, October 17, 2024**

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

Employee Name	School/Location	Position	University/College
Walk, Katelin	North Medford	Health	Southern Oregon University

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

Employee Name	School/Location	Position	University/College
Lord, Eleanore	McLoughlin	6th Grade Social Studies	Southern Oregon University
Valentin Pelagio, Ma Luisa	McLoughlin	ELD	Southern Oregon University

Resignations:

Employee Name	School/Location	Position	Effective Date
Mauney, Matthew	Oakdale	Assistant Principal	06.20.2025
Wadhams, Jensyn	Wilson	Special Education	10.24.2024

Retirements:

Employee Name	School/Location	Position	Effective Date
Steckbauer, Paul	North Medford	Social Studies	12.31.2024 (work back remainder of year)



EXECUTIVE SUMMARY

Meeting Date:	October 17, 2024
Agenda Item:	Consideration for approval of minutes from previous meeting(s)
Item Type:	Minutes
Administrator:	Bret Champion, Jodi Fahy
Objective:	Approve meeting minutes

Background: School Board policies BDDG and BDDC indicate the Board shall provide for the taking of written minutes of all its meetings, and that the minutes shall be available to the public after approval by the Board.

Additional Materials: Draft minutes for the Work Session held on October 3, 2024.

Recommendation: Approve the minutes included with the consent agenda.

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

Work Session
Thursday, October 3, 2024 5:30 PM

Oakdale Middle School Room 230
815 S. Oakdale Ave.
Medford, OR 97501

Michelle Atkinson: Present
Lilia Caballero: Present
Kendell Ferguson: Present
Jeff Kinsella: Present
Suzanne Messer: Present
Michael Williams: Present
Cynthia Wright: Present

A video recording of the Board meeting can be found on the district website at this link: <https://portal.stretchinternet.com/msbm> and the slide presentation can be viewed at this link: <https://meetings.boardbook.org/Meeting/Supplementals/1545?meeting=656181>

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

Board Chair Cynthia Wright called the meeting to order at 5:30 PM and led the Pledge of Allegiance. Roll was called.

Chair Wright welcomed the public, stated the district's vision statement, and read the public meeting civility standards for Medford School District (MSD) Board meetings.

2. Agenda Adjustments and Approval

MOTION: I move to add an agenda item after School Board Policies to discuss the schedule conflict with the November 7th Work Session and the OSBA Conference. This motion, made by Cynthia Wright and seconded by Suzanne Messer, Passed.

Roll call vote:

Kinsella: Yea, Caballero: Yea, Messer: Yea, Atkinson: Yea, Ferguson: Yea, Wright: Yea, Williams: Absent (not present for this vote)

**Yea: 6, Nay: 0, Absent: 1
Motion carried.**

3. Recognitions

3.a. National Merit Scholars

Superintendent Bret Champion spoke regarding the criteria to meet the National Merit Scholarship Semi-finalist Award and National Merit Commended Scholar. He introduced North Medford High School (NMHS) Principal Allen Barber and South Medford High School (SMHS) Assistant Principal Doug Buttorff. Both spoke regarding the accomplishments of the students and presented the semi-finalists and commended

scholars with certificates of recognition. Students shared their post high school/college plans.

4. Recess

The meeting was briefly recessed in order to take pictures with those recognized.

5. Work Session Items / Board Action Items

5.a. Complaints against Board Members

Attorney Thad Pauck joined the Board at the table.

Chair Wright explained a formal complaint was received from Paul Cynar against Board Director Jeff Kinsella at the September 19 Board Meeting. Chair Wright read the formal complaint and asked if anyone had any reason why the allegations in the complaint should not be investigated.

Chair Kinsella read an explanatory statement in response to the complaint.

Attorney Pauck reviewed the complaint process in Policy KL – Public Complaints. He recognized that Director Kinsella acknowledged the statements were made, and went on to explain the legal criteria for a defamation claim of a group of people as opposed to an individual person. He concluded that, in his opinion, the statement was not defamatory and was subject to absolute privilege provided to officers of a public body made in the course of deliberating. Pauck also pointed out that the claim of a hostile work environment would need to include a protected class and be pervasive and severe to meet the definition.

A question was raised regarding the potential cost of an investigation.

MOTION: I move that the complaint against Board member Kinsella be dismissed and that, pursuant to Policy KL, the Board's legal counsel prepare a final written decision addressing each allegation in the complaint and the reasons for dismissal. This motion was made by Suzanne Messer and seconded by Cynthia Wright.

Roll call vote:

Messer: Yea, Caballero: Yea, Atkinson: Yea, Ferguson: Yea, Kinsella: Abstain (with conflict), Wright: Yea, Williams: Absent (not present for this vote)

Yea: (5), Nay: (0), Abstain (with conflict): (1), Absent: (1)

Motion carried.

Chair Wright stated Board Vice Chair Kendell Ferguson would lead the next portion of the meeting since the complaint being addressed was against herself.

Vice Chair Ferguson explained a formal complaint was received from Paul Cynar against Board Chair Wright at the September 19 Board Meeting. Vice Chair Ferguson read the formal complaint and an email sent to Cynar from Board Chair Wright on September 11.

She asked if anyone had a reason for the complaint to not be investigated. Chair Wright followed with an explanatory statement in response to the complaint and the follow-up correspondence between herself and Cynar.

Attorney Pauck explained the complaint included two separate events; the August 30 Board Retreat, and correspondence between Chair Wright and Cynar. He addressed the August 30 meeting first noting the statements made by Chair Wright did not reference a person or teachers specifically and therefore did not seem to have a basis for defamation. He added the statements were subject to absolute privilege provided to officers of a public body made in the course of deliberating, and referenced the recording of the meeting to back up Wright's statement.

Attorney Pauck addressed the second part of the complaint that included email and phone communications between Chair Wright and Cynar and read email correspondence from September 11. He concluded that, in his opinion, the email communication did not violate the standards in Board Policy BBF – Board Member Standards of Conduct and therefore recommended the complaint be dismissed without investigation or further action.

MOTION: I move that the complaint against Board Chair Wright be dismissed and that, pursuant to Policy KL, the Board's legal counsel prepare a final written decision addressing each allegation in the complaint and the reasons for dismissal. This motion was made by Suzanne Messer and seconded by Jeff Kinsella.

Roll call vote:

Kinsella: Yea, Messer: Yea, Caballero: Yea, Atkinson: Yea, Ferguson: Yea, Wright: Abstain (with conflict); Williams: Absent (not present for this vote)

**Yea: (5), Nay: (0), Abstain (with conflict): (1), Absent: (1)
Motion carried.**

5.b. Cell Phones in our Secondary Schools

Superintendent Champion introduced the topic and acknowledged the Board's request to hear about cell phone use from secondary school principals. He turned the presentation over to Principal Charity McLeod, McLoughlin Middle School, Principal Lori Higgins, Hedrick Middle School, Principal Karina Rizo, Oakdale Middle School, Principal Ryan King, Ruch Outdoor Community School, Principal Cass Thonstad, Innovation Academy, and Principal Allen Barber, North Medford High School.

The principals shared student cell phone procedures, as outlined in the Secondary School Procedures document provided in the Board packet. They provided information on what is going well and what could be improved. Middle School principals shared how "Away for the Day" works at the middle school level, and high school principals shared procedures at their respective schools.

Director Michael Williams arrived at 6:31 PM (during Principal Cass Thonstad's presentation).

Board Directors put forth questions and comments regarding locker room policies; examples of approved cell phone use in the classroom; potential for high schools adopting the middle school procedures; improved socialization during lunch without cell phones; appreciation for use of cell phones for students with medical needs; parent support; consequences for students not following procedures; bullying/cyberbullying data (notice an increase or decrease in behavior); cell phones and the effects on student mental health; and consistency of enforcing the procedures (e.g. substitutes).

The Board took a break at 7:00 PM. Chair Wright exited the meeting and Vice Chair Ferguson assumed the chair role for the remainder of the meeting.

The meeting resumed at 7:04 PM.

5.c. New Graduation Credit Requirements

Deputy Superintendent Jeanne Grazioli introduced Career Learning Coordinator Larina Warnock and Curriculum Coordinator Jen Mason.

Mason explained that Senate Bill 513 requires all high school students to earn 0.5 credit in Civics education, beginning with the class of 2026. She shared the process taking place to implement the course within the Social Science curriculum and meet the standards.

Board Directors put forth questions and comments regarding a requirement for contemporary issues class, and if students receive a letter grade or pass/fail.

Warnock explained the Senate Bill 3 diploma requirements beginning with the class of 2027 which will include a 0.5 credit in Personal Finance and 0.5 credit in Higher Education and Career Path Skills. It was noted that a request for approval to apply for a one-year waiver for the Personal Finance requirement would be presented to the Board at the next meeting, allowing staff time to select instructional materials and shift personal finance courses from elective to required in all MSD high schools.

Board Directors put forth questions and comments regarding the learning platform – Major Clarity; parent communication when students are not on track to graduate; proactive counselors at NMHS; questioned if the curriculum would be the same at all high schools; requested to view the standards for Personal Finance; and which grade level Personal Finance would be offered/available.

5.d. Enrollment / Class Size Report

Assistant Superintendent of Operations Brad Earl provided an enrollment update, comparing the current enrollment with fall 2023 enrollment. He explained the average daily member (ADM) and average daily membership weighted (ADMw) funding and how it is determined by the state. Earl noted the Board will see a budget amendment in November or December reflective of the funding once the state reviews the statewide data.

Superintendent Champion spoke regarding the marketing around the district schools of choice, which resulted in additional students at Ruch Outdoor Community School and

Innovation Academy (IA). Earl shared the district had added a bus that transports student to Ruch.

Board Directors put forth questions and comments regarding data for additional students attending IA and if they came from schools outside or within the district; and decisions involved in determining split classes (in elementary schools), including which teachers are placed in splits, and if there is modeling.

Grazioli directed attention to the elementary class size data for grades K-5. She spoke regarding split classes, and pointed out classes that were approaching or at the threshold, or above the threshold. She went on to summarize the middle school and high school class summary reports, noting the few areas that were over 180 students. She shared possible solutions that were being explored to alleviate the higher class sizes and caseloads.

Board Directors put forth questions and comments regarding data on special education/Maps and Focus classes; and number of students per school required to break even.

5.e. School Board Policies - *first reading*

Board Directors reviewed the policies and administrative regulations and determined the policies would move forward for a second reading and approval at the October 17 Board meeting.

5.f. Schedule Conflict with the November 7th Work Session and the OSBA Conference

MOTION: I move we cancel the November 7th meeting and move the agenda items to the November 21st meeting due to the conflict with the OSBA state conference. This motion was made by Suzanne Messer and seconded by Jeff Kinsella.

Roll call vote:

Williams: Yea, Kinsella: Yea, Ferguson: Yea, Messer: Yea, Atkinson: Yea, Caballero: Yea, Wright: Absent (not present for this vote)

Yea: 6, Nay: 0, Absent: (1)

Motion carried.

6. Consent Agenda

6.a. Staff Assignment Report

6.b. Minutes from previous Board meetings

Champion directed attention to the updated staff assignment report.

Hearing no objections, the consent agenda was approved by unanimous consent.

7. Announcements

7.a. October 17, 2024 - Board Meeting at 5:30 PM - Oakdale Middle School

Vice Chair Ferguson noted the next Board meeting scheduled for October 17 at Oakdale Middle School.

8. Adjournment

There being no further business before the Board, the meeting was adjourned at 7:52 PM.

Chair of the District School Board
Medford School District 549C

ATTEST:

Superintendent-Clerk

DRAFT