



Regular Meeting OF THE BOARD OF DIRECTORS

Thursday, February 20, 2025 - 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** **3**
 - a. Super Positive Video Contest Winner
 - b. Oregon School Counselor of the Year
 - c. National Section 8 Girls Basketball Coach of the Year
 - d. Schools with Improved Attendance
- 4. **Recess**
- 5. **Board/District Goals & Priorities - Students are Regularly Attending** **5**
- 6. **Complaints Against Board Members / Board Member Apology** **6**
- 7. **Announce Executive Session and Recess Public Meeting**
- 8. **Executive Session**
 - a. ORS 192.660(2)(b) - *To hear complaints or charges brought against a public officer, employee, staff member or agent, unless a request is made for an open meeting.*
- 9. **Return to Public Meeting**
- 10. **Board Decision Regarding Complaint Filed**
- 11. **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, 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.*
- 12. **Items for Information & Discussion / Board Action Items**
 - a. Update on North Medford High School Gymnasium 10
 - b. Measures of the System and Board/District Goals 11
 - c. Request for Proposal Process (RFP) for Food Services and Wellness Committee 12
 - d. Budget Amendment 2024-25-1 21
 - e. Southern Oregon ESD Local Service Plan Approval 34
 - f. School Board Policies - *second reading* 69
- 13. **Consent Agenda**

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14. Announcements	
a. March 6 - Work Session at Oakdale Middle School - 5:30 PM	
15. 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:	February 20, 2025
Agenda Item:	Recognitions
Item Type:	Board Recognitions
Administrator:	Bret Champion, Natalie Hurd
Objective:	Recognition of Super Positive Video Contest Winner, Oregon School Counselor of the Year, National Girls Basketball Coach of the Year, and Schools with Improved Attendance

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:

Super Positive Video Contest Winner - Lillian Hills

This contest, put on by Josephine County Prevention and KOBİ, was an opportunity for 15 to 18-year-olds to win scholarship awards by creating uplifting messages of hope to help spread positivity throughout Southern Oregon and Northern California.

[The winning video](#), from Lillian Hills of South Medford High School, debuted during the NFL Divisional playoff game on NBC5 on Sunday, January 19, 2025.

Lillian’s Public Service Announcement, titled “Keep Smiling,” is an attention-getting spot about kindness and presented entirely in sign language. There is no sound. It’s a remarkable production that breaks through the clutter.

Oregon School Counselor of the Year - Briana Meyer

Briana Meyer is known for her leadership in her building and throughout the district. She built an ASCA-aligned school counseling program at Hedrick Middle School which has been adopted at other schools in the district. Briana has implemented numerous interventions - including small groups, a peer mediation program and one-on-one targeted meetings - to reduce students’ social anxiety, provide academic support, explore and prepare for careers, and help build peer relationship skills. She has also collaborated with middle school and high school counselors across the district to create supportive and seamless transitions for all middle school students, and she is a Crisis Prevention Trainer for the District.

National Section 8 Girls Basketball Coach of the Year - Tom Cole

South Medford High School's Lady Panthers basketball program has long been a symbol of excellence, and much of its success is credited to Head Coach Tom Cole. Recognized for his remarkable contributions to high school athletics and his impact on the community, Coach Cole has been named the 2023-24 Section 8 Girls Basketball Coach of the Year by the National Federation of State High School Associations (NFHS).

This prestigious honor highlights Coach Cole's exceptional leadership, philosophy of coaching, and his lifetime commitment to shaping athletes both on and off the court. Nominated by the Oregon School Activities Association, Coach Cole was selected based on his team's performance during the 2023-24 season, as well as his contributions to the community and the sport.

Coach Cole's achievements in basketball are extraordinary. Under his leadership, the Lady Panthers have transformed from a struggling program into a powerhouse. When he took over the program, the team had a 1-48 record. Within five years, the Lady Panthers won their first state championship, became nationally ranked, and made history as the only team in Oregon's large-school classification to finish a season with a perfect 30-0 record.

Attendance Achievement Award

Griffin Creek Elementary School and Ruch Outdoor Community School saw the most significant improvements year-to-year in regular attendance. Griffin Creek achieved a notable 10-percentage-point increase in regular attenders from the 2022-23 to the 2023-24 school year, while Ruch Outdoor Community School experienced an impressive 12% growth in the same period. Regular attenders—students who are present for at least 90% of their enrolled school days—are far more likely to stay engaged and on track for academic success.



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Board/District Goals & Priorities - Students are Regularly Attending
Item Type:	Report
Administrator:	Natalie Hurd, Jeanne Grazioli, Marisa Poling
Objective:	Provide a report on student attendance

Background:

Chronic absenteeism is a nationwide crisis that is preventing many students from reaching grade-level proficiency. This challenge escalated after COVID-19 and stems from various factors, including barriers to access, student disengagement, and school aversion. In the Medford School District, we are taking a strategic and proactive approach to improving attendance as part of our commitment to knowing every student by name, strength, and need—and doing something about it. Our comprehensive plan includes enhanced attendance protocols, a new tracking system, and dedicated staff focused on building strong connections with students and families. While we've seen promising improvements in some areas, we recognize significant work is still ahead.

We will be sharing an overview of the system, data, a few highlights, and next steps to increasing our attendance.

Additional Materials:

Recommendation: For information only.

Suggested Motion: N/A



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Complaints Against Board Member/Board Member Apology
Item Type:	Discussion/Possible Action
Administrator:	Chair Wright
Objective:	Acknowledge complaints received against a Board member.

Background: Board Member Jeff Kinsella requested time on the agenda to offer an apology regarding inappropriate language during citizen comments at the January 23rd Board meeting. Following his request, the Board Chair received two complaints regarding the incident at the January 23rd meeting. According to School Board Policy KL

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

At this meeting, the Board Chair will share the complaints with the Board and the Board will determine next steps.

Additional Materials: [Policy KL](#)

Recommendation: Board Discretion

Suggested Motion: Board Discretion

Medford School District 549C

Code: KL
Adopted: 9/19/19
Revised/Readopted: 2/20/20; 1/25/24
Orig. Code: KL

Public Complaints**

Board members recognize that complaints about schools may be voiced by employees, students, parents of students who attend a school in the district, and persons who reside in the district. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual board member has no authority to do so.

A complaint of retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation, should be made to the superintendent.

A person may initiate a complaint by discussing the matter with the administrator. That administrator shall attempt to resolve the complaint within 10 working days of initiation of the complaint with the administrator. If the complainant is dissatisfied, the complainant may file a written complaint with the superintendent within 10 working days of the decision from the administrator. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved after 10 working days of receipt of the complaint by the superintendent, the complainant may appeal to the Board. A written complaint referred to the Board may be considered at the next regularly scheduled or special Board meeting. A final written decision regarding the complaint shall be made by the Board within 20 days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board chooses not to hear the complaint, the superintendent's decision is final. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The timelines may be extended upon written agreement between the district and the complainant.

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Complaints against the principal should be filed with the superintendent or designee. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the request to place the complaint on a Board meeting agenda. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair should be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

A complainant must file a complaint within the later of either time limit set below, in accordance with State law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

The district's final decision for a complaint processed under this Board policy that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and the complaint is not resolved through the complaint process above, the complainant may file an appeal to the Deputy Superintendent of Public Instruction under OAR 581-001-0001 – 581-001-0023.

Charter Schools of which the District Board is a Sponsor

The district Board, through this policy, will review an appeal of a decision reached by the Board of the district public charter school (i.e., Madrone Trail, Kids Unlimited Academy, Logos, or The Valley School) on a complaint alleging a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards). A complainant may appeal and will submit such appeal to the superintendent on behalf of the district Board within 30 calendar days of receipt of the decision from the public charter school board. A final decision reached by the district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.

Review Process for a Public School Board Complaint Decision

The appeal of a complaint from a public charter school to be reviewed by the district Board will be presented by the Board chair and reviewed by the Board at a Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board will review the appeal and make a decision about appropriate action, which may include, but is not limited to, holding a hearing, requesting information, and recognizing the decision reached by the public charter school board. A decision will be reached, within 20 days, in open session, unless allowed in executive session. A final written decision regarding the appeal shall be issued by the district Board within 10 days. The written decision of the district Board will address each allegation in the complaint and include reasons for the district Board's decision.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.107](#)

[ORS 659.852](#)

[OAR 581-002-0001 - 002-0005](#)

[OAR 581-022-2370](#)

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

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

Cross Reference(s):

IIA - Instructional Resources/Instructional Materials



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Update on NMHS Gymnasium
Item Type:	Report
Administrator:	Bret Champion, Ron Havnear
Objective:	Provide the Board and community with an update on the NMHS gym roof collapse and next steps

Background: As a result of the recent snowfall in the Rogue Valley, a crack was discovered in one of the glulam beams in the North gym on Friday afternoon, February 7. The gym was immediately evacuated and secured. MSD Facility crews, Medford Fire, the City of Medford, an architect team, and engineers responded quickly to reduce the snow load on the roof. Athletic practices and PE classes were relocated to other facilities.

On Tuesday morning, February 11, several beams broke under the weight of the snow, triggering an emergency response. The collapse broke the wire of the Emergency Response Button (ERB) system and automatically triggered a campus-wide lockdown. There was no actual threat to North students and staff, and the lockdown was lifted shortly after.

At 10:47 a.m. on the same morning, the gym roof collapsed completely. Emergency services responded immediately. All staff on site were accounted for and confirmed safe. Due to the closure of the school cafeteria, and out of an abundance of caution until all sites could be assessed, students were released early that day. After assessing the area, it was determined safe for students and staff to continue with school on Thursday.

The gym remains isolated from the rest of campus.

At this meeting, staff will provide an update on what happened and what the path forward looks like as we work toward rebuilding the gym.

Additional Materials: N/A

Recommendation: N/A

Suggested Motion: N/A



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Measures of the System and Board/District Goals
Item Type:	Discussion
Administrator:	Board Chair Cynthia Wright
Objective:	Working to keep the focus on the Measures of the System and Board/District goals.

Background: At the last Board meeting, Chair Wright pointed out the focus of the Board should be through the lens of the Measures of the System and Board/District Goals. At her request, the Board table will include a diagram that includes both of these objectives, along with the shared vision, school calendar, and parliamentary procedures.

Additional Materials: [Board Meeting Focus Diagram](#)

Recommendation: N/A

Suggested Motion: N/A



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	RFP Process for Food Services & Wellness Committee
Item Type:	Report
Administrator:	Brad Earl
Objective:	Provide a report on the RFP Process & Wellness Committee

Background: A board member requested information on the request for proposal (RFP) process to select a food service vendor. In addition, there have been questions about how nutrition and wellness programs are administered in the Medford School District.

As a district, we are due to have a process for community input on our Local Wellness plan. We encourage you to review the linked policy as we will also talk about our next steps to gather community input on our policy and practices.

Additional Materials: [Policy EFA - Local Wellness](#)

Recommendation: For information only.

Suggested Motion: N/A

Medford School District 549C

Code: EFA
Adopted: 2/27/17
Revised/Readopted: 1/22/20; 3/17/22; 6/29/23;
10/19/23
Orig. Code: EFA

Local Wellness

The district is committed to the optimal development of every student and believes that a positive, safe and health-promoting learning environment is necessary for students to have the opportunity to achieve personal, academic, developmental and social success.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a comprehensive district nutrition program consistent with state and federal requirements for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). The program shall reflect the Board's commitment to providing adequate time for instruction that fosters healthy eating through nutrition education and promotion, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and establishing liaisons with nutrition service providers, as appropriate.

POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

Implementation

The district shall manage and coordinate the implementation of this local wellness policy. Implementation will consist of, but not be limited to, the following:

1. Delineating roles, responsibilities, actions and timelines specific to each school;
2. Generating and disseminating information about who will be responsible to make what change, by how much, where and when;
3. Establishing standards for all foods and beverages provided (but not sold) to students during the school day on participating school campuses;
4. Establishing standards and nutrition guidelines for all foods and beverages sold to students during the school day on participating school campuses that meet state and federal nutrition standards for NSLP and SBP, competitive foods, permit marketing of same that meets the competitive food nutrition standards, and promotes student health and reduces child obesity; and
5. Establishing specific goals for nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

The Board designates the superintendent to be responsible for ensuring each school meets the goals outlined and complies with this policy.

Notification of Policy

The district will inform the public about the content and implementation of the local wellness policy, and post the policy and any updates to the policy on the district website annually. Included will be, if available, the most recent assessment of the implementation, and a description of the progress being made in attaining the goals of the policy.

The district will publicize the name and contact information of the district or school official(s) leading and coordinating the policy and information on how the public can get involved with the local wellness policy. This information will be published on the district's website and in district communications.

Triennial Progress Assessments

At least once every three years, the district will evaluate the implementation of this policy and its progress with a triennial assessment and produce a progress report that will include:

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;
2. The extent to which the district's policy compares to model local school wellness policy; and
3. A description of the progress made in attaining the goals of the district's policy.

The district will publish the triennial progress report on the district website when available. The district will update or modify the policy based on results of the triennial assessment.

Community Involvement, Outreach and Communications (Review of, and Updating Policy)

The district will actively communicate ways in which the community can participate in the development, implementation and periodic review and update of the local wellness policy. The district will communicate information about opportunities on the district's website. The district will ensure that communications are culturally and linguistically appropriate to the community.

Parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the Board, school administrators, and the general public will be solicited to participate in the periodic review and update of the local school wellness policy.

NUTRITION PROMOTION AND NUTRITION EDUCATION

Nutrition promotion and nutrition education positively influence lifelong eating behaviors by using evidence-based strategies and techniques and nutrition messages and by creating food environments that support healthy nutrition choices.

Nutrition promotion and nutrition education shall be a sequential and integrated focus on improving students' eating behaviors, reflect evidence-based strategies and be consistent with state and local district health education standards.

To promote nutrition education in the schools, the principal is responsible for ensuring the following goals are implemented:

1. Students and staff will receive consistent nutrition messages throughout the school environment;
2. Nutrition education is provided throughout the student's school years as part of the district's age-appropriate, comprehensive nutrition program (which includes the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, and handling and storage related to food and eating), and is aligned and coordinated with the Oregon Health Education Standards and school health education programs;
3. Nutrition education will include culturally relevant, participatory activities that include social learning strategies and activities that are aligned and coordinated with the Oregon Health Education Standards and school health education programs;
4. Teachers will receive curriculum-specific training;

5. Parents and families are encouraged through school communications to send healthy snacks/meals and reusable water bottles with their student to school;
6. Families and community organizations are involved, to the extent practicable, in nutrition education;
7. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes);
8. Materials on how to assess one's personal eating habits, set goals for improvement and achieve those goals.

Nutrition promotion, including marketing and advertising nutritious foods and beverages to students, will be implemented consistently through a comprehensive and multi-channel approach, (e.g., in the classroom, cafeteria and at home) by staff, teachers, parents, students and the community.

To ensure adequate nutrition promotion, the following goals will be implemented:

1. Information about available meal programs is distributed prior to or at the beginning of the school year and at other times throughout the school year;
2. Information about availability and location of a Summer Food Service Program (SFSP) is distributed;
3. Nutrition promotion materials are sent home with students, published on the district website, and distributed at parent-teacher conferences;
4. Families are invited to attend exhibitions of student nutrition projects or health fairs;
5. Physical activity is a planned part of all school-community events.

School Meals

Schools within the district participate in U.S. Department of Agriculture (USDA) child nutrition program(s), administered through the Oregon Department of Education (ODE) which may include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Fresh Fruit & Vegetable Program (FFVP), and Summer Food Service Program (SFSP). The district may also operate additional nutrition-related programs and activities including Farm-to-School programs, or Breakfast After the Bell (BAAtB).

The district's available meal program(s) will operate to meet meal pattern requirements and dietary specifications in accordance with the Healthy, Hunger-Free Kids Act and applicable federal laws and regulations.

The principal(s) will support nutrition and food services operations as addressed in Board policy EFAA – District Nutrition and Food Services and its accompanying administrative regulation EFAA-AR – Reimbursable Meals and Milk Programs.

Water

Free, safe, unflavored, drinking water will be available to all students throughout the school day and throughout every school campus. The district will make drinking water available where school meals are served during mealtimes.

Competitive Foods and Beverages

The district controls the sale of all competitive foods. All foods and beverages outside the reimbursable school meal programs that are **sold** to students on the school campus during the school day will meet or exceed Oregon Smart Snacks Standards¹. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores, snack or food carts and fundraising.

Celebrations and Rewards/Incentives

All foods and beverages offered on the school campus are encouraged to meet the nutrition standards set by the USDA and the Oregon Smart Snacks Standards. This includes, but is not limited to, celebrations, parties, and classroom snacks brought by parents. Schools are encouraged not to use food as a reward or incentive.

Fundraising

Foods and beverages that meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards may be sold through fundraisers on the school campus during the school day. Such requests to conduct a fundraiser will be submitted to the principal for approval before starting.

Food and Beverage Marketing in Schools

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the nutrition standards for competitive foods set by the USDA.

The district (i.e., school nutrition services, athletics department, PTA, PTO) will review existing contracts, new contracts and equipment, and product purchase or replacement to reflect the applicable food and beverage marketing guidelines.

PHYSICAL ACTIVITY AND PHYSICAL EDUCATION

A quality physical education program is an essential component for all students to learn about and participate in physical activity. The district will develop and assess student performance standards and program minute requirements in order to meet ODE's physical education content standards and state law.

Physical activity should be included in the school's daily education program for grades K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

In order to ensure students are afforded the opportunity to engage in physical education and physical activity in the school setting, the following goals are established:

1. Physical education will be a course of study that focuses on students' physical literacy and development of motor skills;
2. Staff encourages and provides support for parental involvement in their children's physical education;
3. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate knowledge, skills and confidence to become physically literate;
4. Instruction, provided by adequately prepared teachers, i.e., licensed or endorsed to teach physical education, will meet the state adopted academic content standards for physical education (Oregon

¹ Oregon Department of Education, Oregon Smart Snacks Standards

Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities annually;

5. Every public school student in kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate for a least 150 minutes during each school week, and students in grades 6 through 8 for at least 150 minutes during each school week, as calculated over the duration of a school year;
6. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of all classes or courses as part of a well-rounded education;
7. Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be used as a punishment or a reward;
8. At least 50 percent of the weekly physical education class time in grades K through 8 shall be devoted to actual physical activity;
9. Physical activity is encouraged as part of all school-community events;
10. Materials promoting physical activity are sent home with students and published on the district website.

A student with a disability shall have suitably adapted physical education incorporated as part of their individualized education program (IEP) developed under ORS 343.151. A student who does not have an IEP but has chronic health problems, other disabling conditions or other special needs that preclude them from participating in regular physical education instruction, shall have suitably adapted physical education incorporated as part of their individualized health plan, developed by the district.

Other Activities that Promote Student Wellness

The district will integrate wellness activities throughout the entire school environment (districtwide). The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicated and work toward the same set of goals promoting student well-being, optimal development and strong educational outcomes.

The district will provide the following activities and encourage the following practices which promote local wellness:

1. Safe Routes to Schools Program;
2. Physically active family and community engagement activities for families to learn about healthy eating or to practice being active together (e.g., skate night, fun run, dance night);
3. Nonfood-related fundraisers;
4. Physical activity energizers during transitions from one subject to another;
5. Intramural sports;
6. Monthly/weekly school walks;
7. Assemblies which focus on wellness issues such as the importance of breakfast, healthy beverages, and how students and staff can incorporate 60 minutes of physical activity into their day;
8. Use of alternatives to food as rewards in the classroom;

9. Creation of connections between out-of-school time (OST) programs that involve staff members from OST programs, both school- and community-based, in school initiatives that address healthy eating, such as school wellness teams or wellness committees;
10. Integration of social, emotional and mental health supports into school programs (e.g., promote a positive school climate where respect is encouraged and students can seek help from trusted adults);
11. Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;
12. Additionally, the district will continually monitor and evaluate the appropriate amount of screen time for students. For more information, please refer to the district technology plan.

Employee Wellness

The district encourages staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of staff may also influence the health and learning of students. The physical and mental health of staff is integral to promoting and protecting the health of students and helps foster their academic success. The district's Employee Wellness Program will promote health, reduce risky behaviors of employees and identify and correct conditions in the workplace that can compromise the health of staff, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The district will collaborate with community partners to identify programs, services and/or resources to compliment and enrich employee wellness endeavors.

The district's Employee Wellness Program may include the following:

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and are preferably tailored to employees' needs and interests;
2. Safe, supportive social and physical environments including organizational expectations about healthy behavior, and implementation of policy that promotes health and safety and reduces the risk of disease;
3. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;
4. Education and resources to help employees make decisions about health care; and
5. Nutrition and fitness educational opportunities that may include but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

The district encourages participation from all employees. "Employees" are not limited to instructional staff (i.e., teachers and instructional assistants), but includes all administrators and support staff.

The following groups are seen as essential for establishing, implementing and sustaining an effective employee wellness program:

1. School personnel who implement existing wellness programs in the district (i.e., employee wellness committee);

2. District personnel who implement health programs for students (e.g., school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other staff); and
3. Decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program (e.g., Board members, superintendent, human resource administrators, fiscal services administrators and principals).

DEFINITIONS

1. “Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act available for sale to students on the school campus during the school day.
2. “Food and beverage marketing²” is defined as advertising and other promotion in schools. Food and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.
3. “Oregon Smart Snacks Standards³” means the State’s minimum nutrition standards for competitive foods and beverages (ORS 336.423).
4. “School day” means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.
5. “School campus” means, for the purpose of competitive food standards implementation, all areas of property under the jurisdiction of the school that are accessible to students during the school day.

END OF POLICY

Legal Reference(s):

[ORS 327.531](#)
[ORS 327.537](#)
[ORS 329.496](#)
[ORS 332.107](#)

[ORS 336.423](#)
[OAR 581-051-0100](#)
[OAR 581-051-0305](#)

[OAR 581-051-0306](#)
[OAR 581-051-0310](#)
[OAR 581-051-0400](#)

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b (2018).
 National School Lunch Program, 7 C.F.R. Part 210 (2022).
 School Breakfast Program, 7 C.F.R. Part 220 (2022).
[House Bill 3199](#) (2023).

² This term includes, but is not limited to, the following: brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container; displays, such as on vending machine exteriors; corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: Immediate replacement of these items is not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance.); corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, student assignment books or school supplies displayed, distributed, offered or sold by the district; advertisements in school publications or school mailings; free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

³ Oregon Department of Education, Oregon Smart Snacks Standards

Cross Reference(s):

EFAA - District Nutrition and Food Services



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Budget Amendment #2024-25-1
Item Type:	Action
Administrator:	Bret Champion, Brad Earl
Objective:	Review and Approve Budget Amendment #2024-25-1

Background: The adopted budget is built on a series of assumptions around both estimated revenues and expenses. When actual events vary from those assumptions, it sometimes becomes necessary to amend the budget by increasing or decreasing appropriations or to transfer appropriation authority from one fund to another or between appropriation categories within the same fund. A transfer of appropriation authority is a decrease of one existing appropriation and a corresponding increase of another existing appropriation, with no net change in the amount of all appropriations (ORS 294.450).

For the 2024-25 budget, the net result of the first set of recommended amendments across all funds is summarized below.

The 2024-25 year-end General Fund Adopted Budget deficit spending of \$1.945 million is increasing \$3.131 million to a deficit of \$5.076 million primarily due to budget amendment #1Q for a one-time \$3.5 million transfer to the Special Revenue fund for the classroom buildout and seismic upgrade at Innovation Academy. The net impact of the budget amendments other than #1Q is a decrease in deficit spending \$0.369 million. Ending fund balance of \$16.2 million equates to a 8.7% reserve.

	<u>FY 2024-25 General Fund Budget</u>		
	<u>Adopted</u>	<u>Amended #1</u>	<u>Change</u>
Beginning Balance	\$16,177,788	\$21,279,184	\$5,101,396
Budget Surplus/<Deficit>	<\$1,945,490>	<\$5,076,890>	<\$3,131,400>
Ending Fund Balance	\$14,232,298	\$16,202,295	\$1,969,996

A spreadsheet roadmap is attached detailing all the proposed changes to various fund types.

Staff recommends Board approval of the following set of amendments.

Amendment #1A – Amendment to modify 2024-25 Beginning Fund Balances and Contingency/Reserves up \$8.49 million to match 2023-24 audited financial results.

This amendment modifies the budgeted beginning fund balance for all fund types based on audited results as of 06/30/24. On a consolidated basis across all fund types, beginning fund balance and Contingency/Reserves are being increased by \$8.49 million. The increases by fund type are as follows: General Fund \$5.10 million, Special Revenue \$1.80 million, Health Insurance \$1.00 million, Capital Projects \$0.05 million, Trust and Agency \$0.05 million, Debt Service \$0.49 million.

Even though the General Fund deficit spent \$2.86 million in 2023-24, fund balance was \$5.10 million favorable to budget in the General Fund driven by a combination of higher revenue (excluding GASB 87/96) of \$2.41 million or 1.4% and expense (excluding GASB 87/96) under \$2.69 million or 1.5%. The following variance comments exclude offsetting entries required by GASB 87/96 that increased Facilities Acquisition expense and other financing sources over budget by offsetting amounts which had no impact on fund balance. Revenue was over budget due to the combination of favorable local revenue \$1.89 million due primarily to higher property tax and interest income, favorable intermediate revenue of \$0.29 million due to a higher pass through from SOESD, favorable state revenue \$0.18 million due primarily to higher Juvenile detention grant revenue and favorable federal revenue of 0.05 million due to higher than expected forest fees. Of the favorable \$2.69 million in spending about half was in special education areas due primarily to partial year staffing vacancies and the other half in non-sped areas was also primarily driven by partial year staffing vacancies.

Even though the Special Revenue fund deficit spent \$3.69 million in 2023-24, the fund was \$1.80 million favorable to budget in the Special Revenue fund primarily due to the combination of favorable \$0.98 million in Student Investment Act (SIA) grant and favorable \$0.97 million in the State and Local grants partially offset by \$0.15 million unfavorable in the Food Service Fund. The vast majority of favorability in special revenue is due to timing of spending on projects (e.g. the \$0.98 million in SIA was fully spent out by 09/30/2024).

Even though the Health Insurance fund deficit spent \$0.9 million in 2023-24, the Health Insurance fund was favorable \$1.00 million due primarily to the additional transfer of funds in June to partially cover high claims cost.

The remaining \$0.59 million unfavorable beginning fund balance is spread across Debt Service \$0.49 million, Trust and Agency \$0.05 million and Capital Projects fund \$0.05 million.

Amendment #1B – Re-appropriate special revenue funds carried over from prior year. Facilities Acquisition/Construction \$1.8 million and decrease Contingency/Reserves \$1.8 million.

This amendment re-appropriates funds not spent in Special Revenue fund by fiscal year end 2023-24. The funds are \$0.98 million for SIA and 0.82 million for Project Reserves.

Amendment #1C – In the General Fund, increase transfers out to other funds and decrease Contingency \$1.13 million. In the Self-insurance fund, increase transfers in from other

funds \$1.13 million, increase support service expense \$1.037 million, decrease other local sources \$1.097 million and decrease Contingency \$1.001 million.

This amendment reflects an additional \$1.13 million transfer from the General Fund to the self-funded health insurance fund to zero out fund balance in the health insurance fund due to high claims in the first fiscal quarter of 2024-25, extending the stop loss insurance period 90 days to 12/31/24 and higher than anticipated runout claims.

Beginning 10/01/2024 the district is buying health insurance from the OEGB. The self-funded health insurance fund had a reserve of \$2,075,582 as of 09/30/2024 for the runout of self-funded claims 10/01/2024-09/30/2025, stop loss insurance extension for the quarter 09/30/2024-12/31/2024 and administrative costs for the runout of claims. Time will tell if this reserve is will be enough in the long term. As of 12/31/2024 that reserve is negative \$800,990.71. This transfer covers the current shortfall and allows for some additional runout claims.

Amendment #1D – Enrollment Reconciliation – In the General Fund increase State Sources \$0.425 million and increase Instruction expense \$0.425 million, no change to Contingency/Reserves.

Enrollment and staffing are close to budgeted levels.

September 2024 enrollment (ADM_r) of 13,678.95 is up 77.54 from prior fiscal year end 06/30/2024 driven by charter school enrollment growth. The September 2024 enrollment of 13,678.95 is made up of 11,515.49 non charter down 26.24 ADM_r from 06/30/2024 enrollment of 11,541.73 and non-charter enrollment of 2,163.46 up 103.78 or 5.04%. Charter School growth is slightly higher than expected and ESL enrollment is higher than expected. We will need to pass through \$0.125 million more to charter schools and we will receive additional ESL weightings/funding so we will be adding \$0.300 million for staff/supplies in that area too.

Historically, non-charter enrollment attrition is about 2% by fiscal year end so we would assume non-charter enrollment at 06/30/2025 to be approximately 11,290 down about 250 or 2.1% from 06/30/2024 non-charter enrollment of 11,541.73.

Amendment #1E – Increased Liability and Property Insurance – In the General Fund increase Support Services expense and decrease Contingency/Reserves \$86,000.

Property and liability insurance costs came in higher than budget.

Amendment #1F – Increased transportation costs – In the General Fund increase Support Services expense \$0.250 million, increase state revenue \$0.175 million and decrease Contingency/Reserves \$0.075 million.

This amendment reflects the continuing rebound in drive staffing that dropped from 99 drivers pre-pandemic to 49 at the heart of the pandemic and many routes were reduced. Since that time the driver count has been increasing annually and has reached 93 drivers this year allowing restoration of many routes. The state reimburses home to school transportation 70% for our District.

Amendment #1G – Increased repairs and maintenance costs – In the General Fund increase Support Services expense \$0.35 million and decrease Contingency \$0.35 million.

This amendment reflects the current spending trend for repairs and maintenance across the district.

Amendment #1H – In the General Fund, increased Current Year Property Taxes and Decrease State School Fund \$1,750,000.

This amendment adjusts for the actual November 2024 property tax levy by Jackson County that was up 7.0% over prior year versus a 13-year average increase of 4.1%. This increase will offset by a reduction in the SSF based on the state funding formula. We expect the state to provide a revised State School Fund estimate in the late February to mid-March timeframe and will update estimated SSF at that time.

Amendment #1I – In the General Fund, decrease Instruction expense and increase Contingency \$683,250 due to higher than anticipated partial year job vacancies.

This amendment reflects the savings from the current trend in vacant positions.

Amendment #1J – In the General Fund, decrease Instruction expense \$600,000, decrease Support Service expense \$150,000 and increase Contingency \$750,000 due to a District reserve at the Local Government Unemployment Trust covering most of this year's cost increase.

A majority of this year's unemployment cost increase has been covered by a reserve that was built up over the last 20 plus years. The reserve will likely be fully used by fiscal year end.

Amendment #1K– In the General Fund, decrease Instruction expense \$350,000, decrease Support Service expense \$150,000 and increase Contingency \$500,000 due to lower than budgeted actual composite cost rate at OEBS.

The actual composite rate per employee came in below the budgeted composite rate and there have been some savings due to employee vacancies.

Amendment #1L– In the General Fund, decrease Instruction expense \$733,099 and increase Support Service expense \$733,099 with no change to Contingency as result of staffing reconciliation.

The staffing reconciliation came in at 1,365.86 FTE, 1.25 FTE below the Adopted budget level of 1,367.11 FTE across all funds. There was net savings of about \$600K in the General Fund versus the Adopted Budget from lower average salaries due to attrition, and that savings was added back to the substitute purchased services budget based on current substitute spending trend. Also, there were a few positions that shifted from Instruction to Support Service cost centers.

Amendment #1M– In the General Fund, increase other local revenue \$0.06 million, increase Transfers Out to other funds \$0.4 million and decrease Contingency \$0.34 million. In the

Special Revenue Fund increase Transfers In from other funds and increase Facilities Acquisition/Construction \$0.4 million

This amendment transfers \$0.4 million from the General Fund to Project Reserve to cover \$.06 million of timing of projects completed after ESSER III end date and \$0.34 million cost overruns on some projects primarily funded by ESSER III. The majority of the additional costs were incurred for MSDEC annex seismic upgrades and SMHS chiller replacements.

Amendment #1N– In the General Fund – Increase transfers out to other funds and decrease Contingency \$160,000. In the Special Revenue Fund – Increase transfers in from other funds and Facilities Acquisition and Construction \$160,000 to fund roof repairs.

The Columbus warehouse incurred some pretty significant damage to the roof during the last wind/rain storm and repair costs are estimated at \$60,000. The NMHS gym incurred significant damage from snow weight during the last snow storm and the District plans to submit an insurance claim. The Districts has a \$100,000 insurance deductible, so this funds the \$100,000 deductible on NMHS gym roof.

Amendment #1O– In the General Fund – Increase transfers out to other funds and decrease Contingency \$320,000. In the Special Revenue Fund – Increase transfers in from other funds and Facilities Acquisition and Construction \$320,000 to fund security vestibules at three schools.

This amendment funds construction of security vestibules at Abraham Lincoln Elementary, Kennedy Elementary and McLoughlin Middle School.

Amendment #1P– In the General Fund – Increase Other Local Sources and Contingency \$900,000.

This amendment reflects increased interest income. While interest rates have dropped from the prior year, they have not dropped as much as anticipated.

Amendment #1Q– In the General Fund – Increase transfers out to other funds and decrease Contingency \$3,500,000. In the Special Revenue Fund – Increase transfers in from other funds and Facilities Acquisition and Construction \$3,500,000 to fund Innovation Academy classroom buildout.

Innovation Academy (IA) is a Medford School District school of choice focused on innovation and project based learning. Co-located at the site is the Innovation Online program. After the building was purchased, there was an initial buildout that was primarily focused on safety and security functions, access to the main building from the CTE area and the enhancement of the cafeteria/kitchen area to accommodate feeding students on site.

This second phase of the IA buildout will support the school's ability to effectively deliver instruction, continue increasing its enrollment, provide for expansion and enrichment of project-based learning programs and provide a permanent solution for the Transitions Program that is currently housed in Jefferson Elementary School's modular unit. The current space for the Transition Program is inadequate and was meant as a temporary stopgap solution. The relocation

was part of the district's cost reduction effort in vacating the rental properties at Excel Drive and Royal Avenue and was done in anticipation of the full IA buildout.

While the current IA space has adequate total square footage to scale the learning program, it lacks functionality and requires additional classroom space, restrooms, office space and storage.

The project will add seven (7) classrooms and remodel two (2) classrooms, which will include specific areas for culinary, arts and science classes. The classroom expansion will be built so that second floor classrooms can be added easily in the future to further expand the site's overall classroom capacity. Integrated in this work are HVAC modifications, additional fire suppression systems and seismic upgrades to ensure the site is up to date with current building codes for safety. Seismic upgrades are mandatory in order to accommodate over 250 students. We are working with the Medford Urban Renewal Agency (MURA) to secure a seismic grant to assist in offsetting some of the construction cost and to help meet the City's goal of increasing the seismic resiliency of building infrastructure in this area.

This Phase II upgrade will give IA a total of fourteen (14) classrooms (including Transitions) along with the use of already existing greenhouse and CTE outdoor areas thereby allowing enrollment to increase to 400 students.

Innovation Academy Phase II construction includes but is not limited to:

1. New classrooms designated for Culinary, Art and Science
2. Updated HVAC System to serve new rooms
3. Replace two offices lost during the cafeteria expansion
4. Art storage room
5. Additional storage room
6. Two rooms designed for Transitions Program
7. Single-stall restrooms
8. Upgraded fire suppression system
9. Seismic upgrades related to construction scope
10. Designated teacher pod – future additional classroom
11. New spaces designed for future second-level classrooms

Additional Materials: Budget Amendment [Roadmap](#)

Recommendation: Recommending approval of the budget amendment.

Suggested Motion: *“I move to approve Budget Amendment #2024-25-1 as presented.”*

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067				
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1	
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1
General Fund																			
Resources																			
Beginning Fund Balance	16,177,788	5,101,396																5,101,396	21,279,184
Current Year Property Taxes	45,157,853							1,750,000										1,750,000	46,907,853
Other Local Sources	4,859,720												60,000					960,000	5,819,720
Intermediate Sources	3,500,000																	-	3,500,000
State Sources	129,055,926			425,000		175,000		(1,750,000)										(1,150,000)	127,905,926
Federal Sources	130,000																	-	130,000
Transfers In/Other Sources	2,050,000																	-	2,050,000
All Other Budget Resources	-																	-	-
Total Resources	200,931,287	5,101,396		425,000		175,000							60,000			900,000		6,661,396	207,592,683
Requirements																			
Instruction	111,442,740			425,000					(683,250)	(600,000)	(350,000)	(733,099)						(1,941,349)	109,501,391
Support Services	67,771,248				86,000	250,000	350,000			(150,000)	(150,000)	733,099						1,119,099	68,890,347
Community Service	-																	-	-
Facilities Acquisition/Construction	1,500,000																	-	1,500,000
Other Uses - Debt Service	-																	-	-
Other Uses: Transfers Out	5,985,000		1,133,650										400,000	160,000	320,000		3,500,000	5,513,650	11,498,650
Contingency	14,232,298	5,101,396	(1,133,650)		(86,000)	(75,000)	(350,000)		683,250	750,000	500,000		(340,000)	(160,000)	(320,000)	900,000	(3,500,000)	1,969,996	16,202,295
Unappropriated Fund Balance & Reserves	-																	-	-
Total Requirements	200,931,287	5,101,396		425,000		175,000							60,000			900,000		6,661,396	207,592,683
	0																		

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067				
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1	
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1
Special Revenue Fund																			
Resources																			
Beginning Fund Balance	7,639,194	1,799,239																1,799,239	9,438,433
Current Year Property Taxes	-																		-
Other Local Sources	1,742,500																		1,742,500
Intermediate Sources	11,330																		11,330
State Sources	25,185,540																		25,185,540
Federal Sources	18,255,421																		18,255,421
Transfer In	4,815,000												400,000	160,000	320,000		3,500,000	4,380,000	9,195,000
Total Resources	57,648,985	1,799,239											400,000	160,000	320,000		3,500,000	6,179,239	63,828,224
Requirements																			
Instruction	27,143,603																		-
Support Services	9,430,211																		9,430,211
Community Services	6,573,804																		6,573,804
Facilities Acquisition/Construction	7,734,592		1,800,000										400,000	160,000	320,000		3,500,000	6,180,000	13,914,592
Other Uses - Debt Service	-																		-
Other Uses: Transfers Out	550,000																		550,000
Contingency	5,812,763	1,799,239	(1,800,000)															(761)	5,812,002
Unappropriated Fund Balance & Reserves	404,013																		404,013
Total Requirements	57,648,985	1,799,239											400,000	160,000	320,000		3,500,000	6,179,239	63,828,224

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067				
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1	
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1
Debt Service Fund																			
Resources																			
Beginning Fund Balance	1,060,214	490,918																490,918	1,551,132
Current Year Property Taxes	12,433,325																	-	12,433,325
Other Local Sources	5,215,000																	-	5,215,000
Intermediate Sources	-																	-	-
State Sources	-																	-	-
Federal Sources	-																	-	-
Transfer In	1,170,000																	-	1,170,000
All Other Budget Resources	-																	-	-
Total Resources	19,878,539	490,918																490,918	20,369,457
Requirements																			
Instruction	-																		-
Support Services	-																		-
Community Services	-																		-
Facilities Acquisition/Construction	-																		-
Other Uses - Debt Service	18,956,833																		18,956,833
Other Uses: Transfers Out	-																		-
Contingency	921,706	490,918																490,918	1,412,624
Unappropriated Fund Balance & Reserves	-																	-	-
Total Requirements	19,878,539	490,918																490,918	20,369,457

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067					
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1		
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1	
Capital Projects Fund																				
Resources																				
Beginning Fund Balance	403,099	51,880																	51,880	454,979
Current Year Property Taxes																				-
Other Local Sources	32,000																			-
Intermediate Sources																				-
State Sources																				-
Federal Sources																				-
Transfers In																				-
All Other Budget Resources																				-
Total Resources	435,099	51,880	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	51,880	486,979
Requirements																				
Instruction																				-
Support Services																				-
Community Services																				-
Facilities Acquisition & Construction																				-
Other Uses - Debt Service																				-
Other Uses: Transfers Out																				-
Contingency	435,099	51,880																		-
Unappropriated Fund Balance & Reserves																				-
Total Requirements	435,099	51,880	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	51,880	486,979

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067				
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1	
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1
Health Insurance Fund																			
Resources																			
Beginning Fund Balance	9,416	1,001,539																1,001,539	1,010,954
Current Year Property Taxes	-																	-	-
Other Local Sources	5,700,000		(1,097,788.33)															(1,097,788)	4,602,212
Intermediate Sources	-																	-	-
State Sources	-																	-	-
Federal Sources	-																	-	-
Transfers In	-		1,133,650.09															1,133,650	1,133,650
All Other Budget Resources	-																	-	-
Total Resources	5,709,416	1,001,539	35,861.76															1,037,400	6,746,816
Requirements																			
Instruction	-																	-	-
Support Services	5,709,416		1,037,400.30															1,037,400	6,746,816
Community Services	-																	-	-
Facilities Acquisition & Construction	-																	-	-
Other Uses - Debt Service	-																	-	-
Other Uses: Transfers Out	-																	-	-
Contingency	-	1,001,539	(1,001,538.54)															-	-
Unappropriated Fund Balance & Reserves	-																	-	-
Total Requirements	5,709,416	1,001,539	35,861.76															1,037,400	6,746,816

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067						
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1			
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1		
Trust and Agency Fund																					
Resources																					
Beginning Fund Balance	2,170,461	48,704																	48,704	2,219,165	
Current Year Property Taxes	-																		-	-	
Other Local Sources	2,047,361																		-	2,047,361	
Intermediate Sources	-																		-	-	
State Sources	-																		-	-	
Federal Sources	-																		-	-	
Transfers In	-																		-	-	
All Other Budget Resources	-																		-	-	
Total Resources	4,217,822	48,704																	48,704	4,266,526	
Requirements																					
Instruction	2,107,512																			-	2,107,512
Support Services	-																			-	-
Community Services	-																			-	-
Facilities Acquisition & Construction	-																			-	-
Other Uses - Debt Service	-																			-	-
Other Uses: Transfers Out	-																			-	-
Contingency	-	48,704																		-	-
Unappropriated Fund Balance & Reserves	2,110,310																			48,704	48,704
Total Requirements	4,217,822	48,704																		48,704	4,266,526

	BU002036	BU002037	BU002038	BU002039	BU002040	BU002041	BU002042	BU002045	BU002046	BU002047	BU002048	BU002043	BU002056	BU002066	BU002067				
	1A	1B	1C	1D	1E	1F	1G	1H	1I	1J	1K	1L	1M	1N	1O	1P	1Q	Total #1	
	Beginning Fund Balance	Re-Appropriate Special Revenue Carryover	Self Funded Healthcare Additional Funding	Enrollment and Staffing ELL and Charter Schools	Higher Liability and Property Insurance	Higher Transportation Expenses	Higher Repairs & Maintenance Expenses	Increase Property Tax Revenue Offset by a reduction in SSF	Increased Labor Vacancy's	One Time Unemployment Reserve	OEBB Healthcare Savings	Staffing Reconciliation	Additional Project Reserves Transfer	Roof Repairs for Columbus Warehouse and NMHS GYM	Security Vestibules at Three Schools	Increase Other Local Revenue Forecast	IA Expansion/Seismic Upgrade	Budget Amendment #1 Summary	FY24-25 Amended Budget after Amendment #1
TOTAL ALL FUNDS																			
Resources																			
Beginning Fund Balance	27,460,171	8,493,676	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,493,676	35,953,847
Current Year Property Taxes	57,591,178	-	-	-	-	-	-	1,750,000	-	-	-	-	-	-	-	-	-	1,750,000	59,341,178
Other Local Sources	19,596,581	-	(1,097,788)	-	-	-	-	-	-	-	-	-	60,000	-	-	900,000	-	(137,788)	19,458,793
Intermediate Sources	3,511,330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3,511,330
State Sources	154,241,466	-	-	425,000	-	175,000	-	(1,750,000)	-	-	-	-	-	-	-	-	-	(1,150,000)	153,091,466
Federal Sources	18,385,421	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18,385,421
Transfers In	8,035,000	-	1,133,650	-	-	-	-	-	-	-	-	-	400,000	160,000	320,000	-	3,500,000	5,513,650	13,548,650
All Other Budget Resources	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Resources	288,821,148	8,493,676	35,862	425,000	-	175,000	-	-	-	-	-	-	460,000	160,000	320,000	900,000	3,500,000	14,469,538	303,290,686
Requirements																			
Instruction	140,693,855	-	-	425,000	-	-	-	-	(683,250)	(600,000)	(350,000)	(733,099)	-	-	-	-	-	(1,941,349)	138,752,506
Support Services	82,910,875	-	1,037,400	-	86,000	250,000	350,000	-	-	(150,000)	(150,000)	733,099	-	-	-	-	-	2,156,500	85,067,374
Community Services	6,573,804	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6,573,804
Facilities Acquisition & Construction	9,234,592	1,800,000	-	-	-	-	-	-	-	-	-	-	400,000	160,000	320,000	-	3,500,000	6,180,000	15,414,592
Other Uses - Debt Service	18,956,833	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18,956,833
Other Uses: Transfers Out	6,535,000	-	1,133,650	-	-	-	-	-	-	-	-	-	400,000	160,000	320,000	-	3,500,000	5,513,650	12,048,650
Contingency	21,401,866	8,493,676	(1,800,000)	(2,135,189)	(86,000)	(75,000)	(350,000)	-	683,250	750,000	500,000	-	(340,000)	(160,000)	(320,000)	900,000	(3,500,000)	2,560,737	23,962,604
Unappropriated Fund Balance & Reserves	2,514,322	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,514,322
Total Requirements	288,821,148	8,493,676	35,862	425,000	-	175,000	-	-	-	-	-	-	460,000	160,000	320,000	900,000	3,500,000	14,469,538	303,290,686



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Southern Oregon Education Service District (SOESD) 2025-26 Local Service Plan
Item Type:	Action
Administrator:	Bret Champion
Objective:	Approve the SOESD 2025-26 Local Service Plan

Background: According to ORS 334.175(5)(b), an Education Service District (ESD) Local Service Plan (LSP) must “be approved on or before March 1 by resolution of two-thirds of the component school districts that are a part of the education service district and that have at least a majority of the pupils included in the average daily membership of the education service district, as determined by the reports of such school districts for the preceding year, enrolled in the schools of the school districts.” According to HB 3427 (2019), an ESD Comprehensive Support Plan must be adopted and amended as provided for local service plans under ORS 334.175.

After the LSP is approved by the region, each school district goes through a process to select the specific services they want the ESD to provide for them. The LSP describes the comprehensive services provided by the ESD, but each district utilizes a subset of ESD services that best meet their needs. In other words, we can select from a menu of services that make the most sense to us. This is done on a rolling three year basis, so the selections made by districts at the beginning of this year are for the 2025-26 school year.

Additional Materials: [SOESD 2025-26 Local Service Plan Memo](#); [SOESD 2025-26 Local Service Plan](#)

Recommendation: Approve the SOESD 2025-26 Local Service Plan.

Suggested Motion: *“I move to approve the Southern Oregon Education Service District 2025-26 Local Service Plan as presented.”*



DATE: January 16, 2025

TO: Board Members of SOESD Component School Districts

FROM: Scott Beveridge, Superintendent
Southern Oregon Education Service District

RE: SOESD 2025-26 Local Service Plan and Student Success Act Comprehensive Support Plan

According to ORS 334.175(5)(b), an ESD Local Service Plan must be approved on or before March 1 by resolution of two-thirds of the component school districts that are a part of the education service district and that have at least a majority of the pupils included in the average daily membership of the education service district, as determined by the reports of such school districts for the preceding year, enrolled in the schools of the school districts. According to HB 3427 (2019), an ESD Comprehensive Support Plan must be adopted and amended as provided for local service plans under ORS 334.175

SOESD presents the 2025-26 Local Service Plan (LSP) as a product of our collaboration with school districts to deliver services that are responsive to districts' needs, by providing flexibility in service choices, maintaining service quality and stability, and leveraging regional advantages in cost effectiveness and increased opportunities for students. The 2025-26 LSP includes the SOESD Student Success Act Comprehensive Support Plan developed from the top priorities identified by component school districts for assisting with development and implementation of their Student Investment Account plans for implementing the Student Success Act.

Your district's participation and input in the strategic planning process is reflected in the 2025-26 LSP and services we have already implemented this school year.

SOESD takes very seriously our responsibility to provide a range of services that are responsive to your needs, high in quality, and affordably priced. We appreciate your consideration of Southern Oregon ESD's Local Service Plan and look forward to serving you in 2025-2026.

Thank you.

jb
Enclosures



LOCAL SERVICE PLAN 2025-26

Scott Beveridge, Superintendent
Southern Oregon ESD
101 North Grape Street
Medford OR 97501

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EXECUTIVE SUMMARY

Southern Oregon Education Service District (SOESD) is proud to present the 2025-2026 Local Service Plan (LSP). The LSP is a product of our collaboration with component school districts to deliver services that are responsive to districts' individual and collective needs, by providing flexibility in service choices, while maintaining service quality and stability, and leveraging regional advantages in cost effectiveness to create increased opportunities for children, students, and families in the communities we serve. The LSP includes the SOESD Student Success Act (SSA) Comprehensive Support Plan (CSP) developed from the top priorities identified by component districts for assisting with development and implementation of their Student Investment Account (SIA) plans for implementing the Student Success Act.

SOESD utilizes State School Funds to provide services required by the LSP process for school districts in Jackson, Josephine, and Klamath counties that serve approximately 48,000 students representing 9% of the students in Oregon. The SOESD geographic region is the largest ESD region in Oregon comprising almost 10,600 square miles, which is larger than seven of the states in the US. SOESD brings added value to our districts surpassing the requirements of the Local Service Plan by historically obtaining over half (\$51% in 2024-25) of our annual revenue (\$105,973,957 in 2024-25) through grants, contracts, and cooperative services, expanding our partners and the area we serve, while providing enhanced or additional highly valued services to benefit our local districts.

The SOESD 2025-26 LSP continues strategic initiatives and newly designed program offerings resulting from our 2023-2025 strategic plan, developed with input from component districts and staff, students, and families. Reflected in our service model is the organizational redesign of Special Education Services to our current Student Services model. We also expanded or launched many programs, including career technical education (CTE), civil rights coordination, crisis management, flight response teams, cybersecurity, new-teacher training, tiered mentoring support model, Student Behavioral Health and Wellness, increased access for students to our STEPS Plus program, and Youth Employment Services. Beyond student programming and staff support, we increased transparency and efficiency through automated data systems. On the horizon are a new Southern Oregon Career Center and substance use and addiction recovery services for students, with the possibility for a regional Recovery High School.

Last June, component districts rated satisfaction with our services at 93% or higher on average across each division. Feedback continues to inform SOESD's evolution in adjusting services to meet the needs of those we serve. SOESD is proud to serve as a progressive leader in the ESD community, within our region, and in the state. Our LSP represents the continued leadership of our organization to provide a leading number of highly valued and innovative services aligned with Oregon's initiatives, delivered through a modern business model, in partnership with the districts we serve, and in synergy with our network of ESDs across Oregon.

On behalf of the SOESD board and administrative leadership, I would like to recognize that our success is due to the work of our staff in cooperation with our component districts. It is through staff's service, responsiveness, and expertise – with a focus on customer service and satisfaction – that we have established and continuously build our value on doing what is best for children, families, and our communities.

Respectfully,

Scott Beveridge, Superintendent

PREFACE

This Local Service Plan and accompanying Student Success Act Comprehensive Support Plan have been developed in accordance with legal requirements as a description of services to be provided to component school districts by Southern Oregon ESD during the 2024-25 school year. However, it is important to note that these services can only be provided if adequate funds are available. In the event of a funding change, services will be prioritized in close consultation with the superintendents of the districts served by Southern Oregon ESD.



LOCAL SERVICE PLAN REQUIREMENTS

ORS 334 – Local Service Plan Requirements

ORS 334.005 specifies that the mission of education service districts is to assist school districts and the Department of Education in achieving Oregon’s educational goals by providing equitable, high quality, cost-effective and locally responsive educational services at a regional level. The SOESD local service plan must include the following services as defined in ORS 334.175:

Administrative and support services for component school districts, including but not limited to services designed to consolidate component school district business functions, liaison services between the Department of Education and component school districts and registration of children being taught by private teachers, parents, or legal guardians.

Programs for children with special needs, including but not limited to special education services and services for at-risk students.

School improvement services for component school districts, including, but not limited to services designed to support component school districts in meeting the requirements of state and federal law; services designed to allow the education service district to participate in and facilitate a review of the state and federal standards related to the provision of a quality education by component school districts; services designed to support and facilitate continuous school improvement planning; services designed to address school-wide behavior and climate issues; and services designed to support career and technical education.

Technology support for component school districts and the individual technology plans of those districts, including but not limited to technology infrastructure services, data services, instructional technology services and distance learning.

The goals of these services are to:

- Assist component school districts in meeting the requirements of state and federal law;
- Improve student learning;
- Enhance the quality of instruction provided to students;
- Enable component school districts and the students who attend schools in those districts to have equitable access to resources; and
- Maximize operational and fiscal efficiencies for component school districts.

Local Service Plan Approval Process

The Local Service Plan must be approved by the school boards representing two-thirds of the component districts with greater than 50 percent of the students voting in favor of the plan.

Local Service Plan Amendment Process

The Local Service Plan may be amended at any time by the SOESD board if component districts approve an amendment pursuant to the same criteria used to approve the original plan

LOCAL SERVICE PLAN TIMELINE

Timeline for Local Service Plan Development and Approval Process

Starting in September 2024

Review current Local Service Plan model and any suggested modifications based on input from component school district directors, business officials, and superintendents.

By December 2024

Local Service Plan submitted to component school district superintendents.

By January 2025

- Local Service Plan submitted to SOESD Board for approval.

By January 2025

- Local Service Plan submitted to component school district boards for approval.

January - February 2025

Component school district boards take formal action on Local Service Plan and submit resolution ballots to SOESD.

By March 1, 2025

Approval cycle completed.

Timeline for Local Service Plan Service Selections

March 1, 2025

Projected service costs are published.

March – April 2025

Discussion with component school districts regarding service needs.

By April 2025

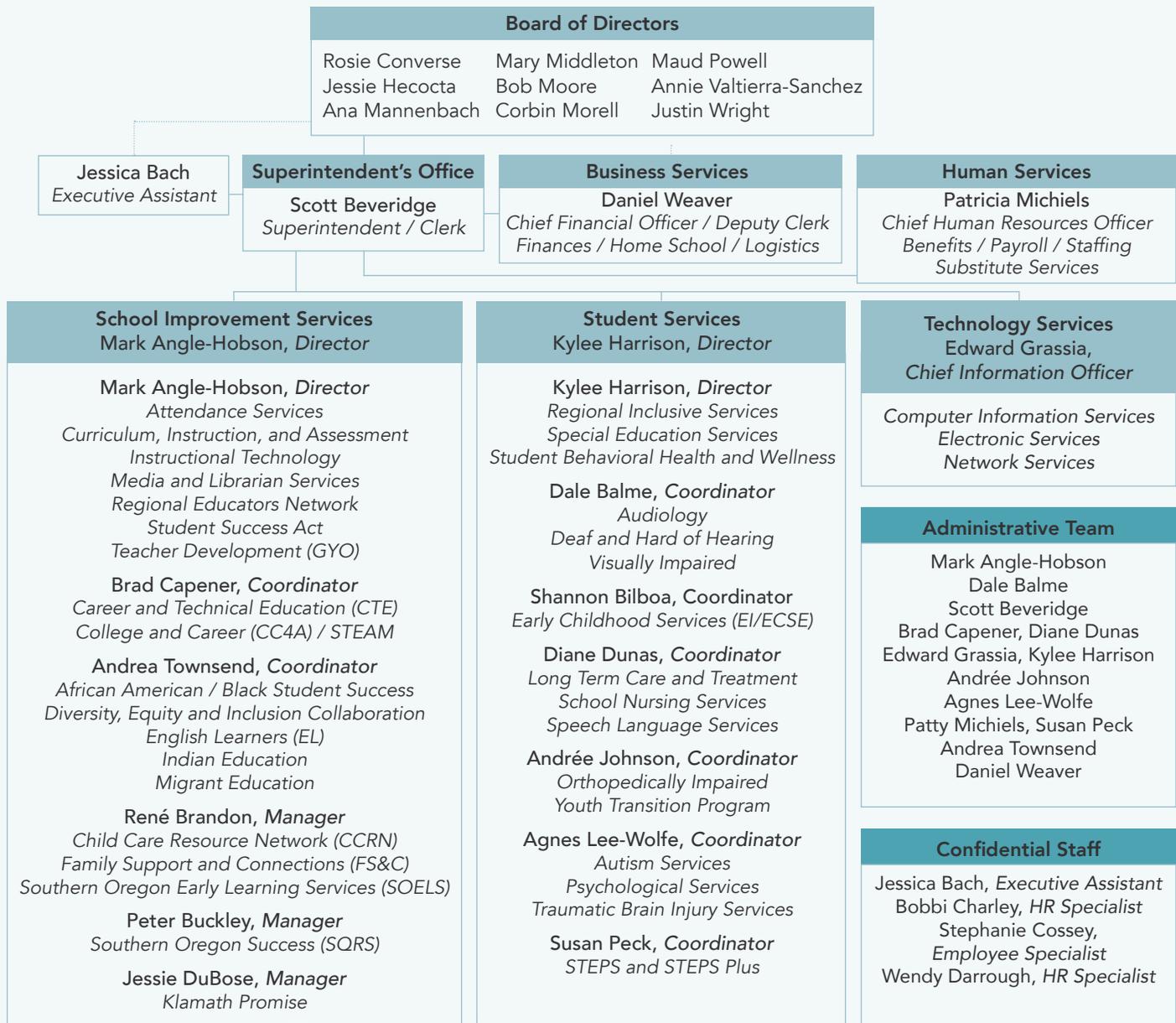
Local Service Plan selections are confirmed by component school districts for all service areas. Special education choices will be for the 25-26 school year. Technology and School Improvement choices will be a commitment for the third year (through the 26-27 school year).

ORGANIZATIONAL STRUCTURE

Local Service Plan Core Services

Southern Oregon ESD is organized into four core service areas to reflect the priorities set forth in the Local Service Plan:

- Administrative and Business Services
- School Improvement Services
- Special Education Services (Student Services)
- Technology Services



Board Adopted 7/17/2024

Mission

As a responsible partner, we provide services and leadership to optimize educational opportunities for the children, schools and communities we serve.

FINANCIAL SUMMARY

State School Fund

ESDs receive approximately 4.5% of the State School Fund to provide required services of the Local Service Plan to component districts. The ESD funding formula includes property taxes and state income taxes. For the 2024-25 fiscal year, SOESD has budgeted \$14,292,241 from state sources and \$14,602,631 from local property taxes. These combined amounts equal \$28,894,872 and, when added to the remaining budgeted revenues, total \$29,767,771 of general fund resources..

State School Fund Expenditure Requirement for Local Service Plan

State law requires ESDs to expend at least 90 percent of their State School Fund revenue for services approved by component districts in the Local Service Plan.

Grants and Contracts

SOESD brings additional value to our districts surpassing the requirements of the Local Service Plan by obtaining additional revenue beyond State School Fund allocations. We leverage this additional revenue to enhance or provide additional highly valued services. In addition to general fund revenues, SOESD historically obtains over half (\$51% in 2024-25) of our annual revenue (\$105,973,957 in 2024-25) through grants, contracts, and cooperative services..

Entrepreneurial Services

SOESD engages in entrepreneurial activities with the intent of generating both opportunities and revenue to benefit its component school districts, as well as to improve educational resources and services to benefit the communities of Oregon.



LOCAL SERVICE PLAN

Overview

Southern Oregon ESD provides an array of services to our component districts. Those services have been organized within the four “core service areas” as outlined by ORS 334.175 for our Local Service Plan. We have a long-standing, positive working relationship with our districts and together we annually review and revise services to best meet both individual and collective needs. Our 2025-2026 Local Service Plan includes all required core services and additional services identified as needed by our local districts.

AGREEMENTS

District Allocations – 90% of SOESD’s State School Fund allocation is allocated to each component district based on the previous year’s finalized ADMr.

Essential Core – Approximately 5% of the District Allocations will be budgeted for a small district special education allocation, STEPS Plus classroom space, and leadership in core service areas that ESDs are required to provide: school improvement, special education, and technology.

Menu Service Selections – A variety of existing services will be provided on a menu for districts to utilize and additional items may be added for districts to choose from in the future:

- **Administration and Business** – A variety of administration and business services will be provided through a menu for districts to make selections on a yearly basis.
- **School Improvement Services** – A variety of school improvement services will be provided through a menu for districts to make selections with a three-year rolling commitment. Districts have already identified initial selections on which this LSP is based and may add to their selections.
- **Student Services** – A variety of special education services are provided through a menu where districts can make selections on a yearly basis.
- **Technology Services** – A variety of technology services will be provided through a menu for districts to make selections with a three-year rolling commitment. Districts have already identified initial selections on which this LSP is based and may add to their selections.

Accounting – Rates for the menu of services are projected estimates, but are calculated as actual cost at year end. Districts’ allocations will be billed at year end for actual cost of service utilization from menu selections. Remaining balances of districts’ allocations will be distributed to districts. Underfunded service utilization will be billed to districts.

SOESD Service Utilization Levels – To support service stability and quality, each district agrees to utilize a minimum of 30% of their District Allocations available for SOESD services.

Interim Agreements – Intergovernmental agreements between SOESD and component districts can be utilized for excess demand or utilization needs beyond initial base purchase amounts of menu choices (beyond the three-year commitment levels for School Improvement Services and Technology Services).

Other Services – SOESD offers a variety of additional fee-for-service opportunities such as professional development workshops, cooperative purchasing, and other entrepreneurial services that may include market rate prices. Districts may choose to participate and be billed against their allocations or be invoiced separately depending on the type of opportunity.

Entrepreneurial Fees – Fees are set at the discretion of the ESD for any non-component districts or organizations with revenue to be used for the benefit of component districts.

ADMINISTRATION AND BUSINESS

About Administration and Business Services

SOESD administration works cooperatively with local school districts to offer services that provide equitable educational opportunities for all students. In addition to managing operations of the ESD, the Administration Office facilitates Home Schooling, the Superintendents Association, Business Officials meetings, and a variety of services offered to districts through a menu or as a fee-for-service option:

Civil Rights Coordination

SOESD can be designated as a district civil rights coordinator to meet HB 2881 requirements. SOESD, in collaboration with private investigation services, will assess district compliance with state and federal laws prohibiting discrimination, train staff as prescribed by the ODE, provide guidance on civil rights, coordinate efforts to prevent civil rights violations from occurring and investigate complaints alleging discrimination.

Courier

The Courier provides pick-up / delivery of materials and equipment from our Media Center and Electronics Repair program, as well as inter-district and intra-district mail.

Medicaid Billing

School districts participating in the Medicaid Billing program are reimbursed by a federal program known as Medicaid Administrative Claiming (MAC). The MAC program provides a way of reimbursing K-12 districts for claimable work already being performed by staff.

Substitute Management

SOESD offers recruiting, hiring, training, assignment, payroll, and substitute management services using the Absence Management System for licensed teachers to meet the needs of districts during staff absence.

CONTACT:

- business@soesd.k12.or.us
- www.soesd.k12.or.us/business
- T (541) 776-8590
- F (541) 779-2018
- 101 North Grape Street
- Medford, OR 97501



Services provided to component districts at no additional cost:

Superintendents Association Meetings

The SOESD Superintendent facilitates meetings throughout the year of area superintendents to enhance educational opportunities for students in the region.

Business Officials Meetings

The SOESD Business Manager facilitates meetings throughout the year of area business officials to enhance educational opportunities for students in the region.

Home Schooling

SOESD provides a centralized registration process for students residing within the thirteen school districts in Jackson, Josephine, and Klamath counties.

Registration is required for all students ages six through eighteen who are not enrolled in either public or private school.

SCHOOL IMPROVEMENT SERVICES

About School Improvement Services

School Improvement Services include a multitude of programs to provide support for children from birth through their post-secondary success. We support schools by acting as a liaison between ODE and our thirteen districts, coordinating regional curriculum directors meetings, promoting kindergarten readiness, managing significant grants that create career pathways aligned with employment opportunities, and supporting specific student populations and interventions as well as technical assistance and professional learning for instructional effectiveness that promotes attendance, student achievement, student behavioral health and wellness, high school graduation, and career readiness.

Career Technical Education (CTE)

The CTE program coordinates a broad system of diverse subject areas aligned with career pathways awarding college credit aligned with the global economy. The program works closely with local high schools, community colleges, and industry to facilitate a Federal Carl D. Perkins consortium grant and the Southern Oregon CTE Consortium (SOCTEC). The CTE Department services include Program of Study Approval, Instructor Appraisal and Certification, Professional Development, Federal Carl D. Perkins grant administration, and technical assistance. Additional staffing for CTE support is provided through SOESD's Student Success Act Comprehensive Support Plan.

College and Career / STEAM Hub

College and Career services coordinate K-12, higher education, business, industry, and community partners to bring rigor, relevance, and hands-on project based, contextualized learning through dual-credit courses aligned with career paths leading to high wage, high skill, and high demand occupations. The program coordinates efforts of advanced and dual credit, Career Technical Education, the STEAM (Science, Technology, Engineering, Arts, and Mathematics) hub, and career related learning experiences for teachers and students. The STEAM Hub maintains a lending library of high-tech equipment that can be checked out by educators for use in their classrooms.

CONTACT:

- school_improvement@soesd.k12.or.us
- www.soesd.k12.or.us/school_improvement
- T (541) 776-8590
- F (541) 858-6749
- 101 North Grape Street
- Medford, OR 97501



Services provided to component districts at no additional cost:

Child Care Resource Network

The Child Care Resource Network supports the efforts of our Southern Oregon Early Learning Hub, facilitates improvement of child care providers through implementation of the Quality Rating & Improvement System (QRIS), through trainings for providers, as well as business and consumer education to leverage tax benefits and provider networks.

Curriculum Directors Meetings

SOESD facilitates meetings throughout the year of area curriculum directors to enhance educational opportunities for students in the region.

A STEAM School Improvement Specialist is available to model the equipment, plan and co-teach lessons, or observe and provide feedback and support for integration of the equipment into the classroom. The program leverages substantial grant funding to provide service offerings.

Curriculum, Instruction, and Assessment

SOESD provides consultation, planning, and implementation of professional development to increase student success. We support schools by acting as a liaison between ODE and our thirteen districts, coordinating and funding regional training opportunities, facilitating review of instructional and assessment resources, alignment of curriculum and assessment with content standards, and support for teacher effectiveness that promotes student achievement.

Instructional Technology Services / Data Driven Decision Making

SOESD provides training and resources on the effective use of technology for teaching and the use of data driven decision making using relevant metrics by student support teams to provide interventions and wrap-around services that increase student achievement. The program also supports the Southern Oregon Ed Tech Cadre of teachers, and the Southern Oregon Ed Tech Summit.

Mentoring New Teachers and Administrators

SOESD provides mentoring for new teachers and administrators through the critical first and second years in their profession. The Mentoring program is built on research that demonstrates increased student achievement and teacher retention, and is expanding support for new teacher induction programs to promote effective instructional practice, lesson and unit design, assessment, and culturally responsive teaching.



Services provided to component districts at no additional cost:

Family Support and Connections

Family Support and Connections is a statewide program designed to help families meet the challenges of being a parent in the world today. Family Support and Connections is available to TANF clients and any other family that is struggling. A local family advocate is assigned to each family to help develop an individual plan to overcome barriers to success.

Regional Educator Network

As one of ten ESDs chosen by the Educator Advancement Council to facilitate the work of Regional Educator Networks statewide, SOESD coordinates the work of the Southern Oregon Regional Educator Network (SOREN). The aim of SOREN is to increase safety, significance and belonging for all. SOREN works to elevate equity-based decision making, connect improvement efforts across school districts, and leverage resources within the region to provide locally responsive, sustainable, and highly effective professional learning throughout the course of an educator's career. Examples of professional learning currently funded by SOREN include, but are not limited to: New Teacher Launch, Teach from Your Best Self, Crafting Your Equity Lens, Positive Discipline/Belong Partners, Belonging Through Dignity, and Studying Skillful Teaching.

Student Success Act

As provided in the Student Success Act legislation, SOESD is committed to providing all districts in the region with technical assistance and professional learning to implement Student Success Act initiatives and Integrated Programs through customized, just-in-time support. SOESD specialists are available to work collaboratively with districts' Integrated Programs teams to utilize a variety of processes, tools, and facilitation supports.

Migrant Education | Indian Education | English Learners | Southern Oregon LGBTQ2SIA+ Student Success

Migrant Education / Indian Education / EL / SOLGBTQ2SIA+SS services include trainings, presentations and consultations at the building, district, and regional levels to address educational and culturally related academic needs. The program also provides direct academic services to migrant-qualified students, including after school, summer school, and preschool programs designed to support students in meeting challenging academic Reading and Mathematics standards through literacy development. The SOLGBTQ2SIA+SS is a consortium of eight school districts and a community-based organization that will continue the work started by the Ashland, Central Point, and the Phoenix Talent School Districts by supporting QSAs/GSAs, recommending diverse books, and organization the Unity Conference at SOU. The program leverages substantial grant funding to provide service offerings.

Regional Achievement Collaboratives

The Southern Oregon Success (SORS) in Jackson / Josephine counties and the Klamath Promise in Klamath County forges connections between schools, community organizations, businesses, and local leaders to drive communities to actively support improving education outcomes beyond the classroom. Focused work includes training on the epigenetics of Adverse Childhood Experiences (ACEs), support for trauma informed approaches and resiliency leading toward healthy communities, and increased metrics from early learning, high school graduation and career success across a lifelong continuum.

Southern Oregon Career Center (SOCC)

A Regional Career Center, with an initial site in Jackson County, will act as a powerful force in supporting existing CTE programs within school districts, while also creating new career pathway opportunities for students throughout Southern Oregon. This regional center will empower youth

SCHOOL IMPROVEMENT SERVICES CONT.

Southern Oregon ESD | Local Service Plan 2025-26 13



Services provided to component districts at no additional cost:

Southern Oregon Early Learning Services

The Early Learning Hub makes resources and supports more available, more accessible and more effective for children and families that have historically been overrepresented in the opportunity gap and underrepresented in services. SOELS identifies the underserved children in their region, evaluates the needs of those children and families, and then works to ensure that programs and services reach them and effectively meet their needs. Hubs are building outcomes-focused collaborations across K-12 schools, early education, health, human services and business.

Suicide Prevention and Threat Assessment

SOESD's School Improvement Services and Student Services departments collaborate to provide meaningful and effective support for component districts' suicide prevention, intervention and postvention plans as well as training and technical assistance with the threat assessment process. In addition, SOESD hosts threat assessment case management software in our regional data center, assists with data management, and provides staffing for the juvenile and adult Level II Threat Assessment Team in Jackson County.

to pursue their career aspirations, soar toward their futures, and contribute to the region's economic growth. Founding programs will be healthcare and mental and behavioral health with plans to expand to include trades and aviation pathways in future years. Programs will provide hands-on experiences with advanced labs and training on cutting-edge medical equipment.

Funding: Philanthropic and industry partners reducing capital, operation tuition-based costs funded through SOESD LSP allocations or other district sources.

STUDENT SERVICES

About Student Services

As part of the broad range of services, training and supports for all learners within the region, the SOESD Student Services Department provides evaluative, consultative, and direct special education services to students with disabilities and served through an IEP (Individualized Education Program). Many Special Education services are available in Jackson, Josephine, and Klamath counties, and some services are also available in Douglas and Lake counties. The OR Project curriculum is available worldwide.

Audiological Services

A full range of diagnostic hearing services are provided for children from birth to high school graduation, including pure tone air and bone conduction testing, visual reinforcement and behavioral observation sound field audiometry, speech audiometry, acoustic immittance testing, otoacoustic emissions testing, hearing aid evaluation and ear mold fitting, custom made swim plugs, sound field amplification and personal FM systems.

Assistive Technology Services

SOESD maintains a library of assistive technology for loan as needed, as well as assistance researching and procuring assistive technology to meet the needs of learners within the Southern Oregon region.

Autism Services

Autism specialists work in collaboration with school psychologists, speech and language pathologists, and special education teachers in providing comprehensive evaluations for students birth to age twenty-one. Based on evaluative data, specialists recommend, develop, model, and train district and EI/ECSE staff in a variety of intervention and treatment strategies to address student needs.

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- 5465 S. Pacific Highway
- Phoenix, OR 97535



Services provided to component districts at no additional cost:

Early Intervention / Early Childhood Special Education / Gilbert Creek Child Development Center

Early Intervention (EI) and Early Childhood Special Education (ECSE) services are provided to children from birth through five years of age, under provisions of the Individuals with Disabilities Education Act. Josephine County Early Intervention Services offers many services to support families and their children with special needs.

Long Term Care and Treatment (LTCT)

Long Term Care and Treatment (LTCT) provides education programs for students who have been placed by state agencies, school districts, or private placement in day and residential treatment facilities. The goal of Long Term Care and Treatment Education Programs is to provide a high quality, therapeutic environment where children will gain the behavior skills and abilities to function successfully in a non-institutional environment.



Services provided to component districts at no additional cost:

Regional Crisis Response/Flight Team

SOESD's Flight Team provides crisis response support to component districts that is timely, meaningful and trauma-informed. This support can be requested by district and site staff in response to any major crisis or loss of life within the school community that is expected to have a significant impact on students and faculty. The flight team consists of trained staff from both the ESD and component districts who are able to deploy and provide support in the form of student and staff grief support, communications planning/consultation, and coordination with appropriate outside agencies. The intention of the team is to come alongside existing staff at a school site in order to enhance services during a time of crisis or grief, allowing staff and students to successfully navigate their daily routines in a safe and supported manner.

Regional Programs for Low Incidence Disabilities

SOESD acts as one of Oregon's eight Regional Programs for students identified as regionally eligible with the districts' IDEA funding added to additional state funding. As the Southern Oregon Region III Program, SOESD provides special education services to children from birth through age twenty-one with hearing impairments, vision impairments, deaf/blindness, autism spectrum disorders, severe orthopedic impairments, and traumatic brain injury in a five-county area (Jackson, Josephine, Klamath, Douglas, and Lake Counties).

Behavioral and Mental Health Services

The SOESD Student Services department, in collaboration with the School Improvement department, provides multi-tiered mental health services, behavioral intervention services, and embedded coaching/support for students across all the continuum of need. In addition to direct student services, SOESD offers staff training, technical assistance, and consultation to component districts to support student wellbeing, self-regulation, and behavioral success.

Deaf and Hard of Hearing Services

American Sign Language interpreters, as well as direct instruction and consultative services provided by teachers of the deaf and hard of hearing, are available to eligible students birth to age twenty-one.



Emergency Preparedness and Management

Staff at SOESD will help support districts in Southern Oregon with Emergency Preparedness through a variety of activities:

- Southern Oregon Collaborative of districts identifying resources, opportunities for collaboration, and a needs analysis for response to regional needs.
- Regional coordination of training
- Coordination and facilitation of evaluation efforts
- Resource gathering
- Community collaboration, outreach, and coordination of emergency response.

Pending Funding: Oregon Department of Human Services Office of Resiliency and Emergency Management



Services provided to component districts at no additional cost:

Special Education Directors Meetings

SOESD facilitates meetings throughout the year for district special education directors. These meetings provide an opportunity to explore relevant topics related to special education best practices and resources, as well as gather input on support needed within the component districts and explore potential solutions collaboratively.

Transition Network Facilitator – Region V

The role of the Transition Network Facilitator (TNF) is to support the Governor’s Executive Order 15-01 to further improve Oregon’s systems of designing and delivering employment services for students with disabilities. The TNF works to support the collaborative efforts of Vocational Rehabilitation and Local Education Agencies in Oregon in the implementation of the Workforce Innovate Opportunity Act and the provision of Pre-Employment Transition Services.

STUDENT SERVICES CONT.

Evaluation Services - Early Intervention / Early Childhood Special Education

Evaluation services are available in Josephine County by our Early Intervention (EI) and Early Childhood Special Education (ECSE) program for children from birth through five years of age to meet child find requirements, in addition to the many services offered to support families and their children with special needs.

Oregon Project for Visually Impaired and Blind Preschool Children (OR Project)

The OR Project is a comprehensive assessment and curriculum designed for use with children birth to six who are visually impaired or blind.

Orthopedic Impairment Services

Occupational and Physical Therapists provide evaluative, consultative, and direct therapy services necessary for students with orthopedic impairments to meaningfully access their educational opportunities and environments. Physical therapy (PT) focuses on postural and gross motor functioning such as head control, sitting, and standing balance. Occupational therapy (OT) focuses on fine motor functioning such as reach/grasp, manipulation, release of objects and coordination of two-handed activities.

Psychological Services

School Psychologists provide a broad range of consultative services to administrators, teachers, and parents, as well as direct evaluative and intervention services to students.

School Nursing Services

Students attending schools may have a variety of chronic and acute health conditions, such as seizures, asthma, diabetes, and severe allergies. Some students may require medical assistive devices and procedures, such as gastric tube feeding, oxygen administration, suctioning, or nebulizer treatments. School nurse consultants help school districts meet the needs of these students, and maintain compliance with Oregon rules and statutes, working under the requirements of both the Oregon Board of Education and the Oregon State Board of Nursing.

Special Education Automation Software (SEAS)

SEAS is a 100% web based special education management system comprised of several modules which together allow districts to manage their special needs programs, including: IEP and forms management, timeline compliance, Medicaid claim generation, assessment reports, and more.

Speech and Language Services

Speech and Language Services provides a broad range of direct and consultative services, including individual speech/language evaluations, participation on IEP teams, individual and group therapy, and co-teaching in language mediated subjects to increase language acquisition and verbal fluency.

STEPS CARE

STEPS CARE classrooms serve students ages five through twenty-one with severe and/or multiple disabilities, including severe intellectual disability, autism, orthopedic impairment, traumatic brain injury, and complex ongoing medical health needs.

STUDENT SERVICES CONT.

STEPS Plus

Students enrolled in STEPS Plus represent a distinct population of students who present difficult and challenging behaviors. They have multiple, severe disabilities, cognitive deficits and/or significant medical/health needs. The disabilities may include developmental disability, hearing and vision impairment, communication disorder, orthopedic impairment, traumatic brain injury, other health impairment, autism and behavioral disorders.

Substance Use and Addiction Recovery Services

SOESD is furthering our commitment to safe learning spaces by launching a new support for teen substance use and addiction recovery in our region. Through the newly hired Recovery Supports Project Manager, SOESD intends to develop and coordinate school-based recovery services for youth experiencing addiction and substance use disorders (SUD). This resource will build connections between the school, recovery, and health care communities in order to streamline access to services for students and resources for school systems. In addition to strengthening community partnerships in support of youth recovery efforts, this project aims to position SOESD to apply to ODE for authorization of a recovery high school in Southern Oregon to open in the fall of 2025.

Funding: Currently grant funded through partnership with CareOregon and AllCare CCO's. Seeking permanent funding through ODE for recovery high school(s).

Vision Impaired Services

Braille production and Itinerant special education services are available to serve all identified blind, low vision, or deaf-blind children, birth through age twenty-one.

Youth Employment Services

The YES program of Southern Oregon ESD serves students with disabilities ages fourteen to twenty-one who are eligible for special education services. The purpose of the program is to prepare youth with disabilities (including on IEP, 504, mental health, physical disability or health impairment) for employment or career related post-secondary education or training.

TECHNOLOGY AND MEDIA SERVICES

About Technology & Media Services

Technology and Media Services provides comprehensive services for local school districts to support administrative and instructional technology and increase student success. These services result in significant cost savings while creating other efficiencies.

Data Center Hosting

Computer Information Services administers SOESD's regional 24x7 data center, which serves critical information systems to schools. The data center saves hundreds of thousands of dollars on hardware and software while creating other efficiencies, including staff time savings, reduced power consumption, and data center redundancy.

District Data Center Support

System Analysts maintain data centers deployed in component districts and manage data systems migrated to our regional data center, producing savings on server costs while increasing IT responsiveness, maximizing up-time, and reducing power, cooling, and rack storage requirements.

District Network Support / VoIP Services

Network Analysts provide support for the design, installation, and maintenance of wired and wireless local and wide-area networks, connectivity to the Internet, video security systems, physical access control systems, and Voice over IP phone systems.

Division 22 Library Services

SOESD employs TSPC-licensed librarians who are available via contract with districts to provide virtual support to classified library staff to meet Division-22 requirements. These licensed librarians serve as a resource in areas such as book selection, cataloging and weeding collections; responding to questions regarding

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- Medford, OR 97501



Services provided to component districts at no additional cost:

Technology Director Meetings

SOESD facilitates meetings throughout the year of area technology directors to enhance educational opportunities for students in the region.



Follett Destiny, SORA, Overdrive, Learn360, WorldBook, and other digital resources; and planning and facilitating an annual regional library symposium.

Electronic Services

Licensed low voltage and 110v electricians install wired and wireless networks, surveillance systems, access control security systems, and instructional technology such as projectors and electronic white boards. Electronic technicians repair electronic equipment, including iPads and other mobile devices. Electronic materials and devices are provided at greatly reduced wholesale prices.

Follett Destiny

SOESD's Follett Destiny library management software hosted in our regional data center provides access to enriched, educator-reviewed digital content and tools that help students, librarians and educators find, share and use print and digital resources.

Help Desk Software Suite

Computer Information Services produces and hosts the Region-Wide Help Desk for IT departments, print shops, maintenance departments, and more. The software solution provides data tracking and a suite of software tools including asset inventory management and remote technical support capabilities, as well as robust data reporting.

Infinite Visions Hosting

SOESD hosts the Infinite Visions Business Information Services software in our regional data center at reduced costs to districts. Technicians manage service updates and technical support for the system.

Internet Connectivity

Computer Information Services provides cost effective Internet connectivity with access to Internet2 bundled with the benefit of added Internet circuit redundancy, providing substantial and reliable bandwidth to meet the entire region's needs under a single cost savings contract.

Professional Development Management (PDNetworks)

Computer Information Services produces and hosts the PDNetworks software system that allows districts to create and manage staff's TSPC licensing and professional development plans, as well as publish, manage, and track training activities customized to meet district-wide and individual staff goals.

Software Development

Software Developers create mobile applications for school districts, develop web sites, and customize data systems to meet districts' individual student learning and reporting needs.

Southern Oregon Regional Cybersecurity Program

Network Security Analysts utilize network threat assessment and monitoring tools to support a consortium of the region's districts in assessing their cybersecurity stance, monitoring network security, and implementing defense strategies to maintain cyber program health (e.g., email / domain security and data backup integrity), while providing rapid response to cyber threats and attempted intrusion.



**STUDENT SUCCESS ACT
COMPREHENSIVE SUPPORT PLAN**

2025-26

Reducing Academic Disparities and Supporting Student Health and Safety

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PREFACE

This 2025-2026 Student Success Act Comprehensive Support Plan to reduce academic disparities and support behavioral and mental health is provided to assist districts with the development and implementation of their Integrated Plans for the implementation of the Student Success Act. The services are categorized as potentially free technical assistance services from SOESD or direct technical assistance services at a cost. Free services would be funded using funds SOESD receives from the Student Success Act. The services outlined in this reducing academic disparities and behavioral and mental health support model can be used synergistically with services districts provide in their implementation of supports for students' academic achievement and behavioral and mental health using Student Investment Account or other funds.



REQUIREMENTS

According to HB 3427 (2019), an ESD Comprehensive Support Plan must:

- (A) Align with and support school districts in meeting the performance growth targets of the school districts developing the plan;
- (B) Include the provision of technical assistance to school districts in developing, implementing and reviewing a plan for receiving a grant from the Student Investment Account;
- (C) Provide for coordination with the department in administering and providing technical assistance to school districts, including coordinating any coaching programs; and
- (D) Be adopted and amended as provided for local service plans under ORS 334.175.

STUDENT INVESTMENT ACCOUNT SUPPORT PLAN

Overview

This reducing academic disparities and behavioral and mental health support plan is presented in a tiered support model to assist districts with providing universal, group, and individual support. The services outlined in this reducing academic disparities and behavioral and mental health support model can be used synergistically with services districts provide in their implementation of supports for students' academic and behavioral and mental health.

Tier One

Tier One supports will provide a baseline of knowledge and understanding that helps educators meet the needs of all learners. The strategies listed in Tier One will support educators in effective **core interventions in general education with 80-85% of students meeting expectations** in benchmarks. To the extent possible, all professional learning offerings will be culturally and linguistically sensitive.

Tier Two

Tier Two supports will provide additional knowledge and understanding that helps educators meet the needs of all learners. The strategies listed in Tier Two will support educators in effective group support **of intense interventions for the 10-15% of students needing more focused interventions to meet expectations**. To the extent possible, all professional learning offerings will be culturally and linguistically sensitive.

Tier Three

Tier Three supports will provide specialized knowledge and understanding that helps educators meet the needs of all learners. The strategies listed in Tier Three will support educators in effective individualized support for specific students as the **most intense interventions** and resources or **continuation of intense interventions over a long time period** (anticipated to be a year or more) for students with intense and persistent needs. To the extent possible, all professional learning offerings will be culturally and linguistically sensitive.

TIER ONE: UNIVERSAL SUPPORTS

About Tier One Supports

Tier One supports will provide a baseline of knowledge and understanding that helps educators meet the needs of all learners. The strategies listed in Tier One will support educators in effective **core interventions in general education with 80-85% of students meeting expectations** in benchmarks. To the extent possible, all professional learning offerings will be culturally and linguistically sensitive.

Professional Learning Opportunities:

The ESD could provide the following types of professional learning through a School Improvement Specialist or contracted services.



Technical Support Services - available at no cost:

Professional Learning Opportunities Focused on Reducing Academic Disparities and Behavioral and Mental Health

• Family Engagement – Dr. Mapp and Scholastic

- Scholastic's support is designed to reframe family engagement as an instructional strategy and build the capacity of district leadership and building teams to transform home-school partnerships to improve student outcomes.
- Scholastic Education proposes to support all districts in the SOESD region in the following ways:
 - Provide copies of Powerful Partnerships by Dr. Karen Mapp. We will utilize the books to facilitate a three-part virtual book study prior to starting the three-day workshop series. The virtual book study will provide context for the upcoming training series, establish shared understanding of effective home-school partnerships, and foster collaboration and communication among the group.
 - Conduct the Dr. Mapp Series with school-based teams. Teams will learn "what works" to engage families in learning, "repurpose" existing family events, and develop a year-long action plan for engaging families in partnerships to increase student academic achievement.
 - Provide on-site and virtual coaching to assist district teams' implementation of new learning, and we will provide consultative support to SOESD leadership to assist in strengthening and sustaining family engagement practices throughout the entire district.
 - Facilitate Effective Practices to Welcome All Families professional learning opportunities.
 - Conduct virtual webinar series on: Process Conditions and 4 C's
 - Facilitate Reaching All Families professional learning workshops
 - Design and implement Community Engagement Workshops for district leadership based on ODE's Community Engagement Toolkit

In addition to the days of learning, SOESD will offer ongoing coaching and support through regular PLCs and district specific support throughout the academic year.

• Mentoring Beginning Teachers and Administrators*

SOESD offers a tiered approach for mentoring new teachers and administrators:

- Tier 1- Districts can utilize SOESD to receive technical assistance from a School Improvement Specialist to support best practices in mentoring at a district/systems level.
- Tier 2- Districts can utilize SOESD to provide professional learning to district-employed mentors to ensure they have current researched-based strategies for supporting novice educators and are provided with opportunities to build a professional learning community with SOESD-employed mentors.
- Tier 3- Districts can utilize SOESD to provide SOESD-employed mentors at various levels of engagement (example: 45, 60, or 90 hours) of one-to-one support to novice educators.

*Districts may contract with SOESD for mentoring services for teachers ineligible for grant funds or for hours beyond grant funded allocations.

• Playworks – K-8 Organized Play

The Mission of Playworks is to create multiple opportunities for safe, healthy, meaningful play every day for children. The Playworks curriculum was designed for children in K – 6 school and youth environments, but is often used with children in grades K – 8. The term “organized play” is used to increase understanding for children and adults.

In addition to the days of learning, SOESD will offer ongoing coaching and support through regular CoPs/PLCs throughout the academic year.



Technical Support Services - available at no cost:

• Equity Professional Learning Opportunities (including PK)

SOESD will offer professional learning opportunities in foundational equity work. Examples include:

- Recognizing and responding to implicit bias
- Systemic racism
- Micro-aggressions

• Universal Design for Learning (UDL)

A framework to improve and optimize teaching and learning for all people based on scientific insights into how humans learn.

• Skillful Teaching

37.5 hours (6 days), eligible for three graduate, undergraduate, or para credits through Fitchburg State University.

The Studying Skillful Teaching program is Research for Better Teaching’s cornerstone program for building teachers’ capacity – the knowledge and skills as well as the courage and conviction – to promote students’ motivation, learning, and increased achievement. It is based on the belief that teaching is a process of decision-making and that skillful teachers never stop learning through experimentation, data analysis, study, and collegial sharing about what works best for their students. This reflective dialogue is consistently rated by our clients as an invaluable asset for building common and coherent language among their educators.

In addition to the six days of learning, SOESD will offer ongoing coaching and support through regular CoPs/PLCs throughout the academic year.

Regional SOESD Studying Skillful Teaching Facilitator Cadre is being developed to provide sustainability and availability for ongoing professional learning.



Technical Support Services - available at no cost:

- **Skillful Leadership and Coaching: Analyzing Teaching for Student Results (ATSR)**

42 hours (7 days) plus site visit, eligible for three graduate credits through Fitchburg State University.

This is a program for leaders on how to improve classroom teaching and learning. Reflecting the national shift towards learning-focused supervision and evaluation, the Analyzing Teaching for Student Results (ATSR) program helps leaders zero in on the impact of teaching decisions on students. During the program, participants examine high-leverage teaching strategies and use both a common language and a concept system about teaching to support any state framework. The seven-day curriculum provides multiple opportunities for participants to develop keen observation and analytical skills that will support teachers in building their own capacity to impact students' learning. It includes an on-site co-observation with the instructor for each participant.

In addition to the seven days of learning, SOESD will offer ongoing coaching and support through regular PLCs throughout the academic year.

- **Social Emotional Learning Professional Learning**

To be effective, districts need to adopt and implement comprehensive school-wide SEL programs (research-based) that address the five main areas of SEL in a culturally responsive environment.

SOESD can provide training and curriculum to help districts implement and adapt programs to specific needs of schools/cultures.

In addition to the initial workshop, SOESD will offer ongoing coaching and support for educators through regular CoPs/PLCs throughout the academic year and professional learning in SEL for parents.

- **Trauma-Informed Care/Approaches**

Professional learning on the strengths-based framework grounded in an understanding of and responsiveness to the impact of **trauma** that emphasizes physical, psychological, and emotional safety for everyone, and that creates opportunities for survivors to rebuild a sense of control and empowerment.

- **K-3 Early Learning Strategies**

Professional learning on a variety of K-3 reading and math instructional strategies grounded in the Science of Reading Instruction and the Science of Math Instruction which aligns with the latest brain research. SOESD can provide professional learning focused on the identified student needs for teachers and IAs/EAs/Paraprofessionals.

- **Adverse Childhood Experiences (ACEs) - including PK**

Professional learning focused on adverse childhood experiences (ACEs). ACEs are potentially traumatic events that occur in childhood (0-17 years). Creating and sustaining safe, stable, nurturing relationships and environments for all children and families can prevent ACEs and help all children reach their full potential.

- **MTSS Implementation for All Areas**

Coaching and professional learning supports focused on the development, implementation and sustainability of Multi-Tiered Systems of Support in academics, attendance, SEL, behavior, etc.



Technical Support Services - available at no cost:

Supporting Districts in Developing Kindergarten Readiness Programs to Reduce Academic Disparities

- **Kindergarten Readiness Program Development Technical Assistance for Districts**

Preschool Promise coordinator, early learning specialists, and other licensed staff employed by SOESD can provide technical assistance to districts who want to establish new Kindergarten Readiness programs and other district level infrastructure such as portable classrooms. These specialists can also provide strategies and coaching to districts regarding the most effective strategies and process to look at all options and requirements.

- **Kindergarten Readiness Consultant**

Support districts to create programs that align with ODE requirements in staffing and certifications.

Direct Services – available at cost:

Supporting Instructional Practices

Mental and Behavioral Supports

SOESD can provide educators with trauma-informed mentoring that supports leadership and instructional practices that promote equity, behavior supports, and social-emotional learning for all students.

Reducing Academic Disparities

SOESD can provide educators with content specific mentoring that supports leadership and instructional practices that promote equity, differentiation, evidence-based practices, reduction of academic disparities for historically underserved students, and academic achievement for all students.

- **Beginning Teacher Mentors**

SOESD can provide teacher mentors to support beginning teachers with mentoring that supports effective instructional practices, classroom management, and social-emotional learning.

- **Beginning SPED Mentors**

SOESD can provide special education mentors to support beginning SPED teachers with mentoring that supports effective instructional practices, classroom management, and SPED requirements.

- **Beginning Administrator Mentors**

SOESD can provide administrators with leadership support. Administrator mentors can support beginning administrators that are working in general education, SPED and central office positions.

- **Licensed Mental and/or Behavioral Health Professional FTE**

Licensed mental and/or behavioral health professionals who are acculturated to populations they serve assisting students at school with behavioral and/or mental health challenges on all three tiers:

- Tier-One: Classroom lessons on resilience building and self-regulation (Go Noodle, Brain Gym, Mindful Moments and other Mindfulness Activities, Yoga for Kids), implementation of school-wide social emotional curriculum (Second Step, Kelso's Choices, Bully Prevention, etc.).



Technical Support Services - available at no cost:

Technical Assistance for Integrated Programs Plan

- **Community Engagement Facilitator**

- Professional Learning for Community Organization Facilitators

- **Data Analysis**

- **One-on-One Technical Assistance**

- **Integrated Plan Review and Consolidated Feedback**

- **Longitudinal Performance Growth Targets/ Progress Monitoring**

- **Marketing and Communication**

- **Translation Services**

- Linguava – Provide translation services for documents focused on SIA work. Districts will be able to access services from Linguava using funding available in district/eligible charter school Linguava accounts.

TIER TWO: GROUP SUPPORTS

About Tier Two Supports

Tier Two supports will provide additional knowledge and understanding that helps educators meet the needs of all learners. The strategies listed in Tier Two will support educators in effective group support **of intense interventions for the 10-15% of students needing more focused interventions to meet expectations**. To the extent possible, all professional learning offerings will be culturally and linguistically sensitive.



Technical Support Services - available at no cost:

- **On Demand Training for Certified and Classified Employees***

SOESD can provide in-person and/or virtual trainings for certified staff new to their position/district or classified staff who are new to working as classroom instructional/educational assistants or are experienced IAs/EAs new to their assignment. Topics to include safely addressing physically aggressive behaviors, verbal intervention strategies, how to work as a team to support students in resource/self-contained classrooms, following Behavior Support Plans, following IEP goals, and strategies for supporting emerging bilinguals.

- **321 Insight** purchased in April 2020; license active through June 2024

321 Insight provides online training through their Trauma Informed Series and Para Sharp Series. These are virtual concise and relevant trainings to staff in a format they can easily digest and apply.

- **SOESD's webPD** – These are online, asynchronous course offerings from SOESD on six topics that were selected based on input from the districts and eligible charter schools in the region.

Direct Services – available at cost in partnership with Student Services:

- **Licensed Mental and/or Behavioral Health Professional FTE**

Licensed mental and/or behavioral health professionals who are acculturated to populations they serve assisting students at school with behavioral and/or mental health challenges on all three tiers:

- Tier-2: small group counseling, social skills building (teaching specific skills such as relaxation/calming skills, problem solving skills, social skills etc.), implementation of evidence-based social emotional programs (Check-in Check-out, "Check and Connect," reinforcement systems, token boards, success plans, self-monitoring sheets, problem solving sheets, etc.).

TIER THREE: INDIVIDUAL SUPPORTS

About Tier Three Supports

Tier Three supports will provide specialized knowledge and understanding that helps educators meet the needs of all learners. The strategies listed in Tier Three will support educators in effective individualized support for specific students as the **most intense interventions** and resources or **continuation of intense interventions over a long time period** (anticipated to be a year or more) for students with intense and persistent needs. To the extent possible, all professional learning offerings will be culturally and linguistically sensitive.

Direct Services – available at cost in partnership with Student Services:

Reducing Academic Disparities and Behavioral and Mental Health

• Licensed Mental and/or Behavioral Health Professional FTE

- Tier-3: individual counseling (strategies to address depression, anxiety, anger management, trauma, etc.), crisis de-escalation plans, suicide screening for students at moderate to high risk (interviewing, assessing and communicating with family to establish or strengthen school- and community-based supports).

SUPPORTS FOR INTEGRATED GUIDANCE

About Supports for Integrated Guidance

The supports for Integrated Programs and Planning/Reporting will provide technical assistance to districts and charter schools eligible to apply independently in the areas of Every Day Matters, High School Success, Career and Technical Education, Early Indicator and Intervention Systems, and Continuous Improvement Planning.

- **Every Day Matters (EDM)**

SOESD will work with individual districts and regionally to design and implement professional learning and technical assistance focused on reducing chronic absenteeism. Examples include coaching for school attendance teams, data support using the Chronic Absenteeism Prediction Tool (CAPT), attendance letters, regional attendance collaboratives and monthly attendance inspiration meetings, and supporting the development of community partnerships for supporting attendance.

- **Small/Rural District Support**

SOESD will provide technical assistance to help reduce administrative burden to districts identified by ODE as being eligible based on their designation as small/rural.

- **High School Success (HSS)**

The Career Connected Learning (CCL) Team will work with the Southern Oregon CTE Consortium (SOCTEC) and higher education partners to support planning and application efforts designed to meet HSS requirements to establish or expand district and/or regional efforts and programming for Career and Technical Education and College-level education opportunities.

- **Career and Technical Education (CTE)**

The CTE program coordinates a broad system of diverse subject areas aligned with career pathways awarding college credit aligned with the global economy. The program works closely with local high schools, community colleges, and industry to facilitate a Federal Carl D. Perkins consortium grant and the Southern Oregon CTE Consortium. The CTE Department services include Program of Study Approval, Instructor Appraisal and Certification, Professional Development, Federal Carl D. Perkins grant administration, and technical assistance.

Project Managers are available through SSA funding to support CTE at the intersectionality with SSA, specifically as it relates to the CTE and HSS sections of the Integrated Plan.

- **Early Indicator and Intervention Systems (EIS)**

Interested districts may enter into a consortium agreement with SOESD for the purchase of and support with EIS.

- **Continuous Improvement Planning**

Specialists will be available to work with individual schools, districts, and regionally to offer technical assistance and/or professional learning that supports the Every Student Succeeds Act (ESSA).



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	School Board Policies - second reading
Item Type:	Information and Discussion
Administrator:	Bret Champion, Jodi Fahy
Objective:	Review the policies and administrative regulations and adopt/readopt and delete 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.

Occasionally, the Board and/or staff members find it necessary to revise a policy or AR to keep aligned with current procedures. Revisions to such policies will be noted and the new/deleted language will be indicated in **blue** font.

Revisions in **red** font indicate OSBA updated language. Revisions in **blue** font indicate staff updated language. Revisions in **green** font indicate revisions since the first reading.

Policy	Title	Summary
GCBDA/GDBDA	Family Medical Leave	<i>There continues to be significant changes in Oregon law regarding leave. This includes changes from SB 1515 (2024) and numerous rule changes to match.</i>
GCBDA/GDBDA-AR(1) <i>Delete old version and adopt proposed new version</i>	Federal Leave	<i>The biggest change governs what conditions qualify for leave taken through the Oregon Family Leave Act (OFLA) and Paid Family and Medical Leave Insurance (PFMLI). While these leave allotments used to run concurrently in many situations, they now cannot be taken concurrently.</i>
GCBDA/GDBDA-AR(1) <i>New version</i>	Family and Medical Leave	<i>Included in this update are versions of GCBDA/GDBDA and GCBDA/GDBDA-AR(1) for districts with 50 or more employees. Additional policies and ARs affected by the changes in Oregon law include GCBDC/GDBDC;</i>
GCBDC/GDBDC	Domestic Violence, Harassment, Sexual Assault, Bias, Stalking Leave (Safe Leave)*	
GCBDC/GDBDC-AR	Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave	

GCBDD/GDBDD	Sick Time	<i>GCBDC/GDBDC-AR; GCBDD/GDBDD; GCBDF/GDBDF; and GCBDF/GDBDF-AR</i>
GCBDF/GDBDF <i>New policy</i>	Paid Family and Medical Leave Insurance *	
GCBDF/GDBDF-AR <i>New AR</i>	Paid Family and Medical Leave Insurance (PFMLI) *	
IGDK	Nonschool-Sponsored Study and Athletic Tours/Trips /Competitions	<i>A request was made by a Board member to revisit this policy and AR and reconsider allowing students who participate in non-school sponsored competitions to be allowed to use school athletic uniforms, with written approval of the building principal. The policy and AR were reviewed by staff and legal counsel. The revisions to the policy and AR are indicated in blue font.</i> <i>Since the first reading, staff added language regarding the use of school facilities, as indicated in green font.</i>
IGDK-AR	Nonschool-Sponsored Study and Athletic Tours/Trips /Competitions	
IIA-AR(1) <i>New AR</i>	Instructional Materials	<i>OSBA policy staff worked collaboratively with a work group comprised of school district and ESD staff and professionals from the State Library of Oregon and Intellectual Freedom Committee. The results of this work group culminated in the new administrative regulation.</i>
IKF	Graduation Requirements**	<i>Senate Bill (SB) 992 (2023) replaced the “Alternative Certificate” with a “Certificate of Attendance.”</i> <i>Additionally, SB 3 (2023) added one-half credit each of higher education and career path skills and personal financial education to the diploma and the modified diploma, therefore, reducing the number of</i>

IKFB	Graduation Exercises	<p><i>elective credits by 1 to maintain the 24 credits. Both of these are effective for students who began grade 9 in the 2023-2024 school year.</i></p> <p><i>The State Board of Education adopted the half credit for civics passed in SB 513 (2021) into OAR 581-022-2000. This is effective for students who began grade 9 in the 2022-2023 school year. Additional rules adopted by the State Board affect a variety of changes in policy which include language on additional credit requirements, Essential Skills, and updated parent notice requirements.</i></p>
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* *May be subject to collective bargaining.*

** *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 2.20.25](#)

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

Recommendation: Adopt, readopt and/or delete policies and administrative regulations included in the packet.

Suggested Motion: *“I move to approve the February 20th policy packet as presented.”*

Medford School District 549C

Code: GCBDA/GDBDA
Adopted: 1/22/18
Revised/Readopted: 5/06/19; 11/16/23; xx/xx/xx
Orig. Code(s): GCBDA/GDBDA

Family Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), the Oregon Military Family Leave Act (OMFLA), Paid Family and Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period, and worked ~~eds~~ at a worksite that employs 50 or more district employees within 75 miles of the worksite.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. ~~For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins; there is no minimum average number of hours worked per week.~~ Special requirements apply during public health emergencies.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years¹, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.² ~~PFMLI can be taken for family leave, medical leave or safe leave.~~³

~~Federal and state leave entitlements generally run concurrently.~~

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

¹ The wages are not required to have been earned for work in the district.

² See OAR 471-070-1010 for additional information.

³ Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA.

Legal Reference(s):

[ORS 332.507](#)
[ORS 657B.010](#)
[ORS 657B.025](#)

[ORS 659A.090](#)
[ORS 659A.093](#)
[ORS 659A.096](#)

[ORS 659A.099](#)
[ORS 659A.150 - 659A.186](#)
[OAR 839-009-0200 - 0320](#)

~~Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).~~
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (~~2012~~2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (~~2017~~2023).
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (~~2019~~2023); 28 C.F.R. Part 35 (~~2019~~2023).
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).
~~Senate Bill 999 (2023).~~
Senate Bill 1515 (2024).

~~Cross-Reference(s):~~

~~GCBDD/GDBDD—Sick Time~~

Medford School District 549C

Code: GCBDA/GDBDA
Adopted: 1/22/18
Revised/Readopted: 5/06/19; 11/16/23; xx/xx/xx
Orig. Code(s): GCBDA/GDBDA

Family Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), the Oregon Military Family Leave Act (OMFLA), Paid Family and Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period, and works at a worksite that employs 50 or more district employees within 75 miles of the worksite.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. Special requirements apply during public health emergencies.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years¹, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.² PFMLI can be taken for family leave, medical leave or safe leave.³

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

¹ The wages are not required to have been earned for work in the district.

² See OAR 471-070-1010 for additional information.

³ Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA.

Legal Reference(s):

[ORS 332.507](#)
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[ORS 659A.150 - 659A.186](#)
[OAR 839-009-0200 - 0320](#)

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Senate Bill 1515 (2024).

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Medford School District 549C

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 5/06/19; 1/09/20; 12/17/20;
3/17/22

Federal Leave

Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee need not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee of a covered employer is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who worked for the covered employer for fewer than 30 days immediately before the date on which the family leave would commence; or

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

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

An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the covered employer, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the covered employer within 180 days of separation from employment; or
3. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
4. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
5. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
6. Parental leave² (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
7. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
8. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
9. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);

² Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
10. Sick Child Leave: leave for non-serious health conditions of the employee's child. For OFLA, sick child leave includes absence to care for an employee's child whose school or child care provider has been closed³ in conjunction with a statewide public health emergency declared by a public health official.⁴
11. Bereavement Leave: leave related to the death of a covered family member.⁵
12. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
13. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

Definitions

1. Family member:
- a. For the purposes of FMLA, "family member" means:
 - (1) Spouse⁶;
 - (2) Parent;
 - (3) Child; or
 - (4) Persons who are "in loco parentis".
 - b. For the purposes of OFLA, "family member" means:
 - (1) Spouse;

³ "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

⁴ The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

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

⁵ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

⁶ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- (2) Registered, same-gender domestic partner;
- (3) Parent;
- (4) Parent-in-law;
- (5) Parent of employee's registered, same-gender domestic partner;
- (6) Child;
- (7) Child of employee's registered, same-gender domestic partner;
- (8) Grandchild;
- (9) Grandparent; or
- (10) Persons who are "in loco parentis".

14. Child:

- a. For the purposes of FMLA, "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing "in loco parentis", who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental impairment.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, "child" means the employee's son or daughter on covered active duty regardless of that child's age.
- c. For the purposes of OFLA, "child" means a biological, adopted, foster child or stepchild of the employee, the child of the employee's same-gender domestic partner, or a child with whom the employee is or was in a relationship of "in loco parentis".
- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

15. In loco parentis:

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

16. Next of kin:

For the purposes of FMLA and Military Caregiver Leave under FMLA, "next of kin" means the nearest blood relative other than the servicemember's spouse, parent, son or daughter in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Brothers or sisters;
- c. Grandparents;
- d. Aunts and uncles; and
- e. First cousins.

17. Covered servicemembers:

For the purposes of Military Caregiver Leave under FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness.

18. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period before the eligible employee first takes FMLA, Military Caregiver Leave.

19. Public health emergency:

For OFLA a public health emergency means;

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

Leave Period

For the purposes of calculating an employee’s leave period, the district will use a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated 12-month leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period⁷. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee’s parent’s serious medical

⁷ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

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

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period. However, an eligible employee is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁸ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.⁹

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

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁰. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹¹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

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

⁸ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁹ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

¹⁰ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹¹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

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

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but
20. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

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

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

Alternate Work Assignment

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
21. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
22. The transfer is compliant with any applicable collective bargaining agreement;
23. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and
24. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
25. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
26. The transfer is compliant with any applicable collective bargaining agreements;

27. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
28. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
29. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

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

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

30. Limitation on Leave Near the End of the School Year

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

- a. When the qualified leave begins more than five weeks before the end of the school year:
 - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
 - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

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

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.

The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the district, that available accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.

When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other employer's policy provide otherwise.¹² The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

¹² See also ORS 342.934(4)(d) in reduction force situations.

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

Fitness-for-Duty Certification

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

Application

Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

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

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from

the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

Medical Certification

The district may require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave, other than to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Second and Third Opinions

For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.

1. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the designated administrator.

Record Keeping/Posted Notice

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

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

The district will post notice of FMLA¹³ and OFLA¹⁴ leave requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.

¹³ Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.

¹⁴ Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.

Medford School District 549C

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Family and Medical Leave *

Employee Eligibility

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

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to requalify as an eligible employee.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days¹ immediately prior to the first day of the start of the requested leave.²

An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

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

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

¹ Thirty days during a declared public health emergency.

² The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

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

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

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

In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

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

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

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

³ As defined in ORS 656.005.

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

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

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
2. Sick child leave: leave taken to care for an employee’s child suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes leave to care for an employee’s child whose school or child care provider has been closed⁷ in conjunction with a statewide public health emergency declared by a public health official.⁸

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

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

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

⁷ “Closure” (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider as defined in OAR 839-009-0210(4).

⁸ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.⁹

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

Definitions

1. Family member:
 - a. For the purposes of FMLA, “family member” means:
 - (1) Spouse¹⁰;
 - (2) Parent¹¹;
 - (3) Child; or
 - (4) Persons who are “in loco parentis.”
 - b. For the purposes of OFLA, “family member” means an eligible employee’s:
 - (1) Spouse or domestic partner;
 - (2) Child or the child’s spouse or domestic partner;
 - (3) Parent or the parent’s spouse or domestic partner;
 - (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
 - (5) Grandparent or the grandparent’s spouse or domestic partner;
 - (6) Grandchild or the grandchild’s spouse or domestic partner; or
 - (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹²

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4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁹ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹⁰ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

¹¹ “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

¹² “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;

2. Child:

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

3. In loco parentis:

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

4. Next of kin:

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

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

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary

5. Geographic proximity; and

6. Any other factor that demonstrates the existence of a family-like relationship.

disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

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

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

7. Public health emergency:

For OFLA a “public health emergency” means;

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

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use a “rolling” 12-month period measured backward from the date the employee uses any FMLA leave.

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

The methods for calculating the leave period for FMLA or OFLA leave entitlement shall be used for all employees.

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

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)¹³. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for:

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

¹³ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

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

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

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

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

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

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁴

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

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

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁵. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of

¹⁴ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

¹⁵ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

the leave period shall be used for calculating the employee's normal workweek¹⁶. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.¹⁷ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

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

Intermittent Leave

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

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

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

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

Alternate Work Assignment

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

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and

¹⁶ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

¹⁷ See 29 CFR § 825.200(h).

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

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

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

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

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

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

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

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's

original position at any time during the employee’s OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of FMLA, “instructional employee” means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters¹⁸ for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

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

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

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

2. Limitation on Leave Near the End of the Term¹⁹

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

¹⁸ 29 CFR 825.600(c) uses “signers.”

¹⁹ “Academic term” means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

- a. When the qualified leave begins more than five weeks before the end of the term, the district may require the employee to continue taking leave until the end of the term if:
 - (1) The leave will last at least three weeks; and
 - (2) The employee would return to work during the three-week period before the end of the term.

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

- c. When the qualified leave begins within three weeks of the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required to remain on leave until the end of the term if the length of the leave will last more than five working days.

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

For the purposes of OFLA leave, if an employee²⁰ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

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

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

Benefits and Insurance

²⁰ Applies only to an employee who is employed principally in an instructional capacity by the district.

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²¹ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

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

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

Application

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

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior

²¹ See also ORS 342.934(4)(d) in reduction force situations.

notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²² to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information²³ to determine the requested leave qualifies as FMLA or OFLA leave. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.²⁴

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁵ within 24 hours before or after commencement of the leave. In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

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

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate²⁶, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after

²² Oral notice may be given by any other person on behalf of the employee taking the leave.

²³ Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.

²⁴ See 29 CFR § 825.304.

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

²⁶ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate²⁷, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

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

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

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

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.²⁸ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.²⁹

²⁷ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

²⁸ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

²⁹ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

Record Keeping

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

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

Federal vs. State Law

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

Medford School District 549C

Code: GCBDA/GDBDA-AR(1)
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Family and Medical Leave *

Employee Eligibility

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

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to requalify as an eligible employee.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days¹ immediately prior to the first day of the start of the requested leave.²

An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

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

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and

¹ Thirty days during a declared public health emergency.

² The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

- b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

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

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

In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

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

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

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

³ As defined in ORS 656.005.

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

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

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
2. Sick child leave: leave taken to care for an employee's child suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes leave to care for an employee's child whose school or child care provider has been closed⁷ in conjunction with a statewide public health emergency declared by a public health official.⁸

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

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

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

⁷ "Closure" (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

⁸ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.⁹

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

Definitions

1. Family member:
 - a. For the purposes of FMLA, “family member” means:
 - (1) Spouse¹⁰;
 - (2) Parent¹¹;
 - (3) Child; or
 - (4) Persons who are “in loco parentis.”
 - b. For the purposes of OFLA, “family member” means an eligible employee’s:
 - (1) Spouse or domestic partner;
 - (2) Child or the child’s spouse or domestic partner;
 - (3) Parent or the parent’s spouse or domestic partner;
 - (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
 - (5) Grandparent or the grandparent’s spouse or domestic partner;
 - (6) Grandchild or the grandchild’s spouse or domestic partner; or
 - (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹²

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4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁹ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹⁰ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

¹¹ “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

¹² “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;

2. Child:

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

3. In loco parentis:

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

4. Next of kin:

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

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

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary

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4. Cohabitation and its duration and purpose;
 5. Geographic proximity; and
 6. Any other factor that demonstrates the existence of a family-like relationship.

disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

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

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

7. Public health emergency:

For OFLA a “public health emergency” means;

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

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use a “rolling” 12-month period measured backward from the date the employee uses any FMLA leave.

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

The methods for calculating the leave period for FMLA or OFLA leave entitlement shall be used for all employees.

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

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)¹³. Spouses who work for the district and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for:

¹³ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

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

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

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

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

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

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁴

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

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

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁵. If an employee's schedule varies from

¹⁴ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

¹⁵ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁶. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.¹⁷ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

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

Intermittent Leave

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

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

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

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

Alternate Work Assignment

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

¹⁶ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

¹⁷ See 29 CFR § 825.200(h).

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

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

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

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

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

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

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

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

Special Rules for School Employees

For the purposes of FMLA, “instructional employee” means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters¹⁸ for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

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

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

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

¹⁸ 29 CFR 825.600(c) uses “signers.”

2. Limitation on Leave Near the End of the Term¹⁹

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

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

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

For the purposes of OFLA leave, if an employee²⁰ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

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

¹⁹ "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

²⁰ Applies only to an employee who is employed principally in an instructional capacity by the district.

PFMLI may exceed the employee's full wage replacement during the period of leave. The district will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

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

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²¹ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

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

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

Application

²¹ See also ORS 342.934(4)(d) in reduction force situations.

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

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²² to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information²³ to determine the requested leave qualifies as FMLA or OFLA leave. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.²⁴

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁵ within 24 hours before or after commencement of the leave. In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

²² Oral notice may be given by any other person on behalf of the employee taking the leave.

²³ Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.

²⁴ See 29 CFR § 825.304.

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

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

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate²⁶, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate²⁷, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

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

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

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

²⁶ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

²⁷ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.²⁸ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.²⁹

Record Keeping

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

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

Federal vs. State Law

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

²⁸ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

²⁹ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

Medford School District 549C

Code: GCBDC/GDBDC
Adopted: 11/15/18
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code(s): GCBDC/GDBDC

Domestic Violence, Harassment, Sexual Assault, **Bias**, Stalking Leave (**Safe Leave**)*

Definitions

- ~~1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar work weeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault, or stalking.~~
- ~~2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, or stalking.~~
- ~~3. “Protective order” means an order authorized by Oregon Revised Statute (ORS) 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.~~
- ~~4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.~~
- ~~5. “Victim of harassment” means an individual against whom harassment has been committed as describe in ORS 166.065 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.~~
- ~~6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525 or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.~~
- ~~7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732 or an individual designated as a victim of stalking by rule adopted under ORS 695A.805 or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.~~
- ~~8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.~~

When applicable, the district will comply with the provisions of protected leave identified in ORS 659A.272 to address domestic violence, harassment, sexual assault, bias, or stalking.

★ The district (covered employer¹) shall allow an eligible employee² to take reasonable leave from employment for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment, or stalking of, or the commission of a bias crime against the eligible employee or the employee's minor child or dependent.
3. To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking.
4. To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent; or
5. To relocate³ or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The district may limit the amount of leave if the eligible employee's leave creates an undue hardship on the district.

The district shall not deny leave to an eligible employee or discharge, threaten to discharge, demote, suspend an employee or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave because the employee makes inquiries about, applies for, or takes such leave.

The eligible employee shall give the district reasonable advanced notice of the employee's intention to take leave unless giving advance notice is not feasible.

The district may require the eligible employee to provide certification of the following:

¹ "Covered employer" means an employer who employs six or more individuals in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking, or in the year immediately preceding the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking.

² "Eligible employee" means an employee who is a victim of domestic violence, harassment, sexual assault, bias or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, bias or stalking.

³ "Relocate" is described in OAR 839-009-0345 (5).

1. The employee or **employee's** minor child or dependent is a victim of domestic violence, harassment, sexual assault, **bias**, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

The eligible employee shall provide a certification within a reasonable time after receiving the district's request for the certification.

Sufficient certification to support a request for such leave includes ~~any of the following~~:

1. A copy of a report from law enforcement, ~~if available, or a case number~~, indicating the **eligible** employee or **the employee's minor** child or dependent was a victim of domestic violence, harassment, sexual assault, **bias**, or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the **eligible** employee appeared in or ~~was~~ **is** preparing for a civil **or** criminal ~~or~~ administrative proceeding related to domestic violence, harassment, sexual assault, **bias**, or stalking; ~~and/or~~
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy, **employee of the Department of Justice division providing victim and survivor services** or a victim services provider that the **eligible** employee **or the employee's minor** child or dependent was undergoing **treatment or** counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, **bias**, or stalking.

All records and information kept by the district regarding the employee's leave ~~under ORS 659A.270 - 659A.285~~, including the ~~fact the employee has requested or obtaining of obtained such leave is~~ are confidential and may not be released without the expressed permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

~~The district may require periodic verification of the employee's eligibility for leave status.~~ The employee may use ~~all~~ any paid accrued leave, including ~~personal~~, sick leave, ~~and~~ vacation leave ~~or any other paid leave offered by the district~~. The ~~employee district~~ may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available ~~consistent with Board policies, any applicable collective bargaining agreement or other agreement~~.

Definitions

1. "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.
2. "Victim of bias" means an individual who has been a victim of a bias crime as defined in ORS 147.380; or any other individual designated as a victim of bias by rule adopted under ORS 659A.805.
3. "Victim of domestic violence" means an individual who has been a victim of abuse, as defined in ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.

4. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065; or any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467, 163.472 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
7. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault, bias or stalking.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

[OAR 839-009-0325 - 0365](#)

Medford School District 549C

Code: GCBDC/GDBDC
Adopted: 11/15/18
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Orig. Code(s): GCBDC/GDBDC

Domestic Violence, Harassment, Sexual Assault, Bias, Stalking Leave (Safe Leave)*

When applicable, the district will comply with the provisions of protected leave identified in ORS 659A.272 to address domestic violence, harassment, sexual assault, bias, or stalking.

The district (covered employer¹) shall allow an eligible employee² to take reasonable leave from employment for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment, or stalking of, or the commission of a bias crime against the eligible employee or the employee's minor child or dependent.
3. To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking.
4. To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent; or
5. To relocate³ or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The district may limit the amount of leave if the eligible employee's leave creates an undue hardship on the district.

¹ "Covered employer" means an employer who employs six or more individuals in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking, or in the year immediately preceding the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking.

² "Eligible employee" means an employee who is a victim of domestic violence, harassment, sexual assault, bias or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, bias or stalking.

³ "Relocate" is described in OAR 839-009-0345 (5).

The district shall not deny leave to an eligible employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment because the employee makes inquiries about, applies for, or takes such leave.

The eligible employee shall give the district reasonable advanced notice of the employee's intention to take leave unless giving advance notice is not feasible.

The district may require the eligible employee to provide certification of the following:

1. The employee or employee's minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

The eligible employee shall provide a certification within a reasonable time after receiving the district's request for the certification.

Sufficient certification to support a request for such leave includes:

1. A copy of a report from law enforcement indicating the eligible employee or the employee's minor child or dependent was a victim of domestic violence, harassment, sexual assault, bias, or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking; or
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy, employee of the Department of Justice division providing victim and survivor services or a victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, bias, or stalking.

All records and information kept by the district regarding the employee's leave under ORS 659A.270 - 659A.285, including the fact the employee has requested or obtained such leave are confidential and may not be released without the expressed permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any paid accrued leave, including sick leave, vacation leave or any other paid leave offered by the district. The district may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available consistent with Board policies, any applicable collective bargaining agreement or other agreement.

Definitions

1. “Protective order” means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.
2. “Victim of bias” means an individual who has been a victim of a bias crime as defined in ORS 147.380; or any other individual designated as a victim of bias by rule adopted under ORS 659A.805.
3. “Victim of domestic violence” means an individual who has been a victim of abuse, as defined in ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
4. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065; or any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467, 163.472 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
7. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault, bias or stalking.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

[OAR 839-009-0325 - 0365](#)

Medford School District 549C

Code: GCBDC/GDBDC-AR
Revised/Reviewed: 11/15/18; 5/06/19; xx/xx/xx
Orig. Code(s): GCBDC/GDBDC-AR

Request for Domestic Violence, Harassment, Sexual Assault, Bias or Stalking Leave

~~Where~~ When the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270-659A.285 shall be made at least 30 days prior to the date the requested leave is to begin unless giving advance notice is not feasible. ~~In emergency situations~~ When it is not feasible, oral or written notice as soon as practical is allowed.

Name of ~~Eligible~~-Employee _____

Department _____ Title _____

Effective Date of the Leave _____

Status: Full-time Part-time Temporary Hire Date _____ ~~Length of Service~~ _____

The requested leave is for:

- Myself
- ~~My~~ A minor child or dependent for which I am a parent or guardian

The leave is for:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
- To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment, ~~sexual assault~~ or stalking ~~for~~ of or the commission of a bias crime against the eligible employee or the eligible employee's minor child or dependent.
- To obtain or to assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking.
- To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.

- To relocate¹ or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

The following has been ~~provided by the employee~~ to certify the need for the requested leave:

- A copy of a report from law enforcement indicating ~~that the eligible employee myself or the eligible employee’s~~ my minor child or dependent ~~was is~~ a victim ~~or alleged victim~~ of domestic violence, harassment, sexual assault, ~~bias~~, or stalking.
- A copy of a protective order or ~~any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent~~, other evidence from a court, administrative agency or attorney that ~~the eligible employee I or my minor child or dependent~~ appeared in or is preparing for a civil or criminal ~~administrative~~ proceeding related to domestic violence, harassment, sexual assault, ~~bias~~, or stalking ~~or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 120.040 or 163.730 to 163.750.~~
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, ~~employee of the Department of Justice division providing victim and survivor services or victim services provider with or from whom the eligible employee or the eligible employee’s~~ that I or my minor child or dependent is receiving services.

~~I am required to use any accrued paid leave, including personal and sick leave or accrued vacation leave before taking OFLA leave without pay. I may select the order in which the paid leave is used for the OFLA leave period.~~

I understand that I may use accrued paid leave, including personal and sick leave, or accrued vacation leave or any other paid leave that is offered by the district.

If my request for a leave is approved, ~~it is my understanding~~ I understand that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. ~~I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment.~~ I understand if I am unable to return to work following the period of authorized leave, I will notify ~~my employer~~ the district as soon as practical and provide any required information which will allow ~~my employer~~ the district to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks ~~or seek to recover any employee contributions for health insurance premiums, life insurance or long term disability insurance~~ amounts paid for insurance coverage by the district on my behalf which remain unpaid after my leave, consistent with state law.

Signature of Employee: _____ Date: _____

¹ “Relocate” is described in OAR 839-009-0345 (5).

Medford School District 549C

Code: GCBDC/GDBDC-AR
Revised/Reviewed: 11/15/18; 5/06/19; xx/xx/xx
Orig. Code(s): GCBDC/GDBDC-AR

Request for Domestic Violence, Harassment, Sexual Assault, Bias or Stalking Leave

When the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270-659A.285 shall be made at least 30 days prior to the date the requested leave is to begin unless giving advance notice is not feasible. When it is not feasible, oral or written notice as soon as practical is allowed.

Name of Employee _____

Department _____ Title _____

Effective Date of the Leave _____

Status: Full-time Part-time Temporary Hire Date _____

The requested leave is for:

- Myself
- A minor child or dependent for which I am a parent or guardian

The leave is for:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
- To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault, harassment or stalking of or the commission of a bias crime against the eligible employee or the eligible employee's minor child or dependent.
- To obtain or to assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking.
- To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.

- To relocate¹ or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

The following has been to certify the need for the requested leave:

- A copy of a report from law enforcement indicating myself or my minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking.
- A copy of a protective order or other evidence from a court, administrative agency or attorney that I or my minor child or dependent appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking.
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, employee of the Department of Justice division providing victim and survivor services or victim services provider that I or my minor child or dependent is receiving services.

I understand that I may use accrued paid leave, including personal and sick leave, or accrued vacation leave or any other paid leave that is offered by the district.

If my request for a leave is approved, I understand that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand if I am unable to return to work following the period of authorized leave, I will notify the district as soon as practical and provide any required information which will allow the district to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks or seek to recover amounts paid for insurance coverage by the district on my behalf which remain unpaid after my leave, consistent with state law.

Signature of Employee: _____ Date: _____

¹ “Relocate” is described in OAR 839-009-0345 (5).

Medford School District 549C

Code: GCBDD/GDBDD
Adopted: 2/23/16
Revised/Readopted: 5/06/19, xx/xx/xxxx
Orig. Code(s): GCBDD/GDBDD

Sick Time

“Employee” means an individual who ~~is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221~~ renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers or independent contractors.

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

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

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

Sick time shall be taken in hourly increments except for substitutes who must take sick time in 4 or 8 hour increments (1/2 day or 1 full day). Sick time may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with ~~the~~ ~~qualifying~~ Family Medical Leave Act (FMLA), ~~Paid Family and Medical Leave Insurance (PFMLI)~~ or Oregon Family Leave Act (OFLA). Sick time may also be used in the event of a public health emergency ~~or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272.~~

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right, after ~~an employee uses sick time for more than~~ three consecutive ~~scheduled workdays of absence~~, or if misuse is suspected, to require ~~proof of personal illness or injury from an employee~~ verification or certification in accordance with law of the need for the sick time, including a medical ~~examination by a physician chosen and~~ verification or certification² paid for by the district. ~~An If~~

¹ “Family member” is defined by the Oregon Family Leave Act (OFLA).

² In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

an employee ~~refusing to submit to such an examination~~ fails to provide verification or certification or fails to provide other evidence as required by the district, ~~the employee~~ shall be subject to appropriate disciplinary action, up to and including dismissal.

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

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

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

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district as soon as possible before the assigned shift or as soon as practicable in the event of an emergency.

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

Nothing in this policy impacts the district's sick leave obligation under Oregon Revised Statute (ORS) 332.507.

END OF POLICY

Legal Reference(s):

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

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

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

Americans with Disabilities Act ~~of 1990~~/~~Americans with Disabilities Act Amendments Act~~, 42 U.S.C. §§ 12101-12213(2018); 29 C.F.R. Part 1630 (20~~1623~~); 28 C.F.R. Part 35 (20~~1623~~).

Family and Medical Leave Act ~~of 1993~~, 29 U.S.C. §§ 2601-2654 (20~~1218~~); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (20~~1623~~).

~~Americans with Disabilities Act Amendments Act of 2008:~~

Cross Reference(s):

ACA - Americans with Disabilities Act
GBDA - Mother Friendly Workplace
GCBDA/GDBDA - Family Medical Leave

Medford School District 549C

Code: GCBDD/GDBDD
Adopted: 2/23/16
Revised/Readopted: 5/06/19; xx/xx/xxxx
Orig. Code(s): GCBDD/GDBDD

Sick Time

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

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

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

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

Sick time shall be taken in hourly increments except for substitutes who must take sick time in 4 or 8 hour increments (1/2 day or 1 full day). Sick time may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifying Family Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave Act (OFLA). Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right, after an employee uses sick time for more than three consecutive scheduled workdays, or if misuse is suspected, to require verification or certification in accordance with law of the need for the sick time, including a medical verification or certification² paid for by the district. If an employee fails to provide verification or certification or fails to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

¹ “Family member” is defined by the Oregon Family Leave Act (OFLA).

² In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

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

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

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

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district as soon as possible before the assigned shift or as soon as practicable in the event of an emergency.

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

Nothing in this policy impacts the district's sick leave obligation under Oregon Revised Statute (ORS) 332.507.

END OF POLICY

Legal Reference(s):

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

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

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

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213(2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2023).

Cross Reference(s):

ACA - Americans with Disabilities Act
GBDA - Mother Friendly Workplace
GCBDA/GDBDA - Family Medical Leave

Medford School District 549C

Code: GCBDF/GDBDF
Adopted: xx/xx/xx

Paid Family and Medical Leave Insurance *

The district participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon¹. This includes submitting employee and employer contributions to the Oregon Employment Department (“Department”) as required by state law.² The district does not administer PFMLI or Paid Leave Oregon. All applications and related questions should be directed to the Department.

Definitions

1. “Family leave” means leave from work taken by a covered individual:
 - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
 - b. ³To effectuate the legal process required for placement of a foster child or the adoption of a child; or
 - c. To care for a family member with a serious health condition.

2. “Family leave” does not mean:
 - a. Leave described in Oregon Revised Statute (ORS) 659A.159(1)(a) (i.e., care for a child who is suffering from an illness, injury or condition that requires home care or who requires home care due to closure of the child’s school or child care provider as a result of a public health emergency) except for leave to care for a child who requires home care due to an illness, injury or condition that is a serious health condition;
 - b. Leave described in ORS 659A.159(1)(b) (death of a family member); or
 - c. Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).

3. “Family member” means:
 - a. The spouse of a covered individual;
 - b. A child or the child’s spouse or domestic partner;
 - c. A parent or the parent’s spouse or domestic partner;
 - d. A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner;

¹ Paid Leave Oregon is the program developed by the Oregon Employment Department to administer Paid Family and Medical Leave Insurance.

² The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900). *For districts with 25 or more employees:* The employer contribution is 40 percent and the employee contribution is 60 percent of this amount. The amount will be set annually by November 15. See ORS 657B.150.

³ This provision becomes effective on January 1, 2025.

- e. A grandparent of a covered individual or the grandparent’s spouse or domestic partner;
 - f. A grandchild of a covered individual or the grandchild’s spouse or domestic partner;
 - g. The domestic partner of a covered individual; or
 - h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.
4. “Medical leave” means leave from work taken by a covered individual that is made necessary by the individual’s own serious health condition.
5. “Safe leave” means leave related to domestic violence, harassment, sexual assault, bias, or stalking and relocation for health and safety reasons as provided in ORS 659A.272.

“Serious health condition” means:

- a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility;
- b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
- c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
- d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Eligibility

1. To be eligible for Paid Leave Oregon benefits, an individual must:
- a. Be an employee of the district⁴;
 - b. Earn at least \$1,000 in the base or alternate base year⁵;
 - c. Contribute to Paid Leave Oregon in accordance with state law;
 - d. Experience an event qualifying the employee for:
 - (1) Family leave;
 - (2) Medical leave; or
 - (3) Safe leave.
 - e. Submit an application to Department;
 - f. Have not exceeded maximum paid leave in the active benefit year; and
 - g. Have no current disqualifications⁶.

Leave

⁴ PFMLI is a state-wide benefit, and not unique to the district. An eligible individual does not need to be an employee of the district in order to be eligible for PFMLI, but this policy only applies to employees of the district.

⁵ Pay could come from another Oregon employer.

⁶ Disqualifications may include eligibility for Workers’ Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

Paid Leave Oregon can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.⁷ Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under Paid Leave Oregon must be taken concurrently with any leave taken by an eligible employee under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes. Leave taken under Paid Leave Oregon is in addition to, and may not be taken concurrently with, any leave taken pursuant to ORS 659A.150 - 659A.186 (Oregon Family Leave Act (OFLA)).

The district will maintain an employee's existing health benefits while the employee is using leave. The employee will be required to pay the employee's contribution to premiums.

END OF POLICY

Legal Reference(s):

[ORS 657B](#)

[ORS 659A.162](#)

[OAR 471-070](#)

[Senate Bill 1515](#) (2024).

⁷ In some pregnancy-related situations (e.g., pregnancy, childbirth, or a related medical condition), employees may be able to take two additional weeks, for a total of 14 weeks per benefit year.

Medford School District 549C

Code: GCBDF/GDBDF
Adopted: xx/xx/xx

Paid Family and Medical Leave Insurance *

The district participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon¹. This includes submitting employee and employer contributions to the Oregon Employment Department (“Department”) as required by state law.² The district does not administer PFMLI or Paid Leave Oregon. All applications and related questions should be directed to the Department.

Definitions

1. “Family leave” means leave from work taken by a covered individual:
 - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
 - b. ³To effectuate the legal process required for placement of a foster child or the adoption of a child; or
 - c. To care for a family member with a serious health condition.
2. “Family leave” does not mean:
 - a. Leave described in Oregon Revised Statute (ORS) 659A.159(1)(a) (i.e., care for a child who is suffering from an illness, injury or condition that requires home care or who requires home care due to closure of the child’s school or child care provider as a result of a public health emergency) except for leave to care for a child who requires home care due to an illness, injury or condition that is a serious health condition;
 - b. Leave described in ORS 659A.159(1)(b) (death of a family member); or
 - c. Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).
3. “Family member” means:
 - a. The spouse of a covered individual;
 - b. A child or the child’s spouse or domestic partner;
 - c. A parent or the parent’s spouse or domestic partner;

¹ Paid Leave Oregon is the program developed by the Oregon Employment Department to administer Paid Family and Medical Leave Insurance.

² The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900). *For districts with 25 or more employees:* The employer contribution is 40 percent and the employee contribution is 60 percent of this amount. The amount will be set annually by November 15. See ORS 657B.150.

³ This provision becomes effective on January 1, 2025.

- d. A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner;
 - e. A grandparent of a covered individual or the grandparent's spouse or domestic partner;
 - f. A grandchild of a covered individual or the grandchild's spouse or domestic partner;
 - g. The domestic partner of a covered individual; or
 - h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.
4. "Medical leave" means leave from work taken by a covered individual that is made necessary by the individual's own serious health condition.
5. "Safe leave" means leave related to domestic violence, harassment, sexual assault, bias, or stalking and relocation for health and safety reasons as provided in ORS 659A.272.

"Serious health condition" means:

- a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility;
- b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
- c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
- d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Eligibility

1. To be eligible for Paid Leave Oregon benefits, an individual must:
 - a. Be an employee of the district⁴;
 - b. Earn at least \$1,000 in the base or alternate base year⁵;
 - c. Contribute to Paid Leave Oregon in accordance with state law;
 - d. Experience an event qualifying the employee for:
 - (1) Family leave;
 - (2) Medical leave; or
 - (3) Safe leave.
 - e. Submit an application to Department;
 - f. Have not exceeded maximum paid leave in the active benefit year; and
 - g. Have no current disqualifications⁶.

⁴ PFMLI is a state-wide benefit, and not unique to the district. An eligible individual does not need to be an employee of the district in order to be eligible for PFMLI, but this policy only applies to employees of the district.

⁵ Pay could come from another Oregon employer.

⁶ Disqualifications may include eligibility for Workers' Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

Leave

Paid Leave Oregon can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.⁷ Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under Paid Leave Oregon must be taken concurrently with any leave taken by an eligible employee under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes. Leave taken under Paid Leave Oregon is in addition to, and may not be taken concurrently with, any leave taken pursuant to ORS 659A.150 - 659A.186 (Oregon Family Leave Act (OFLA)).

The district will maintain an employee's existing health benefits while the employee is using leave. The employee will be required to pay the employee's contribution to premiums.

END OF POLICY

Legal Reference(s):

[ORS 657B](#)

[ORS 659A.162](#)

[OAR 471-070](#)

[Senate Bill 1515](#) (2024).

⁷ In some pregnancy-related situations (e.g., pregnancy, childbirth, or a related medical condition), employees may be able to take two additional weeks, for a total of 14 weeks per benefit year.

Medford School District 549C

Code: GCBDF/GDBDF-AR
 Revised/Reviewed: xx/xx/xx

Paid Family and Medical Leave Insurance (PFMLI) *

Application

Employees may submit applications for Paid Leave Oregon¹ to the Oregon Employment Department (“Department”).² Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.³ The Department may require verification from the employee.⁴ The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.⁵ The district cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department in accordance with Oregon Revised Statute (ORS) 657B.410 and Oregon Administrative Rule (OAR) 471-070-8005.

Employee Notice to District

If the leave is foreseeable⁶, the employee must provide the district with written notice⁷ at least 30 calendar days prior to the leave. If the leave is not foreseeable⁸ the employee must give oral notice to the district

¹ “Paid Leave Oregon” means the Paid Family and Medical Leave Insurance program described in ORS 657B.

² For application requirements see Oregon Administrative Regulation (OAR) 471-070-1100. Applications can be submitted at <https://frances.oregon.gov/> to the Employment Department through the Paid Leave Oregon program.

³ Exceptions may be granted when the applicant can demonstrate good cause for late submission.

⁴ See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

⁵ The benefit may be less than the employee’s salary. See ORS 657B.050.

⁶ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310.

⁷ Written notice includes, but is not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁸ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.⁹ The district requests as much advance notice as possible.

The notice must include:

1. The employee's first and last name;
2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the district as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or Paid Leave Oregon to satisfy the notice requirements. Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(10).

Concurrent Use of District-Provided Paid Leave

The employee will be allowed to use available district-provided paid leave (e.g., sick, vacation or otherwise) for days that Paid Leave Oregon is received. The total combined amount received by using accrued leave and Paid Leave Oregon may exceed the employee's full wage replacement during the period of leave.

Example: The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available district-provided paid leave (sick, vacation or otherwise), subject to any applicable collective bargaining agreement or other agreement for days Paid Leave Oregon benefits are received. The employee will be able to choose how much other paid leave to use (which may result in the employee receiving more than 100 percent of their typical salary).

Return to Work

Upon completion of leave, the employee is entitled to return to the position held in the district prior to the leave, if that position still exists and if the employee had been employed in the district for 90 days prior to taking leave.¹⁰

⁹ An eligible employee who takes safe leave shall give the employer reasonable advance notice of the individual's intention to take safe leave, unless giving the advance notice is not feasible. If other leave also applies, notice requirements for those types of leave may also apply.

¹⁰ If the employee's leave also qualifies for FMLA protection, see also Board policy GCBDA/GDBDA and its accompanying administrative regulations.

Communications Between the District and the Department

Upon receipt of an application or update in information from a district employee for Paid Leave Oregon, the Department will notify the district. The district may provide additional information to the Department within 10 days. This information may include, but is not limited to, information about the employee's notice to the district or verification of the employee's continued employment with the district. If the district does not report such information to the Department, the Department will proceed using available information. The district can provide additional information to the Department as it becomes available.

If the Department requests additional information from the district, the district will respond within 10 calendar days.

Once the Department has issued a decision regarding an application submitted by an employee of the district, the Department will notify the district regarding the approval or denial and any applicable dates and periods of leave.

District Notice to Employees

At the time of hire and each time the policy or procedure changes, the district must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;
2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the district before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or Paid Leave Oregon program, giving notification of leave under the program, taking leave under the program or claiming PFMLI or Paid Leave Oregon benefits are prohibited;
7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹¹

¹¹ Paid Leave Oregon has provided a model notice, <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>.

The district will display the Department's notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The district will provide this notice poster to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

District Filings

The district will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the district fails to submit required filings or report, or fails to pay all required contributions, the district may be penalized in accordance with OAR 471-070-8520.

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or Paid Leave Oregon, giving notification of leave under Paid Leave Oregon, taking such leave or claiming such benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

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Medford School District 549C

Code: GCBDF/GDBDF-AR
Revised/Reviewed: xx/xx/xx

Paid Family and Medical Leave Insurance (PFMLI) *

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Notice need only be given one time, but the employee shall notify the district as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or Paid Leave Oregon to satisfy the notice requirements. Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(10).

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3. That an eligible employee must provide notice to the district before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or Paid Leave Oregon program, giving notification of leave under the program, taking leave under the program or claiming PFMLI or Paid Leave Oregon benefits are prohibited;
7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹¹

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Medford School District 549C

Code: IGDK
Adopted/Readopted: 5/07/91; 1/22/20; xx/xx/xx
Orig. Code: IGDK

Nonschool-Sponsored Study and Athletic Tours/Trips/Competitions

The school district does not sponsor, endorse or financially contribute to the variety of outside-sponsored study and athletic tours/trips/competitions available to students.

The district does not recruit for, or have input into, the selection of non-school sponsored programs, many of which are not open to all students. Such tours, trips, and competitions are under the sole auspice and control of the sponsoring organizations/groups. As such, the sponsoring organizations/groups are not agents of the district.

Students who raise funds for their personal participation in such activities may not raise monies for such travel as a representative of the school. The school district or individual school name may not be used unless the communication clearly identifies the sponsor as a group other than the school. Students may not use school vehicles, equipment, supplies, materials or facilities in conjunction with such trips or their related fund raising or group meetings [except upon the prior approval of the students' building principal as provided in IGDK-AR.](#)

Staff members are prohibited from using their school contact with students during instructional time to advertise or recruit for summer or other holiday travel. School staff will not advise parents regarding selection of such trips or tours for their students. The office or other designated areas may contain pamphlets to assist parents who have questions about selection of such a tour.

Parents are advised to consider carefully the activities that are available to their students. Parents and outside sponsors have an obligation to ensure that patrons of the district do not assume such activities are school sponsored or funded.

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)

[ORS 332.107](#)

[ORS 339.880](#)

[OAR 581-021-0045](#)

Davidson v. Or. Gov't Ethics Comm'n, 300 Or. 415 (1985).

Medford School District 549C

Code: IGDK
Adopted/Readopted: 5/07/91; 1/22/20; xx/xx/xx
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Medford School District 549C

Code: IGDK-AR
Revised/Reviewed: 4/18/00; 01/09/20; xx/xx/xx
Orig. Code: IGDK-AR

Nonschool-Sponsored Study and Athletic Tours/Trips/Competitions

1. Staff Member Responsibilities
 - a. Staff members planning a non-school sponsored tour, trip, or competition involving Medford School District students must inform his/her building principal.
 - b. Staff members are prohibited from using their contact with students during instructional time to advertise or recruit for summer or other holiday non-school sponsored tour, trip, or competition.
 - c. Staff members may only use the school office or other designated areas to advertise or recruit for summer or other holiday non-school sponsored tour, trip, or competition.
 - d. Staff members are prohibited from using school equipment, supplies, materials, and facilities to promote or organize non-school sponsored tours, trips, and competitions. (Exception: Staff members may use school facilities outside of the normal school day under certain circumstances. See policy code KG-R, Use of District Facilities). **Notwithstanding the foregoing, Medford School District coaches who volunteer to support a middle school state athletic competition (which are non-school sponsored competitions) may, upon the prior written approval of the building principal, use school facilities and/or school athletic uniforms to the extent reasonably necessary to support students who are competing in state level competitions including, but not limited to, a coaching shirt that includes the school's name. Building principals may not grant approval for student use of school equipment including, but not limited to, safety equipment such as pads, helmets and other headgear, during any such non-school sponsored competitions.**
 - e. Staff members will not advise parents regarding parental selection of non-school sponsored tours, trips, and competitions for their youngsters.
 - f. Staff members promoting and/or organizing a non-school sponsored tour, trip, or competition will send a letter to the parents of the interested students explaining that the proposed activity is privately sponsored and is in no way associated with nor endorsed by the Medford School District.
2. Principal Responsibilities
 - a. Advise staff members in writing of their responsibilities in promoting and organizing a non-school sponsored tour, trip, or competition **including, but not limited to: (i) any responsibilities regarding the use of school facilities and/or school athletic uniforms if approval to use such items is granted as provided in Section 1.d, above; and (ii) the responsibility not to allow the use of other school equipment, supplies, materials, and facilities during any non-school sponsored tours, trips, and competitions.**
 - b. Ensure that policy IGDK, "Non-School Sponsored Study & Athletic Tours/Trips/Competition" and IGDK-AR are enforced.

- c. Allow pamphlets or other literature on non-school sponsored tours, trips, or competitions to be made available in the office or other designated areas to assist parents who have questions about selection of such activities, provided prior approval is given by the building principal.
- d. Lists of student names and addresses are not to be provided to any individual agency or organization promoting or organizing non-school sponsored tours, trips, or competitions.

3. Student Responsibilities

- a. Students raising money for non-school sponsored study and athletic tours, trips, or competitions may not use the school district or individual school name unless the communication clearly identifies the sponsor as a group other than the school.
- b. Students may not use school vehicles, equipment, supplies, materials or facilities in conjunction with such tours, trips, or competitions or their related fund raising or group meetings. **Notwithstanding the foregoing, middle school students representing their school in a middle school level state or postseason athletic competition (which are non-school sponsored competitions) that requires students to represent their school may, upon the prior written approval of the building principal as provided in Section 1.d, above, be permitted to use school facilities and/or school athletic uniforms to the extent reasonably necessary to support participation in the competition. Students may not use other school equipment including, but not limited to, safety equipment such as pads, helmets and other headgear, during any such non-school sponsored competitions.**
- c. Students should inform their parents if the tour, trip, or competition is not school-sponsored.

4. Parent Responsibilities

- a. Parents are advised to consider carefully the activities that are available to their sons and daughters.
- b. Parents and outside sponsors have an obligation to ensure that patrons of the district do not assume such activities are school sponsored or funded.
- c. **For middle school state level athletic competitions, which are non-school sponsored events, parents shall be informed that approval for the use of school facilities and/or school athletic uniforms in connection with such competition does not, in any way, constitute an endorsement or sponsorship of the competition by the District and that the activity remains under the sole auspice and control of the sponsoring organization/group. Therefore: (i) the District is not responsible or liable for any injury/accident to the student that may occur in conjunction with the non-school sponsored activity when utilizing school facilities and/or wearing the school's athletic uniform; and (ii) parents shall be solely responsible for obtaining or otherwise providing, at the parents' cost and expense, any necessary safety equipment required for their student to participate in the non-school sponsored activity.**

Medford School District 549C

Code: IGDK-AR
Revised/Reviewed: 4/18/00; 01/09/20; xx/xx/xx
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2. Principal Responsibilities
 - a. Advise staff members in writing of their responsibilities in promoting and organizing a non-school sponsored tour, trip, or competition including, but not limited to: (i) any responsibilities regarding the use of school facilities and/or school athletic uniforms if approval to use such items is granted as provided in Section 1.d, above; and (ii) the responsibility not to allow the use of other school equipment, supplies, materials, and facilities during any non-school sponsored tours, trips, and competitions.
 - b. Ensure that policy IGDK, "Non-School Sponsored Study & Athletic Tours/Trips/Competition" and IGDK-AR are enforced.

- c. Allow pamphlets or other literature on non-school sponsored tours, trips, or competitions to be made available in the office or other designated areas to assist parents who have questions about selection of such activities, provided prior approval is given by the building principal.
- d. Lists of student names and addresses are not to be provided to any individual agency or organization promoting or organizing non-school sponsored tours, trips, or competitions.

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- b. Students may not use school vehicles, equipment, supplies, materials or facilities in conjunction with such tours, trips, or competitions or their related fund raising or group meetings. Notwithstanding the foregoing, middle school students representing their school in a middle school level state or postseason athletic competition (which are non-school sponsored competitions) that requires students to represent their school may, upon the prior written approval of the building principal as provided in Section 1.d, above, be permitted to use school facilities and/or school athletic uniforms to the extent reasonably necessary to support participation in the competition. Students may not use other school equipment including, but not limited to, safety equipment such as pads, helmets and other headgear, during any such non-school sponsored competitions.
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Medford School District 549C

Code: IIA-AR(1)
Revised/Reviewed: xx/xx/xx

Instructional Materials

Core Instructional Materials¹

The Board selects core instructional materials. The responsibility to ensure procedures on selection and recommendations for core instructional materials are followed rests with the superintendent. The responsibility for coordinating the distribution of core instructional materials to classes also rests with the superintendent. It is the principal's responsibility to implement and maintain the core instructional materials, and teachers are expected to use selected core instructional materials in the classroom.

Materials selection committees will be appointed by the administration at the time necessary adoption areas are determined. The committee will review the materials and the general criteria for materials selection and provide a recommendation to the superintendent. The superintendent may make changes to the recommendation and shall submit a recommendation(s) to the Board for adoption prior to use.

If the district chooses to adopt core instructional materials which are not on the state-approved list, the rules outlined in OAR 581-022-2350 will apply.

Supplemental Instructional Materials²

The responsibility for evaluating and selecting supplemental instructional materials is delegated to teachers, principals, librarians, and/or others, as determined appropriate, who may collaborate as part of the process. **Materials must be in line with state standards.** Other authoritative matter experts may be included when practicable, as determined by the district.

1. Materials will contain suitable readability levels and support the district's adopted curriculum content.
2. Recommendations for selection may be solicited from staff and may include students.
3. Donated materials will be evaluated using the district's selection criteria and will be accepted or rejected based on those criteria.

¹ "Core instructional material," sometimes referred to as basal, means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. Core instructional materials may include adaptive or personalized learning programs, digital textbooks and print textbooks and are adopted and paid for by the district. Core instructional materials may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

² "Supplemental instructional materials" means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

School Library Materials³

1. In selecting materials for the school library or media center, a librarian, under supervision of the principal, will evaluate the existing collection and the curriculum needs. The librarian will consult reputable, professionally prepared selection aids and other professional sources. Materials will contain suitable readability levels.
2. Recommendations for selection may be solicited from staff and students.
3. Donated materials will be evaluated using the established selection criteria and will be accepted or rejected based on those criteria.
4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

Classroom Library Materials⁴

1. When selecting materials for a classroom library, the teacher may consult staff and/or accept recommendations from staff and students.
2. Donated materials will be evaluated and may be accepted or rejected by the teacher.
3. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria.

³ “School library materials” means materials that are kept in the school library for student selection and use. The use of these materials may not be required for a particular class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, websites, or databases, including in digital or print, etc. These materials are not adopted by the Board.

⁴ “Classroom library materials” means materials that are kept in the classroom for student selection and use. The use of these materials is not required for the class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, etc. These materials are not adopted by the Board.

Medford School District 549C

Code: IIA-AR(1)
Revised/Reviewed: xx/xx/xx

Instructional Materials

Core Instructional Materials¹

The Board selects core instructional materials. The responsibility to ensure procedures on selection and recommendations for core instructional materials are followed rests with the superintendent. The responsibility for coordinating the distribution of core instructional materials to classes also rests with the superintendent. It is the principal's responsibility to implement and maintain the core instructional materials, and teachers are expected to use selected core instructional materials in the classroom.

Materials selection committees will be appointed by the administration at the time necessary adoption areas are determined. The committee will review the materials and the general criteria for materials selection and provide a recommendation to the superintendent. The superintendent may make changes to the recommendation and shall submit a recommendation(s) to the Board for adoption prior to use.

If the district chooses to adopt core instructional materials which are not on the state-approved list, the rules outlined in OAR 581-022-2350 will apply.

Supplemental Instructional Materials²

The responsibility for evaluating and selecting supplemental instructional materials is delegated to teachers, principals, librarians, and/or others, as determined appropriate, who may collaborate as part of the process. Materials must be in line with state standards. Other authoritative matter experts may be included when practicable, as determined by the district.

1. Materials will contain suitable readability levels and support the district's adopted curriculum content.
2. Recommendations for selection may be solicited from staff and may include students.
3. Donated materials will be evaluated using the district's selection criteria and will be accepted or rejected based on those criteria.

¹ "Core instructional material," sometimes referred to as basal, means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. Core instructional materials may include adaptive or personalized learning programs, digital textbooks and print textbooks and are adopted and paid for by the district. Core instructional materials may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

² "Supplemental instructional materials" means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

School Library Materials³

1. In selecting materials for the school library or media center, a librarian, under supervision of the principal, will evaluate the existing collection and the curriculum needs. The librarian will consult reputable, professionally prepared selection aids and other professional sources. Materials will contain suitable readability levels.
2. Recommendations for selection may be solicited from staff and students.
3. Donated materials will be evaluated using the established selection criteria and will be accepted or rejected based on those criteria.
4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

Classroom Library Materials⁴

1. When selecting materials for a classroom library, the teacher may consult staff and/or accept recommendations from staff and students.
2. Donated materials will be evaluated and may be accepted or rejected by the teacher.
3. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria.

³ “School library materials” means materials that are kept in the school library for student selection and use. The use of these materials may not be required for a particular class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, websites, or databases, including in digital or print, etc. These materials are not adopted by the Board.

⁴ “Classroom library materials” means materials that are kept in the classroom for student selection and use. The use of these materials is not required for the class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, etc. These materials are not adopted by the Board.

Medford School District 549C

Code: IKF
Adopted: 4/21/81
Revised/Readopted: 3/02/15; 4/24/17; 2/12/15;
5/21/20; 2/17/22; 10/20/22; xx/xx/xx
Orig. Code: IKF

Graduation Requirements**

The Board will establish graduation requirements for awarding of a high school diploma, a modified diploma, an extended diploma and ~~an alternative certificate~~ a certificate of attendance which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. ~~A foster child~~ In foster care¹;
2. ~~Homeless~~ Experiencing houselessness²;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; ~~or~~
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program;
or
7. Enrolled in an approved recovery school under ORS 336.680³.

¹ As defined in ORS 30.297.

² See OAR 581-022-2000 for additional information.

³ Applies to high school diplomas awarded on or after January 1, 2026.

For any student identified above, the district shall accept any credits earned by the student in an educational program⁴ in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state.

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in English/language arts⁵ (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (~~including shall include 0.5 unit of US civics⁶ credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for US and world history, civics~~, geography, economics, ~~or personal finance and financial literacy⁷~~);
5. ~~One-half credit of higher education and career path skills⁸~~;
6. ~~One-half credit of personal financial education⁹~~;
7. One credit in health education;
8. One credit in physical education (credit may also be earned through athletic participation or equivalent activities that are approved by a school administrator in advance);

⁴ “Educational program in this state” means an educational program that is provided by a school district, a public charter school, ~~an approved recovery school (applies to diplomas awarded on or after January 1, 2026)~~, the Youth Corrections Education Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.96~~21~~ or a hospital identified in ORS 343.261.

⁵ “Language arts” includes reading, writing and other communications in any language, including English.

⁶ Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451).

⁷ This requirement is replaced with a one-half credit of personal financial education requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year.

⁸ Higher education and career path skills becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

⁹ Personal finance education becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

9. Three credits in career and technical education, the arts or world languages¹⁰ (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credits as described in the student's personal education plan (including the ability to earn dual credit, credit through internships and externships) as long as the credit earned meets requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

A diploma with honors is available to those students who are seeking to challenge themselves academically. This program will prepare students for their post-secondary education by providing rigorous coursework along with the opportunity to earn college credit. Students who wish to pursue a diploma with honors are strongly encouraged to begin taking Advanced Placement or honors courses their freshman year and must confirm their intentions with their counselor at the start of their junior year. To earn this designation on a diploma, a student must earn a cumulative grade point average of 3.5 or higher, complete the statewide assessments, and earn nine or more credits in advanced placement or honors courses, or in other courses designated in the course guide as qualifying for the honors designation. Requirements must be met by the end of the 4th quarter of a student's graduation year. The student must also meet the district guidelines for a high school diploma.

To receive a diploma, in addition to credit requirements outlined ~~in OAR 581-022-2000~~ above, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)); and
4. Participate in career-related learning experiences.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010(3):

1. The student ~~H~~has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. The student ~~H~~has a documented history of a medical condition that creates a barrier to achievement.

¹⁰ "World language" includes sign language, heritage language and languages other than a student's primary language.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits ~~which shall~~ with at least 13 of those credits to include:

1. Three credits in English/language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (including history, civics, geography, economics, or personal finance);
5. One-half credit in personal financial education¹¹;
6. One-half credit in higher education and career path skills¹²;
7. One credit in health education;
8. One credit in physical education (credit may also be earned through athletic participation or equivalent activities that are approved by a school administrator in advance);
9. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010. In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings¹³;
2. Develop an education plan and build an education profile; and
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)).

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan.

¹¹ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹² This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹³ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

Modifications include practices and procedures that compromise the intent of the assessment through a change in ~~learning expectations~~ the achievement level, construct, or ~~content that is to be measured, grade level standard, or~~ measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard. ~~The IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;~~

2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Oregon State assessment.

A student's school team (~~which must include an adult student, parent/guardian of the student~~) shall decide ~~that if~~ a student ~~should~~ will work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school.

A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

~~Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.~~

~~For students with a documented history as described above, the district shall annually provide the parents or guardians of students, beginning in grade five or after such documented history has been established, the following:~~

1. ~~Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and~~
2. ~~A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.~~

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in all required Essential Skills in the student's language of origin ~~for a high school diploma or a modified diploma.~~

The district will develop procedures to provide assessment options as described in the ~~Test Administration~~ *Local Performance Assessment Manual*, in the ELL student's language of origin, and will develop

procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will establish an appeal process in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a **high school** diploma while receiving **reasonable** modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than ~~six~~ **6** credits in a self-contained special education classroom and will include:
 - a. Two credits in mathematics;
 - b. Two credits in English/language arts;
 - c. Two credits in science;
 - d. Three credits in history, geography, economics or civics;
 - e. One credit in health;
 - f. One credit in physical education and (credit may also be earned through athletic participation or equivalent activities that are approved by school administrator in advance);
 - g. One credit in the arts or a world language; **and**
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

~~Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma. For students with a documented history, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such documented history has been established, the following:~~

1. ~~Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and~~
2. ~~A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or district and that such students awarded a certificate of~~

attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Alternative Certificates

~~Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma, or an extended diploma if the students meet minimum requirements established by the district.~~

~~Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.~~

Certificate of Attendance

A certificate of attendance¹⁴ will be awarded to students who:

1. Have maintained regular full-time attendance¹⁵ for at least four years beginning in grade nine;
2. Do not satisfy requirements for a high school diploma, modified diploma or extended diploma; and
3. Have a documented history¹⁶.

For students with a documented history¹⁷, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such a documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for the diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any required reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Other District Responsibilities

¹⁴ A student who began grade 9 before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate which are in effect on the day before July 1, 2024.

¹⁵ “Regular full-time attendance” means not being absent for more than 10 percent of school days that the student is enrolled in a school year. See OAR 581-020-0631 for definition of chronic absenteeism. Excused absences are considered absences for this purpose.

¹⁶ “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

¹⁷ “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

The district will ensure that all students have onsite access to the appropriate resources and courses to achieve a high school diplomas, a modified diplomas, an and extended diplomas; or an alternative certificate at each high school in the district. The district will provide developmentally appropriate literacy instruction to all students until graduation.

The district may not deny a student the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student who has the documented history listed under the above modified diploma or extended diploma requirements outlined above the opportunity to pursue a diploma with more stringent requirements, for the sole reason the student has the document history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is an emancipated minor or who has reached the age of 18 (adult student) at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall must receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate a certificate of attendance in either the later of 4 years after starting the ninth grade 9, or until the student reaches the age of 21 years if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy complete the requirements for a modified diploma, an extended diploma or an alternative certificate a certificate of attendance in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate a certificate of attendance in less than four 4 years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate a certificate of attendance shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or an alternative certificate a certificate of attendance shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student and. When added together, the district will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that are is required to be provided to students who are attending a public high school. The district may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student

who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, ~~an alternative certificate a certificate of attendance~~ or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or ~~alternative certificate certificate of attendance~~ is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option. Students may opt-out of the Oregon ~~State Assessment or alternate Oregon Extended Assessment~~ statewide assessments in ~~language arts and/or mathematics~~ by completing the Oregon Department of Education's Opt-out Form¹⁸ and submitting the form to the district.

The district will issue a high school diploma ~~pursuant to Oregon law (ORS 332.114)~~ to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

¹⁸ Oregon Department of Education page for: [30-day notice and opt-out form](#)

[ORS 329.007](#)
[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 336.585](#)
[ORS 336.590](#)

[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)

[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992, published by the OREGON DEPARTMENT OF EDUCATION.

Cross Reference(s):

IKFB - Graduation Exercises
IL - Assessment Program

Medford School District 549C

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5/21/20; 2/17/22; 10/20/22; xx/xx/xx
Orig. Code: IKF

Graduation Requirements**

The Board will establish graduation requirements for awarding of a high school diploma, a modified diploma, an extended diploma and a certificate of attendance which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. In foster care¹;
2. Experiencing houselessness²;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker;
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program;
or
7. Enrolled in an approved recovery school under ORS 336.680³.

¹ As defined in ORS 30.297.

² See OAR 581-022-2000 for additional information.

³ Applies to high school diplomas awarded on or after January 1, 2026.

For any student identified above, the district shall accept any credits earned by the student in an educational program⁴ in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state.

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in English/language arts⁵ (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (shall include 0.5 unit of US civics⁶ credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for US and world history, geography, economics, and financial literacy⁷);
5. One-half credit of higher education and career path skills⁸;
6. One-half credit of personal financial education⁹;
7. One credit in health education;
8. One credit in physical education (credit may also be earned through athletic participation or equivalent activities that are approved by a school administrator in advance);

⁴ “Educational program in this state” means an educational program that is provided by a school district, a public charter school, an approved recovery school (applies to diplomas awarded on or after January 1, 2026), the Youth Corrections Education Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

⁵ “Language arts” includes reading, writing and other communications in any language, including English.

⁶ Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451).

⁷ This requirement is replaced with a one-half credit of personal financial education requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year.

⁸ Higher education and career path skills becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

⁹ Personal finance education becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

9. Three credits in career and technical education, the arts or world languages¹⁰ (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credits as described in the student's personal education plan (including the ability to earn dual credit, credit through internships and externships) as long as the credit earned meets requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

A diploma with honors is available to those students who are seeking to challenge themselves academically. This program will prepare students for their post-secondary education by providing rigorous coursework along with the opportunity to earn college credit. Students who wish to pursue a diploma with honors are strongly encouraged to begin taking Advanced Placement or honors courses their freshman year and must confirm their intentions with their counselor at the start of their junior year. To earn this designation on a diploma, a student must earn a cumulative grade point average of 3.5 or higher, complete the statewide assessments, and earn nine or more credits in advanced placement or honors courses, or in other courses designated in the course guide as qualifying for the honors designation. Requirements must be met by the end of the 4th quarter of a student's graduation year. The student must also meet the district guidelines for a high school diploma.

To receive a diploma, in addition to credit requirements outlined above, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)); and
4. Participate in career-related learning experiences.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010(3):

1. The student has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. The student has a documented history of a medical condition that creates a barrier to achievement.

¹⁰ "World language" includes sign language, heritage language and languages other than a student's primary language.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits with at least 13 of those credits to include:

1. Three credits in English/language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (including history, civics, geography, economics, or personal finance);
5. One-half credit in personal financial education¹¹;
6. One-half credit in higher education and career path skills¹²;
7. One credit in health education;
8. One credit in physical education (credit may also be earned through athletic participation or equivalent activities that are approved by a school administrator in advance);
9. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010. In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings¹³;
2. Develop an education plan and build an education profile; and
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)).

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

¹¹ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹² This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹³ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard. The IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Oregon State assessment.

A student's school team (which must include an adult student, parent/guardian of the student) shall decide if a student will work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school.

A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

For students with a documented history as described above, the district shall annually provide the parents or guardians of students, beginning in grade five or after such documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in all required Essential Skills in the student's language of origin for a high school diploma or a modified diploma.

The district will develop procedures to provide assessment options as described in the *Local Performance Assessment Manual*, in the ELL student's language of origin, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will establish an appeal process in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than 6 credits in a self-contained special education classroom and will include:
 - a. Two credits in mathematics;
 - b. Two credits in English/language arts;
 - c. Two credits in science;
 - d. Three credits in history, geography, economics or civics;
 - e. One credit in health;
 - f. One credit in physical education and (credit may also be earned through athletic participation or equivalent activities that are approved by school administrator in advance);
 - g. One credit in the arts or a world language; and
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

For students with a documented history, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Certificate of Attendance

A certificate of attendance¹⁴ will be awarded to students who:

1. Have maintained regular full-time attendance¹⁵ for at least four years beginning in grade nine;
2. Do not satisfy requirements for a high school diploma, modified diploma or extended diploma; and
3. Have a documented history¹⁶.

For students with a documented history¹⁷, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such a documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for the diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any required reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Other District Responsibilities

The district will ensure that all students have onsite access to the appropriate resources and courses to achieve high school diplomas, modified diplomas, and extended diplomas at each high school in the district. The district will provide developmentally appropriate literacy instruction to all students until graduation.

The district may not deny a student who has the documented history listed under the modified diploma or extended diploma requirements outlined above the opportunity to pursue a diploma with more stringent requirements, for the sole reason the student has the document history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is an emancipated minor or who has reached the age of 18 (adult student) at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district must receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

¹⁴ A student who began grade 9 before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate which are in effect on the day before July 1, 2024.

¹⁵ "Regular full-time attendance" means not being absent for more than 10 percent of school days that the student is enrolled in a school year. See OAR 581-020-0631 for definition of chronic absenteeism. Excused absences are considered absences for this purpose.

¹⁶ "Documented history" means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

¹⁷ "Documented history" means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or a certificate of attendance in either the later of 4 years after starting grade 9, or until the student reaches the age of 21 years if the student is entitled to a public education until the age of 21 under state or federal law.

A student may complete the requirements for a modified diploma, an extended diploma or a certificate of attendance in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or a certificate of attendance in less than 4 years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or a certificate of attendance shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or a certificate of attendance shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student. When added together, the district will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school. The district may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, a certificate of attendance or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or certificate of attendance is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option. Students may opt-out of the Oregon statewide assessments in language arts and/or mathematics by completing the Oregon Department of Education's Opt-out Form¹⁸ and submitting the form to the district.

¹⁸ Oregon Department of Education page for: [30-day notice and opt-out form](#)

The district will issue a high school diploma to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.007](#)
[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 336.585](#)
[ORS 336.590](#)

[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)

[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992, published by the OREGON DEPARTMENT OF EDUCATION.

Cross Reference(s):

IKFB - Graduation Exercises
IL - Assessment Program

Medford School District 549C

Code: IKFB
Adopted: 6/04/18
Revised/Readopted: 6/17/19; 9/21/23, xx/xx/xxxx
Orig. Code: IKFB

Graduation Exercises

The Board believes that completion of the requirements for a diploma, a modified diploma, an extended diploma or ~~an alternative certificate~~ a certificate of attendance from public schools is an achievement that improves the community as well as the individual. The Board wishes to recognize this achievement in a publicly celebrated graduation exercise.

Accordingly, appropriate graduation programs may be planned by the high school principals on the date approved by the district. Students may be provided an opportunity to participate in the planning and conduct of the graduation program. However, final plans shall be subject to approval of the building principal.

The school's valedictorian(s), salutatorian(s) or others, at the discretion of the building principal or designee, may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the building principal or designee.

All students in good standing¹ who have successfully completed the requirements for a high school diploma, qualify to receive or receives a modified diploma, an extended diploma or ~~an alternative certificate~~ a certificate of attendance may participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or ~~an alternative certificate~~ a certificate of attendance; and
2. Has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces.

~~Graduating students will be allowed to wear Native American¹ or other items of cultural significance².~~

END OF POLICY

¹ Native American items of cultural significance means items or objects that are traditionally associated with a Native American or that have religious or cultural significance to a Native American.

² The district may prohibit an item or object that: a) is likely to cause a substantial disruption of, or material interference with the graduation ceremony, or b) replaces a cap or gown customarily worn at a graduation ceremony.

Legal Reference(s):

[ORS 329.451](#)
[ORS 332.107](#)
[ORS 332.112](#)
[ORS 339.505](#)
[ORS 343.295](#)

[ORS 659.850](#)
[ORS 329.451](#)
[ORS 332.107](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 581-021-0060](#)
[OAR 581-022-2000](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2505](#)

31 OR. ATTY. GEN. OP. 428 (1964)

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

Kay v. David Douglas Sch. Dist. No. 40, 1987); cert. den., 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

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END OF POLICY

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² The district may prohibit an item or object that: a) is likely to cause a substantial disruption of, or material interference with the graduation ceremony, or b) replaces a cap or gown customarily worn at a graduation ceremony.

Legal Reference(s):

<u>ORS 329.451</u>	<u>ORS 659.850</u>	<u>OAR 581-021-0050</u>
<u>ORS 332.107</u>	<u>ORS 329.451</u>	<u>OAR 581-021-0055</u>
<u>ORS 332.112</u>	<u>ORS 332.107</u>	<u>OAR 581-021-0060</u>
<u>ORS 339.505</u>	<u>ORS 339.505</u>	<u>OAR 581-022-2000</u>
<u>ORS 343.295</u>	<u>ORS 343.295</u>	<u>OAR 581-022-2010</u>
		<u>OAR 581-022-2015</u>
		<u>OAR 581-022-2020</u>
		<u>OAR 581-022-2505</u>

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Lee v. Weisman, 505 U.S. 577 (1992).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

DRAFT



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
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, February 20, 2025**

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

Employee Name	School/Location	Position	University/College
Buyaskas, Michael	Innovation Academy	Biology	Southern Oregon University
Maimon, April	Oak Grove Elementary	Elementary - Grade 5	San Jose State University

Resignations:

Employee Name	School/Location	Position	Effective Date
Bostock, Bettina	South Medford High School	Counselor	04.11.2025
Brock, Andrea	McLoughlin Middle School	Counselor	06.06.2025
Dufour, Brenda	South Medford High School	Assistant Principal	06.20.2025
Hess, Kira	Innovation Academy	Math	02.14.2025
Maimon, April	Oak Grove Elementary	Elementary - Grade 5	02.10.2025
Maxwell, Tanya	Oakdale Middle School	Counselor	06.06.2025
Pyle, Press	Innovation Online	Special Education	02.27.2025
Richards, John	Innovation Academy	Science - Biology	01.29.2025
Thompson, Craig	Hedrick Middle School	Social Studies	06.06.2025



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
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 Board meeting held on January 23, 2025.

Recommendation: Approve the minutes included with the consent agenda.

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



Regular Meeting of the Board of Education

Thursday, January 23, 2025 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](#). The slide presentation can be viewed by clicking on Extras listed next to the meeting at [this link](#).

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.

2. Agenda Adjustments and Approval

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

3. Recognitions

3.a. School Board Appreciation

Superintendent Bret Champion acknowledged it was Board Appreciation Month and went on to commend the Board Directors for their tireless effort, as volunteers, to make things better for students. He directed attention to wooden plaques that were made for the Board by career and technical education students, and encouraged a round of applause for their unwavering dedication.

Board Director Michael Williams arrived at the end of the presentation.

4. Recess

The Board did not take a recess at this time.

5. Restructuring Board Meetings

Chair Wright explained in an effort to place greater emphasis on the work the Board was elected to do, the agenda had been reordered to place citizen comment after a focus on Board work. She encouraged Board Directors to let her know their thoughts on the reorder prior to the next agenda planning meeting.

6. Board Priority Discussion

Chair Wright conveyed the need to change the tone and narrow the focus of Board meetings. She spoke regarding the shared vision of the district, All are learning and learning is for all, and that she had learned a lot over the last month. She went on to share her intentions on setting a different tone and focusing more on improving student outcome than trying to control adult behaviors. Chair Wright emphasized the Board/District Goals and Priorities as the most important work of the Board and noted staff had been asked to provide a report on one of the goals, Students Graduate.

Board Director Lilia Caballero arrived during this part of the meeting.

Superintendent Champion spoke briefly regarding systems for student outcomes and that the former Multi-Roads to Graduation team, now called the Student Success-College Career team, provides high quality credit opportunities to meet the goal of graduating high school.

Deputy Superintendent Jeanne Grazioli spoke briefly regarding the district graduation rate, and shared the district would be recognized by the Oregon Department of Education for one of the highest graduation growth rates in the state for English Learner students.

Executive Director of Teaching and Learning Kirk Kolb provided information regarding the Primary Goals; Intended Outcomes; Creating a Culture of Purpose; Non-Traditional Credit; Expanding Career/Workforce Experiences; and College Credit Opportunities in an effort to provide multiple roads for students to graduate.

Board Directors put forth questions and comments regarding the value of learned experiences and project-based learning; making sure parents and the community are aware of opportunities; covering the cost of credits towards an associate degree; common reasons students do not graduate/tracking on-track to graduate; middle school advisory; concerns with credit inflation, not on grade level for literacy, and the value of a high school diploma; and credit retrieval.

7. Citizen Comments

Chair Wright spoke regarding the Board role, encouraged the public to direct concerns regarding district operations to staff and administration, and reminded the audience that the Board cannot hear complaints about individual staff members in a public setting.

Rob Schlapfer/Patron/Spoke regarding finding common ground and the Oregon Education Project.

Russ Kautz/Patron/Spoke regarding Parents' Rights in Education, expecting academics and not political activism and agenda of upcoming Town Hall meetings.

Taryne Saunders/Parent/Spoke regarding Oregon Department of Education Report Card data verses district funding spent.

Dale Sauer/Grandparent/Spoke in support of Parents' Rights in Education and the Oregon Education Project and restoring the American education.

Kevin Christman/Patron/Spoke in support of the Oregon Education Project.

Nathanael Swan/Parent/Freedom of Speech rights and where to direct staff grievances.

Mori Samel Garloff/Patron/Spoke in opposition of the Oregon Education Project agenda.

Nicole Suetos/Teacher/Provided an overview of a current lesson plan, following the Oregon state standards, and desire for kids to be kind, thoughtful, and caring.

Brad Russell/Executive Director of YMCA/Spoke regarding partnerships with school districts, opportunities for students, and non-profit/non-partisanship.

Jeanne Chouard/Patron/Encouraged the district to continue providing a place for all students to feel safe and respected.

Lauri & Stephen Eisenhauer/Parent/Former Student/Spoke regarding students with disabilities and encouraged the district to continue providing inclusive programs.

Kevin Stine/Teacher/City Counselor/Spoke regarding the City-District partnership and the importance of the community working together.

Thomas Romano/Patron/Encouraged continued support for students with disabilities.

Logan Vaughn/Patron/Freedom of Speech rights and plan to run for school board.

Mindy Wamack/Patron/Spoke in support of revised Board agenda order, school board role, and legal definition of a weapon.

Debbie von Wesyr/Patron/Spoke regarding separation of church and state and treating all students with dignity and respect.

John Frohmayer/Patron/Spoke regarding First Amendment protections and intent, the important of teaching students to be self-learners, and commended the Board for their public service.

Chair Wright acknowledged the Board received 20 written comments prior to the meeting from district patron(s) Dee Perez, Razia Hayden, Leyla Balouch, Debbie Fitzpatrick, Marti Johnston, Shannon Cornish, Ruth Rabinovitch, Thomas Treger, John Howell, Barbara Schack, Mary Hills, Meghan DeAngelo, Angela Cruthirds, Mandy Capehart, Jennifer Van Wettering, Michelle Vasquez, Kim Gabriel, Joshua Courter,

Shayna Christensen, and Ann Magill. She noted that online registration for citizen comments closes at noon on the date of the Board meeting and if a name was not acknowledged for written comments, the email was most likely received after this time, and they would be reviewed by each Board member.

Chair Wright thanked everyone who participated in citizen comments and asked to pause the meeting for a brief recess.

The meeting resumed at 7:09 PM.

Items for Information & Discussion / Board Action Items

7.a. Appoint Budget Committee Applicants

MOTION: I move to reappoint Lupe Murillo to Budget Committee Position 1, term ending June 30, 2027, Amanda Olson to Position 2, term ending June 30, 2027, and Brooke Lazzari to Position 7, term ending June 30, 2026. This motion, made by Kendell Ferguson and seconded by Jeff Kinsella, Passed.

Roll call vote:

Kinsella: Yea, Williams: Yea, Caballero: Yea, Messer: Yea, Ferguson: Yea, Atkinson: Yea, Wright: Yea

Yea: 7, Nay: 0

Motion carried unanimously.

7.b. Budget Calendar Adoption

MOTION: I move to approve the Budget Calendar for the fiscal year 2025-26 budget as presented. This motion, made by Jeff Kinsella and seconded by Suzanne Messer, Passed.

Atkinson: Yea, Messer: Yea, Kinsella: Yea, Williams: Yea, Caballero: Yea, Ferguson: Yea, Wright: Yea

Yea: 7, Nay: 0

Motion carried unanimously.

7.c. 2025-2026 School Year Calendar Adoption with Board Meeting Dates

MOTION: I move to adopt the 2025-2026 school year calendar as presented. This motion was made by Suzanne Messer and seconded by Kendell Ferguson.

Discussion: A discussion took place regarding moving grading days to Fridays and presenting the calendar to staff, parents, and families before adopting.

Roll call vote:

Kinsella: Yea, Williams: Yea, Atkinson: Yea, Caballero: Yea, Ferguson: Yea, Messer; Yea, Wright: Yea

Yea: 7, Nay: 0

Motion carried unanimously.

7.d. School Board Policies - *second & third readings*

MOTION: I move to approve the January 23rd policy packet as presented. This motion was made by Suzanne Messer and seconded by Jeff Kinsella.

Discussion: Board Directors discussed the updated language to policies EBBA – Student Health Services and JFCEB – Student Use of Personal Electronic Devices and Social Media.

Roll call vote:

Messer: Yea, Caballero: Yea, Kinsella: Yea, Atkinson: Yea, Ferguson: Yea, Williams: Nay; Wright: Yea

Yea: 6, Nay: 1

Motion carried.

7.e. October 2024 Complaints Against Board Member

Board Vice Chair Kendell Ferguson led the agenda item and began with asking Director Williams if he had a statement regarding the October 2024 complaints.

Director Williams distributed hard copies of a statement prepared by his attorney addressed to district counsel Thad Pauck and Board Chair Cynthia Wright. He went on to provide his own statement and read the attorney prepared statement. Following the conclusion of the statements, Director Williams exited the meeting.

Vice Chair Ferguson led the Board through the process of resolving the complaints and reminded the Board if determined valid, a decision would need to be made to censure or not, and/or add additional restrictions to the current restrictions in place.

A discussion followed regarding the allegations in the complaints and other evidence presented to make a determination as to whether or not the conduct in the complaints occurred.

MOTION: Based on preponderance of evidence standard, I move that the Board adopt the following findings of fact:

--During a Board meeting with Superintendent Champion at his office on October 15, 2024 Board Director Williams told Superintendent Champion,

"Let me be clear. I'm for the kids and their safety. If you don't react to the things I tell you, then you are complicit and I will take care of business."

--During the meeting with Superintendent Champion, Board Director Williams stood nose-to-nose with Superintendent Champion, refusing to step back.

--While in the District office for the meeting with Superintendent Champion, Board Director Williams engaged in disruptive conduct, including slamming doors, swearing loudly in the halls, and loud yelling. This motion, made by Cynthia Wright and seconded by Suzanne Messer, Passed.

Roll call vote:

Kinsella: Yea, Ferguson: Yea, Messer: Yea, Atkinson: Yea, Caballero, Yea, Wright: Yea; Williams: Absent

Yea: 6, Nay: 0, Absent: 1

Motion carried.

Vice Chair Ferguson led the discussion regarding Board policies that may have been violated. Policies suggested for consideration included:

BBAA – Individual Board Member’s Authority and Responsibilities;

BBF – Board Member Standards of Conduct;

GBNA/GNBA-AR –

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying - Staff; and

KGB – Public Conduct on District Property.

MOTION: In light of the Board’s findings that the conduct of Board Director Williams, as alleged in the complaints filed against him in October 2024, occurred and that such conduct violated Board Policies BBF, BBAA, and KGB, I move that the Board publicly censure Board Director Williams because his conduct did not meet the standards of professionalism and competence required and expected of a Board member, has caused harm, impeded the work of the Board, and interfered with the work of District administrators and staff. This motion made by Cynthia Wright and seconded by Suzanne Messer, Passed.

Roll call vote:

Atkinson: Yea, Messer, Yea, Caballero, Yea, Ferguson: Yea, Kinsella: Yea, Wright: Yea, Williams: Absent

Yea: 6, Nay: 0, Absent: 1

Motion carried.

8. Consent Agenda

- 8.a. Staff Assignment Report**
- 8.b. Minutes from previous meeting**
- 8.c. Financial Audit Firm Change**

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

9. Announcements

9.a. February 6 - Work Session at Oakdale Middle School - 5:30 PM

Chair Wright acknowledged the next work session scheduled for February 6 at Oakdale Middle School. She recommended specific books around conflict and how school boards could be more effective with student outcomes.

10. Adjournment

There being no further business before the Board, the meeting was adjourned at 8:10 PM.

Chair of the District School Board
Medford School District

ATTEST:

Superintendent-Clerk



EXECUTIVE SUMMARY

Meeting Date:	February 20, 2025
Agenda Item:	Interdistrict Transfers
Item Type:	Consent Agenda
Administrator:	Jeanne Grazioli
Objective:	Approve number of interdistrict transfers

Background: [Policy JECB](#) requires annual approval by the Board to establish the number of student interdistrict transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year. According to the policy, the Board reserves the right to accept/reject nonresident students based upon the availability of space, resources, personnel, and appropriate programs at district schools.

Additional Materials: None

Recommendation: Accept all [qualified](#) K-12 incoming interdistrict transfer requests for the 2025-26 school year upon release from their resident school districts, but reserve the right of placement based on available space, resources, personnel, and programs; and approve all outgoing interdistrict transfer requests for resident students.

Suggested Motion: No formal motion required if approved with the consent agenda.

Medford School District 549C

Code: JECB
Adopted: 8/15/17
Revised/Readopted: 9/19/19; 2/17/22
Orig. Code: JECB

District Admission of Nonresident Students

(For students transferring into Medford School District 549C)

The district may enroll nonresident students as follows:

1. Interdistrict transfers pursuant to ORS 339.133(5)(a): By written consent of the affected school boards, the student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund monies for the student.
2. Tuition Paying Student: By admitting nonresident student with tuition, whereby neither affected districts are eligible for State School Fund moneys.
3. By contract pursuant to ORS 339.125: The district may contract with the school board of any other school district to admit students of such other school district into the schools of the district. Any such contract shall be in writing upon forms furnished by the Oregon Department of Education.
4. Court placement pursuant to ORS 339.133(4): If a juvenile court determines it is in the student’s best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school in the district that the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The district shall deny regular school admission to nonresident students who are under expulsion from another school district for a weapons policy violation. The district may deny admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Consent for Admission of a Nonresident Student by Interdistrict Transfer

Annually, by the start of each school year, the Board shall establish the number of student interdistrict transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year.

The Board reserves the right to accept/reject nonresident students based upon the availability of space, resources, personnel and appropriate programs at district schools. The Board may not consider nor ask for any information regarding: (i) race, religion, sex, sexual orientation, gender identity, ethnicity, national origins, disability, health, (ii) whether a student has an individual education program (IEP) or the terms of that IEP, (iii) whether a student is identified as talented and gifted, or (iv) the student’s income level, residence, proficiency in English, athletic ability or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent. The Board may not deny consent, give priority nor request student information related to race, religion, sex,

sexual orientation, ethnicity, national origin, disability, health, whether a student has an IEP or the terms of any such IEP, income level, residence, proficiency in the English language, athletic ability, academic records or eligibility or participation in talented and gifted programs.

The Board may only ask for: (i) the student's name, contact information, date of birth, and grade level; (ii) information as to whether the student is currently expelled and the reason for the expulsion; (iii) information as to whether the student has a sibling enrolled in the district, the name of the sibling and the school where the sibling is enrolled; (iv) information as to whether the student attended a public charter school located in the district for at least three consecutive years, completed the highest grade offered by the public charter school and did not enroll in and attend school in another school district following completion of the highest grade offered by the public charter school; and (v) information about which schools the student prefers to attend in the district; provided, however, that if consent is granted to an interdistrict transfer for the student, the district will not be required to place the student in a student's preferred school, and the district shall retain the right to determine placement.

If the number of students seeking consent for an interdistrict transfer exceeds the number of students the Board has determined will be given consent, the Board will use an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in the district; who previously received consent for admission because of a change in legal residence; or who attended a public charter school located in the same district in which the student seeks to attend, for three consecutive years, completed the highest grade offered by the public charter school and did not enroll and attend school in another district following completion of that highest grade in the public charter school.

The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student, the Board must provide a written explanation to the student.

The district may require minimum standards of behavior and/or attendance once the student has been accepted. The minimum standards must be the same for all students that are given consent. The district is not allowed to establish minimum standards for academics as a criteria for the student to remain in the district. Students whose consent is revoked for violation of set attendance and/or behavior standards will not be allowed to apply for consent to return to this district in the same or the following school year.

The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

The attending district is responsible for a free appropriate public education for those students on an IEP.

The athletic eligibility of a high school student that has received consent for an interdistrict transfer shall be subject to compliance with the rules and policies adopted by the Oregon School Activities Association (OSAA).

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 327.006](#)
[ORS 329.485](#)
[ORS 335.090](#)

[ORS 339.115 - 339.133](#)
[ORS 339.141](#)
[ORS 339.250](#)
[ORS 343.221](#)

[ORS 433.267](#)
[OAR 581-021-001](#)