Work Session OF THE BOARD OF DIRECTORS
Thursday, September 3, 2026 - 5:45 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. **Introduction of New MSD Leaders** **2**
4. **Consent Agenda**
   a. Staff Assignment Report 4
   b. Minutes from previous Board meeting 6
   c. Appoint Temporary Deputy Clerk Responsibilities 11
5. **Work Session Items**
   a. Board/Superintendent Goals and Actions for 2026-27 Review 12
   b. Superintendent Evaluation Process 17
   c. School Board Policies - *first reading* 46
   d. Scheduling a Special Meeting 199
6. **Announcements**
   a. September 17 - Board Meeting at Oakdale Middle School - 5:45 PM
7. **Adjournment**

We welcome all attendees and are here to help accommodate requests for participation. Requests for interpretation, translation services, an interpreter for the hearing impaired, or other accommodations can be made in advance (48 hours) by emailing the Superintendent's office or by phone at 541-842-3621.

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Introduction of New MSD Leaders
Item Type:	Information
Administrator:	Jeanne Grazioli
Objective:	Introduce new MSD Leaders

New Medford School District Leaders:

Doris Ellison, Chief Academic Officer

Dr. Ellison joins us from Klamath Falls, where she has served for the past 5 years as a Director, leading work in elementary curriculum, federal programs, and student wellness. Prior to that, she held similar director-level roles across K–12 systems in Washington, Arkansas, and Alaska. Her experience also includes serving as a school administrator in Alaska, Nebraska, and Texas, as well as several years as an adjunct professor at Arkansas Tech. She began her career in the classroom in Arizona and has presented at both state and national conferences.

One of Dr. Ellison's standout accomplishments includes leading a comprehensive curriculum rollout grounded in the science of reading. Through a focus on vertical alignment and coaching principals as instructional leaders, her team achieved impressive increases in 3rd-grade reading in a short period of time.

Dr. Ellison brings a depth of knowledge and experience that will help us build capacity and successfully implement our next strategic plan. I am confident she will be an excellent fit for our CAO role.

Kelly Soter, Director of Federal Programs and School Improvement

Kelly returns to MSD after serving the past four years in the Phoenix-Talent School District as Director of Community Care and Early Learning. Prior to that role, she served as a building principal for 11 years, including seven years at Jackson Elementary, three years at McLoughlin Middle School, and one year at Crater Renaissance Academy in Central Point.

Kelly brings extensive experience in educational leadership, school improvement, support systems, and community partnerships. Her background in aligning resources to support students and schools makes her an excellent fit for this role.

Itzel Galindo, Washington Elementary Principal
Itzel brings an impressive and diverse background in educational leadership. Throughout her career in Wisconsin, she has served as the Executive Director of a national nonprofit organization, an elementary principal, and an instructional coach. She began her career as a dual language kindergarten teacher, an experience that continues to shape her commitment to high-quality instruction, strong relationships, and educational equity for all students.

Itzel is excited to join the Washington Elementary community and continue her leadership journey alongside its dedicated staff, students, and families.

Dr. Kelly Smith, Roosevelt Elementary Principal
Dr. Kelly Smith came to us as an experienced and successful principal of Lincoln Elementary where she served over the last six years in Grants Pass. She recently finished her Doctorate of Educational Leadership with a focus on Special Education and Counseling.

Dr. Smith started her career as a teacher in Medford at Abraham Lincoln, teaching multiple grade levels. Additionally, she worked as one of Medford's first Social Emotional Advocates (SEAs) serving multiple buildings, including Roosevelt. Kelly is excited to continue her leadership journey alongside staff as Roosevelt's principal, starting the 2026-27 school year! We are thrilled to welcome her back to the Medford School District!

Medford SCHOOL DISTRICT

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Staff Assignment Report
Item Type:	Report
Administrator:	Michael Campbell
Objective:	Approve new licensed and administrative staff

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

Additional Materials: Staff Assignment Report

Recommendation: Administration recommends approval of the new hires.

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

Medford School District Staff Assignment
School Board Meeting, September 3, 2026

Recommendation for election to the position of Administrator for the 2026-2027 school year:

Employee Name	School/Location	Position
Galindo, Itzel	Washington Elementary	Principal

Recommendation for election to the position of Temporary Teacher for the 2026-27 school year:

Employee Name	School/Location	Position
Cunningham, Christopher	Jacksonville Elementary	Temp Special Education Teacher
Hammett, Tim	Kennedy Elementary	Temp 1st Grade Teacher
Kirk, Zachary	Jefferson Elementary	Temp 4th Grade Teacher
Moellering, Marsha	Jacksonville Elementary	Temp Kindergarten Teacher
Pfaff, Dina	Howard Elementary	Temp 4th Grade Teacher
Welch, Samantha	Lone Pine Elementary	Temp Kindergarten Teacher

Recommendation for election to the position of Teacher for the 2026-27 school year:

Employee Name	School/Location	Position
Afualo, Noah	McLoughlin Middle School	Social Studies Teacher
Bachtell, Tyler	South Medford High School	Math Teacher
Barber, David	South Medford High School	Special Education Resource Teacher
Barnett, Jacob	Oakdale Middle School	Science Teacher
Bonney, Melissa	Oakdale Middle School	English Language Arts Teacher
Franczak, Jenifer	North Medford High School	Social Studies Teacher
Hatcher, Jennifer	South Medford High School	English Language Arts Teacher
Herring, Cody	North Medford High School	Math Teacher
Janke, Jada	Oak Grove Elementary	Special Education Teacher
Johnston, Angela	Howard Elementary	Homeschool Connection Teacher
Marotti, Elizabeth	Howard Elementary	STEAM Teacher
McLeod, Gage	McLoughlin Middle School	Counselor
Meyer, Madyson	North Medford High School	PE/Health Teacher
Nelson, Kaitlyn	Oak Grove Elementary	Special Education Resource Teacher
Ramer, Jacquelynn	Kennedy Elementary	Special Education Teacher
Schauer, Christy (Iowa)	Special Education	Lead FOCUS Specialist

Resignations:

Employee Name	School/Location	Position	Effective Date
Bruce, Jennifer	McLoughlin Middle School	Counselor	6/11/2026
Earl, Brad	District Office	Chief Operations Officer	9/2/2026
Melton, Mary	Wilson/Jacksonville Elementarie	SPED Teacher	6/8/2026
Nau, Bridget	Griffin Creek Elementary	Teacher - 4th Grade	6/5/2026
Swagler, Claire	Special Education	Coordinator	6/19/2026

Retirements:

Employee Name	School/Location	Position	Effective Date
Bengard-Frison, Rachel	Curriculum	District Media Specialist	6/19/2026
Dahl, Niccolette	Lone Pine Elementary	Kindergarten Teacher	6/11/2026

Medford SCHOOL DISTRICT

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Consideration for approval of minutes from previous meeting
Item Type:	Minutes
Administrator:	Jeanne Grazioli, 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 July 25 Board Retreat.

Recommendation: Approve the minutes included with the consent agenda.

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

Board Retreat of the Board of Education

Saturday, July 25, 2026 8:30 AM

Oregon Center for Creative Learning
111 N. Fir Street
Medford, OR 97501

DRAFT

The meeting was video recorded and can be found on the district website *at this link* . Recording timestamps are provided throughout these minutes to assist in locating presentations and discussions.

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

   Board Chair Kendell Ferguson called the meeting to order at 8:30 a.m.

   Board Members Present: Kendell Ferguson, Erik Johnsen, Sandra LaNier McHenry, Sunny Spicer, Michael Williams, and Angela Zbikowski

   Board Member Absent: Lilia Caballero

2. **Consent Agenda**

   2.a. Staff Assignment Report
   2.b. Minutes from previous meetings

   Action: The Board approved the Consent Agenda by unanimous consent.

3. **Board Retreat Topics**

   Right Time Educational Coaching Consultant Mike Scott led a round of introductions. Superintendent Jeanne Grazioli provided an overview of the meeting structure.

   3.a. Board / Superintendent Team

   Presentation and Discussion — Recording timestamp: [25:52]

   The Board participated in activities and discussion focused on the Board/Superintendent relationship, team effectiveness, meeting norms, trust, communication, governance, and the respective roles of the Board and Superintendent.

   Discussion included characteristics of effective teams, building trust, navigating difficult issues, gathering and receiving information, Board engagement with the community, and maintaining appropriate boundaries between governance and district operations.

Break: 9:41 a.m.
Reconvened: 9:47 a.m.

3.b. Board Governance and Roles

Presentation and Discussion — Recording timestamp: [48:55]

The Board discussed governance practices, the roles and responsibilities of the Board and Superintendent, Board Chair and Vice Chair responsibilities, Board meeting procedures, communication, executive session practices, and the principle of speaking with one voice while allowing for individual perspectives and dissent.

The Board also discussed approaches for improving communication, building trust, addressing difficult conversations, and establishing structures to ensure Board members have equitable access to information.

3.c. Communication

Presentation and Discussion — Recording timestamp: [1:46]

The Board discussed communication among Board members, between the Board and Superintendent, and between Board members and district staff and community members.

Topics included individual Board member communications, Board and staff communication, perceptions regarding individual Board member authority, Board-to-Board communication, inclusion, trust, and approaches for addressing difficult conversations constructively.

The Board discussed potential structures and criteria for sharing information with the full Board and opportunities for additional communication or facilitation to strengthen Board relationships.

3.d. Board / Superintendent Goals

Presentation and Discussion — Recording timestamp: [4:23]

The Board and Superintendent discussed the development of shared Board/Superintendent goals and related action steps and indicators of progress.

Goals discussed included:

- Improve reading proficiency
- Improve math proficiency
- Attendance
- Community engagement and communication
- Fiscal responsibility and accountability
- Safety
- Improving systems of support

The Board reviewed potential Board and Superintendent actions and indicators of evidence associated with the goals.

4. Recess for Lunch

The Board recessed for lunch prior to item 3.d.

5. Board Retreat Topics - continued

5.a. Superintendent Evaluation Process

Presentation and Discussion — Recording timestamp: [6:14]

The Board reviewed approaches to the Superintendent evaluation process, including traditional evaluation models and a potential hybrid approach incorporating progress toward shared Board/Superintendent goals.

Discussion included evaluation criteria, timing of the evaluation process, a mid-year progress review, employee feedback, development of evaluation tools and scoring criteria, and a potential Board self-evaluation process.

5.b. Agenda Planning 2026-27

Discussion — Recording timestamp: [6:45]

The Board identified potential topics for inclusion in the 2026-27 Board agenda calendar.

Topics included presentations and feedback from teachers and staff, financial and legislative updates, and continued opportunities for presentations from MEA, OSEA, and student representatives.

5.c. School Site / Program Visit Schedule

Discussion — Recording timestamp: [7:19]

The Board reviewed the prior year's school site and program visits and discussed potential visits for the 2026-27 school year.

Board members identified areas of interest for future visits, including self-contained classrooms, career-oriented programs, and Career and Technical Education programs.

5.d. School Board Policies

Discussion — Recording timestamp: [7:24]

The Board reviewed the organizational chart and related policy matters, including Policy CCA and Board vacancies. The need for additional legal review of the vacancies policy was noted.

5.e. OSBA Annual Convention and Training Options

Discussion — Recording timestamp: [7:30]

The Board discussed upcoming OSBA training and convention opportunities, including parliamentary procedure, shared advocacy, and required Oregon Government Ethics Commission training.

5.f. Youth Voices Rising Summit

Presentation and Discussion — Recording timestamp: [7:38]

Board Director Erik Johnsen shared information and observations from the Youth Voices Rising Summit, which brought together youth and policymakers to discuss issues affecting students.

Topics discussed included access to sex education resources, outdoor education, student voice and representation, and potential opportunities for student participation in Board activities.

The Board discussed exploring a process for student participation. The Superintendent indicated that a process would be developed and shared with the Board.

6. Adjournment

With no further business, the meeting was adjourned at 4:24 p.m.

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Medford SCHOOL DISTRICT

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Annual Designations Reassignment for 2026-27 School Year
Item Type:	Consent Agenda
Administrator:	Jeanne Grazioli
Objective:	Temporarily reassign certain authorities following the resignation of the Deputy Clerk

Background: The Board approved the annual designations for the 2026-27 school year with the consent agenda at the June 18 Special Board meeting. One of those designations was the appointment of Brad Earl as Deputy Clerk, along with additional authorities and responsibilities listed below. Following that appointment, the District received Mr. Earl's resignation, effective September 2, 2026.

At this meeting, the Board will need to temporarily reassign certain authorities and responsibilities to another district administrator until the position is filled and decisions are made about roles and responsibilities. The District recommends appointing Superintendent Jeanne Grazioli as the Budget Officer and Custodian of Funds and is authorized to sign district checks, make payments, accept quotes and award bids, execute interfund loans and/or cash advances in accordance with ORS 294.660, invest funds, and sign contracts.

Additional Materials: None

Recommendation: Approve the temporary assignment of Jeanne Grazioli as the district administrator with the authorities and responsibilities outlined in this Executive Summary.

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

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Board/Superintendent Goals
Item Type:	Information and Discussion
Administrator:	Superintendent Jeanne Grazioli, Board Chair Kendell Ferguson
Objective:	Review the final draft of the Board/Superintendent goals and provide any additional collective feedback

Background: At the June 18 Special Board meeting, Superintendent Grazioli provided an overview of the strategic planning process and the resulting vision, mission, and strategic priorities. The discussion focused on the Board's role in supporting successful implementation of the strategic plan and developing goals that align with and support the district's priorities.

The presentation focused on:

- Identifying what resonates most with Board Directors as district leaders and advocates.
- Discussing the Board's role in championing and communicating the district's strategic direction.
- Establishing a foundation for Board goals that align with and support the district's strategic priorities.
- Discussing how the Board would like to monitor progress toward the strategic priorities over time.

At the July 25 Board Retreat, Board Directors and Superintendent Grazioli reviewed draft goals and participated in an activity to identify and prioritize those that most strongly resonated with the Board and aligned with the district's strategic priorities. The Board identified five shared goals, along with suggested action steps for the Superintendent and Board and potential measures for evaluating progress.

At this meeting, the Board will review the final draft of the Board/Superintendent goals and provide any additional collective feedback. The goals are scheduled for adoption at the September 17 Board meeting.

Additional Materials: Draft Board/Superintendent Goals Document

Recommendation: Review and discuss the proposed Board/Superintendent goal in advance of adoption at the September 17 Board meeting.

Suggested Motion: *Information and discussion only. No action required.*

District Priorities

Close Student Achievement Gaps
Build Trust & Relationships
Preserve Financial Sustainability

Board/Superintendent Goals & Action Steps 2026-2027

Goal 1: Increase Reading Proficiency (K–8)

Superintendent Action Steps

- Provide professional learning for teachers on evidence-based literacy instruction aligned with the Science of Reading.
- Monitor implementation of the district's reading curriculum and instructional best practices, and provide regular progress reports to the Board.
- Regularly review student reading data with district leadership at regular intervals to identify trends and implement responsive supports.

Board Action Steps

- Review reading achievement data at regular intervals.
- Monitor progress toward the goal through Board reports and implementation updates.

Measures: OSAS English Language Arts, iReady Reading Growth and Proficiency

Goal 2: Increase Mathematics Proficiency (K–8)

Superintendent Action Steps

- Monitor implementation of the district's mathematics curriculum and instructional best practices, and provide regular progress reports to the Board.
- Develop a professional learning plan focused on effective mathematics instruction.
- Regularly monitor student mathematics outcomes and adjust supports as needed.

Board Action Steps

- Review math achievement data at regular intervals.
- Monitor progress toward the goal through Board reports and implementation updates.

Measures: OSAS Mathematics, iReady Mathematics Growth and Proficiency

Goal 3: Improve Student Attendance

Superintendent Action Steps

- Evaluate the effectiveness of existing attendance recognition programs K-8, and revise or expand them as appropriate.
- Monitor chronic absenteeism, identify barriers, and implement targeted interventions.
- Explore the feasibility of a year-round calendar by presenting multiple models and gathering stakeholder feedback.

Board Action Steps

- Review attendance and chronic absenteeism trends at regular intervals.
- Support and advocate for state policies that promote regular attendance.

Measure: District Attendance Data

Goal 4: Strengthen Community Engagement

Superintendent Action Steps

- Develop an internal and external communication plan.
- Conduct regular surveys and share results with stakeholders annually.
- Expand community partnerships that increase locally sourced foods while maintaining fiscal responsibility and meeting nutrition standards.
- Keep the Board and community informed regarding district financial conditions and budget development.
- Provide community engagement opportunities on the topic of school consolidation, and make recommendations to the Board by March 2027.
- Promote district engagement opportunities within the community.

Board Action Steps

- Monitor progress toward community engagement goals.
- Review family and student engagement survey results.
- Promote district engagement opportunities within the community.
- Make budget decisions that preserve the district's long-term sustainability.

Measure: YouthTruth Family & Student Survey

Goal 5: Strengthen Student Safety

Superintendent Action Steps

- Ensure consistent implementation of the districtwide behavior matrix through ongoing calibration with school and student services teams.
- Monitor major behavioral incident data and implement improvement strategies as needed.
- Provide staff training in de-escalation and proactive behavior supports, with emphasis on supporting students with intensive behavioral needs.

Board Action Steps

- Review discipline policies and applicable state law.
- Review behavioral and discipline data to assess district progress.

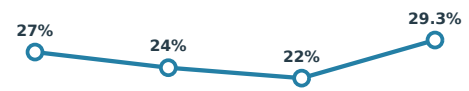
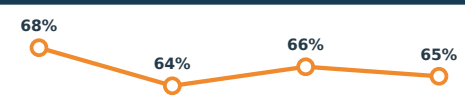
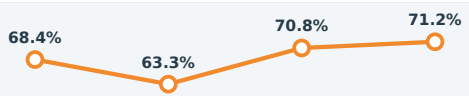
Measure: Discipline and Behavioral Incident Data, YouthTruth Student Survey

MEASURES

2026-27 District Priorities | monitoring dashboard

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Medford SCHOOL DISTRICT
LEAD WITH HEART. LEARN WITH PURPOSE.

MEASURE	TREND	LATEST / STATUS
ACADEMIC SUCCESS	21-22 · 22-23 · 23-24 · 24-25 · 25-26	
4-Year Cohort Graduation Rate*		Jan 2027 — **88.1%**
5-Year Cohort Completer Rate*		Jan 2027 — **90.1%**
9th Grade On-Track*		Nov 2026 — **76%**
Career and Workforce Readiness* Number of students		Mar 2027 — **106 Students**
8th Grade Mathematics*		Sep 2026 — **29.3%**
3rd Grade ELA*		Sep 2026 — **36.2%**
K-8 iReady Math Spring Linked by proficiency & growth	NEW / BASELINE	**Baseline pending** NEW
K-8 iReady Reading Spring Linked by proficiency & growth	NEW / BASELINE	**Baseline pending** NEW
ATTENDANCE	21-22 · 22-23 · 23-24 · 24-25 · 25-26	
K-12 Regular Attendance*		Nov 2026 — **65%**
K-2 Regular Attendance*		Nov 2026 — **71.2%**

* Integrated Plan, State Accountability or State Report Card measure
Bold: Board/District measure

Mini-charts show direction and use each measure's own scale.

MEASURES - CONTINUED

DRAFT 8.27.26

2026-27 District Priorities | monitoring dashboard

Medford SCHOOL DISTRICT
LEAD WITH HEART. LEARN WITH PURPOSE.

MEASURE	TREND	LATEST / STATUS
SAFE & SUPPORTIVE SCHOOLS	21-22 · 22-23 · 23-24 · 24-25 · 25-26	
Students Receiving Out-of-School Suspension	6% · 6.74% · 7.38% · 6.84% · 6.63%	**6.63%** 803 students
Student-to-Student Bullying	K-5: 15 · 6-12: 33	**K-5: 15** **6-12: 33**
Student-to-Staff Physical Incident Reports	K-5: 247 · 6-12: 14	**K-5: 247** **6-12: 14**
YouthTruth Student Survey - Grades 6-8 Belonging & peer collaboration	45% · 35% · 40% · 43% · 46%	**46%**
YouthTruth Student Survey - Grades 9-12 Belonging & peer collaboration	36% · 35% · 36% · 38% · 43%	**43%**
ENGAGEMENT & EXPERIENCE	21-22 · 22-23 · 23-24 · 24-25 · 25-26	
Employee Experience	NEW / BASELINE	**Baseline pending** NEW
YouthTruth Family Survey - Grades K-5 Focus on engagement	44% · 55% · 61% · 64% · 68%	**68%**
YouthTruth Family Survey - Grades 6-8 Focus on engagement	22% · 19% · 27% · 37% · 41%	**41%**
YouthTruth Family Survey - Grades 9-12 Focus on engagement	21% · 25% · 20% · 30% · 37%	**37%**
WORKFORCE	21-22 · 22-23 · 23-24 · 24-25 · 25-26	
Teacher Retention Rate	84% · 84% · 80% · 77% · Jan 2027	**77%**
Classified Position Fill Rate	89%	**89%**
Teacher Position Fill Rate	93%	**93%**

* Integrated Plan, State Accountability or State Report Card measure

Bold: Board/District measure

Mini-charts show direction and use each measure's own scale.

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Superintendent Evaluation Process
Item Type:	Information and Discussion
Administrator:	Consultant Mike Scott, Board Chair Kendell Ferguson
Objective:	Review the proposed superintendent evaluation and discuss

Background: Per School Board Policy CBG, the superintendent's job performance must be formally evaluated on an annual basis, and the Board is required to develop a written summary of that evaluation.

At the July 25 Board Retreat, consultant Mike Scott facilitated an activity with the Board to identify key components of the superintendent evaluation process. The feedback and ideas generated during the retreat have been organized into a proposed evaluation document and tool for the Board's review.

At this meeting, the Board will review the proposed evaluation process and discuss.

Additional Materials:
Draft Superintendent Evaluation Process
Draft Superintendent Evaluation Tool

Recommendation: Review the proposed superintendent evaluation process, and ask questions for clarification.

Suggested Motion: N/A

Medford School District
DRAFT Superintendent Evaluation Process 2026-27

Purpose

- Provide an evaluation structure that meets the unique needs and circumstances for the first year of the superintendency.
- Ensure Superintendent performance addresses six (6) identified leadership standards identified by Board Leadership. Performance also includes five (5) Board-adopted shared goal areas with Superintendent actions that align with goals.
- Provide ongoing feedback for continuous improvement and progress.

Contractual Items

- Completed by August 30: Establish evaluation criteria and process
- Completed by February 28: Meet in executive session to begin the evaluation process
- By June 30: Evaluation completed

Tool Used: *hybrid tool/template*

PART 1: SUPERINTENDENT PERFORMANCE STANDARDS (6 areas from OSBA Superintendent evaluation tool)
1. ETHICS AND PROFESSIONAL NORMS (OSBA Tool Standard 2)
2. CULTURALLY RESPONSIVE INSTRUCTIONAL LEADERSHIP AND IMPROVEMENT *(OSBA Tool Standard 4)*
3. COMMUNICATION AND COMMUNITY RELATIONS *(OSBA Tool Standard 5)*
4. EFFECTIVE ORGANIZATIONAL MANAGEMENT *(OSBA Tool Standard 6)*
5. EFFECTIVE FINANCIAL MANAGEMENT *(OSBA Tool Standard 7)*
6. POLICY, GOVERNANCE AND ADVOCACY (OSBA Tool Standard 8)
PART 2: BOARD/SUPERINTENDENT GOALS
7. INCREASE READING PROFICIENCY K-8
8. INCREASE MATH PROFICIENCY K-8
9. IMPROVE STUDENT ATTENDANCE
10. STRENGTHEN COMMUNITY ENGAGEMENT
11. STRENGTHEN STUDENT SAFETY

PART 3: EVIDENCE OF PERFORMANCE
Evidence of performance includes the Superintendent's self-evaluation, regular reports to the Board on progress toward established performance standards and goals, and updates on action steps related to shared goals.
Supporting artifacts, documents, and other relevant evidence may be provided, particularly in areas where the Board may have limited direct knowledge of the Superintendent's work. Artifacts directly aligned with established goals will be shared with the Board at regular intervals and may be considered as part of the Superintendent's overall evaluation.

PART 4: WRITTEN REPORT/LETTER
A written report/letter prepared by the Board Chair and given by the Board for discussion with the Superintendent and placed in the Superintendent's personnel file. A summary of the evaluation is shared with the public at the conclusion of the formal evaluation cycle.

Process & Timeline:
School Board Directors complete ratings in Evaluation Tool Parts 1 and 2 individually, and review and consider information in Part 3 in these ratings. The individual Board Member ratings are then compiled and summarized into one comprehensive evaluation by the Facilitator and Board Chair. It is important that the Board communicate with one voice, reflecting the Board's collective consensus. The patterns and comments presented will represent themes identified and supported by a majority of Board Directors.

Scoring Scale for Parts 1- 3:

The Superintendent is evaluated based on being on track and in progress. Progress will be based on artifacts and evidence towards goals provided during the self-evaluation process as well as Board observations.

4 – Exceeds Expectations: The Superintendent has not only made significant progress toward their goal, but is performing beyond what was originally expected and is completing objectives ahead of schedule.

3 – Meets Expectations: The Superintendent is on track with goal, making appropriate progress and demonstrating they will likely achieve their action items on schedule.

2 – Progressing Toward Expectations: The Superintendent is making some progress toward goal but may need additional time or resources to get on track and may be behind schedule.

1 – Does Not Meet Expectations: The Superintendent is not making adequate progress toward the goals and requires intervention or course correction. Action items are unlikely to be completed or will be completed significantly behind schedule.

Timelines:

Between July - September

- Goal Setting
    - Superintendent and Board agree on shared goals, Superintendent actions, and evaluation process during summer Board retreat
    - Clarify communication expectations and report formats
    - Finalize at Work Session **September 3**

October, January, March, June

- Superintendent provides quarterly updates on progress.

February 4 Executive Session

- Check in with the Board on progress.
    - Informal feedback session

March 18 Executive Session

- Superintendent provides a written self-reflection summary of evidence (Part 3 of tool) and action steps taken toward goals and answers board questions.
- The facilitator provides Board Directors with copies of the tool, answers questions, and communicates the due date **(April 1)**.

Between March 19 and April 1

- Board Directors review Superintendent Self Reflection (Part 3).
- Board Directors individually rate Superintendent performance (Part 1 & 2).
- Board Directors send ratings and feedback to Board Chair and Facilitator.

Between April 2 and April 14

- Board Chair and Facilitator reviews feedback to surface shared perceptions, overall rating patterns, recurring themes, and opportunities for growth.
- Board Chair and Facilitator also considers feedback from the Superintendent Self-Evaluation (Part 3) and solicits feedback and clarification from the superintendent, as needed.

April 15 Executive Session

- The Board Chair with assistance from the Facilitator, shares evaluation summary (Part 4) during the executive session. Board Directors offer additional feedback to inform the final evaluation (Superintendent is not present during this session).

Prior to May 20

- Final summary evaluation report/letter is shared with the Board and the Superintendent.

May 20 Board Meeting

- The Board Chair either reads the summary evaluation letter or shares a public summary statement of the evaluation results, focused on progress toward goals/actions and overall effectiveness.

Medford School District DRAFT Superintendent Evaluation Tool 2026-27

PART 1: SUPERINTENDENT PERFORMANCE STANDARDS (6 areas chosen from OSBA Superintendent evaluation tool)
1. ETHICS AND PROFESSIONAL NORMS *(OSBA Tool Standard 2)*
2. CULTURALLY RESPONSIVE INSTRUCTIONAL LEADERSHIP AND IMPROVEMENT *(OSBA Tool Standard 4)*
3. COMMUNICATION AND COMMUNITY RELATIONS *(OSBA Tool Standard 5)*
4. EFFECTIVE ORGANIZATIONAL MANAGEMENT *(OSBA Tool Standard 6)*
5. EFFECTIVE FINANCIAL MANAGEMENT *(OSBA Tool Standard 7)*
6. POLICY, GOVERNANCE AND ADVOCACY *(OSBA Tool Standard 8)*
PART 2: BOARD/SUPERINTENDENT GOALS
7. Increase Reading Proficiency K-8
8. Increase Math Proficiency K-8
9. Improve Student Attendance
10. Strengthen Community Engagement
11. Strengthen Student Safety
PART 3: EVIDENCE OF PERFORMANCE Evidence of performance includes the Superintendent's self-evaluation, regular reports to the Board on progress toward established performance standards and goals, and updates on action steps related to shared goals. Supporting artifacts, documents, and other relevant evidence may be provided, particularly in areas where the Board may have limited direct knowledge of the Superintendent's work. Artifacts directly aligned with established goals will be shared with the Board at regular intervals and may be considered as part of the Superintendent's overall evaluation.

PART 4: WRITTEN REPORT/LETTER

A written report/letter prepared by the Board Chair and given by the Board for discussion with the Superintendent and placed in the Superintendent's personnel file. A summary of the evaluation is shared with the public at the conclusion of the formal evaluation cycle.

Scoring Scale for Parts 1- 3:

The Superintendent is evaluated based on being on track and in progress. Progress will be based on artifacts and evidence towards goals provided during the self-evaluation process as well as Board observations.

4 – Exceeds Expectations: The Superintendent has not only made significant progress toward their goal, but is performing beyond what was originally expected and is completing objectives ahead of schedule.

3 – Meets Expectations: The Superintendent is on track with goal, making appropriate progress and demonstrating they will likely achieve their action items on schedule.

2 – Progressing Toward Expectations: The Superintendent is making some progress toward goal but may need additional time or resources to get on track and may be behind schedule.

1 – Does Not Meet Expectations: The Superintendent is not making adequate progress toward the goals and requires intervention or course correction. Action items are unlikely to be completed or will be completed significantly behind schedule.

Evaluation and Facilitation Agreements:

1. **Evidence Required:** Each rating will include evidence to support the score as well as concrete actions, adjustments, or support that will lead to progress in this area (or maintain ongoing success). If not included in the evaluations submitted by individual board members, a revision will be requested by the Chair and Facilitator prior to compilation.
2. **Progress Based**: Ratings will be based on the superintendent's current momentum, appropriate progress towards, and completion of planned action steps.
3. **Majority Consensus & Shared Focus:** Part 4 (Written Summary) will use median scores—the middle rating when submissions are ordered lowest to highest—to reflect collective board perspective rather than individual outliers. The final report and public statement will focus on shared themes supported by a majority, keeping non-consensus or unsubstantiated comments in facilitator notes rather than the formal record

Name of Evaluator: _____

PART 1: PERFORMANCE STANDARDS

1. ETHICS AND PROFESSIONAL NORMS

DESCRIPTORS

- Ensures ethical decisions and cultivates professional norms and culture including equity, fairness, integrity, transparency, trust, collaboration and perseverance.
- Makes ethical and legal recommendations to the board.
- Models ethical behavior in their own conduct and cultivates ethical behavior in others.

RATING 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

2. CULTURALLY RESPONSIVE INSTRUCTIONAL LEADERSHIP AND IMPROVEMENT

DESCRIPTORS

- Evaluates, designs, fosters and implements coherent systems of curriculum instruction, supports, assessment and instructional leadership.
- Implements coordinated systems of support, including coaching and professional development for staff.
- Manages an appropriate system of assessments, data collection and analysis that supports instructional improvements, equity, student learning and well-being, and instructional leadership.
- Ensures instruction throughout the district utilizes culturally responsive practices and all staff are trained.

RATING 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

3. COMMUNICATION AND COMMUNITY RELATIONS

DESCRIPTORS

- Develops and implements effective and collaborative systems that engage multiple and diverse stakeholder groups.
- Engages and effectively communicates with diverse families, community partners and other constituencies to strengthen student learning.
- Cultivates relationships and partnerships with members of the business, civic and local government in support of their advocacy for district, school and community needs.
- Goes beyond the district and local community to advocate for students at the county, regional and/or state level.

RATING 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

4. EFFECTIVE ORGANIZATIONAL MANAGEMENT

DESCRIPTORS

- Implements equitable strategies, processes and systems to recruit, hire, develop and retain high-performing personnel who demonstrate a shared commitment to student success.
- Establishes productive relationships with associations while managing labor relations and contracts effectively.
- Creates and maintains organizational structures that maximize the district's capacity to positively impact student learning.
- Creates a comprehensive system of professional development for all staff to continuously improve and increase their leadership capacity.

RATING 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

5. EFFECTIVE FINANCIAL MANAGEMENT

DESCRIPTORS

- Develops a proposed budget in accordance with board priorities and district direction.
- Manages the equitable implementation of district resources aligned with the budget adopted by the board.
- Communicates the budget priorities and ensures regular updates on implementation of the budget.

RATING 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

6. POLICY, GOVERNANCE AND ADVOCACY

DESCRIPTORS

- Develops relationships, leads collaborative decision-making and governance, and represents and advocates for district needs in local, county and state policy conversations.
- Cultivates a respectful and responsive relationship with the district board of education focused on achieving the shared mission and vision of the district.
- Implements, maintains and communicates district, state and national policy, laws, rules and regulations to staff, board and other appropriate stakeholders.

RATING 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

PART 2: BOARD/SUPERINTENDENT GOALS

7. INCREASE READING PROFICIENCY K-8

SUPERINTENDENT ACTION STEPS:

- Provide professional learning for teachers on evidence-based literacy instruction aligned with the Science of Reading.
- Monitor implementation of the district's reading curriculum and instructional best practices, and provide regular progress reports to the Board.
- Regularly review student reading data with district leadership at regular intervals to identify trends and implement responsive supports.

SUMMARY RATING — GOAL 7: *(check one)* 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

8. INCREASE MATH PROFICIENCY K-8

ACTION STEPS:

- Implementation of the district's mathematics curriculum and instructional best practices, and provide regular progress reports to the Board.
- Develop a professional learning plan focused on effective mathematics instruction.
- Regularly monitor student mathematics outcomes and adjust supports as needed.

SUMMARY RATING — GOAL 8: *(check one)* 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

9. IMPROVE STUDENT ATTENDANCE

ACTION STEPS:

- Evaluate the effectiveness of existing attendance recognition programs K-8, and revise or expand them as appropriate.
- Monitor chronic absenteeism, identify barriers, and implement targeted interventions.
- Explore the feasibility of a year-round calendar by presenting multiple models and gathering stakeholder feedback.

SUMMARY RATING — GOAL 9: *(check one)* 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

10. STRENGTHEN COMMUNITY ENGAGEMENT

ACTION STEPS:

- Develop an internal and external communication plan.
- Conduct regular surveys and share results with stakeholders annually.
- Expand community partnerships that increase locally sourced foods while maintaining fiscal responsibility and meeting nutrition standards.
- Keep the Board and community informed regarding district financial conditions and budget development.
- Provide community engagement opportunities on the topic of school consolidation, and make recommendations to the Board by March 2027.
- Promote district engagement opportunities within the community.

SUMMARY RATING — GOAL 10: *(check one)* 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

11. STRENGTHEN STUDENT SAFETY

ACTION STEPS:

- Ensure consistent implementation of the districtwide behavior matrix through ongoing calibration with school and student services teams.
- Monitor major behavioral incident data and implement improvement strategies as needed.
- Provide staff training in de-escalation and proactive behavior supports, with emphasis on supporting students with intensive behavioral needs

SUMMARY RATING — GOAL 11: *(check one)* 

COMMENTS:

1. What evidence or artifact informed this rating?

2. Specify what concrete actions, adjustments, or support will lead to progress in this area (or maintain ongoing success).

PART 3: ARTIFACTS OF EVIDENCE/SELF-EVALUATION

Superintendent's self-evaluation and regular reporting to the Board on progress toward standards and goals. This area may be supported by artifacts or documents specifically in those areas where the Board may lack direct knowledge.

1. ETHICS AND PROFESSIONAL NORMS	
DESCRIPTORS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Ensures ethical decisions and cultivates professional norms and culture including equity, fairness, integrity, transparence, trust, collaboration and perseverance. • Makes ethical and legal Recommendations to the board. • Models ethical behavior in their own conduct and cultivates ethical behavior in others.	

2. CULTURALLY RESPONSIVE INSTRUCTIONAL LEADERSHIP AND IMPROVEMENT

DESCRIPTORS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Evaluates, designs, fosters and implements coherent systems of curriculum instruction, supports, assessment and instructional leadership. • Implements coordinated systems of support, including coaching and professional development for staff. • Manages an appropriate system of assessments and data collection, and analysis that supports instructional improvements, equity, student learning and well-being, and instructional leadership. • Ensures instruction throughout the district utilizes culturally responsive practices and all staff are trained.	

3. COMMUNICATION AND COMMUNITY RELATIONS

DESCRIPTORS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Develops and implements effective and collaborative systems that engage multiple and diverse stakeholder groups. • Engages and effectively communicates with diverse families, community partners and other constituencies to strengthen student learning. • Cultivates relationships and partnerships with members of the business, civic and local government in support of their advocacy for district, school and community needs. • Goes beyond the district and local community to advocate for students at the county, regional and/or state level.	.

4. EFFECTIVE ORGANIZATIONAL MANAGEMENT

DESCRIPTORS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Implements equitable strategies, processes and systems to recruit, hire, develop and retain high-performing personnel who demonstrate a shared commitment to student success. • Establishes productive relationships with associations while managing labor relations and contracts effectively. • Creates and maintains organizational structures that maximize the district's capacity to positively impact student learning. • Creates a comprehensive system of professional development for all staff to continuously improve and increase their leadership capacity.	

5. EFFECTIVE FINANCIAL MANAGEMENT

DESCRIPTORS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Develops a proposed budget in accordance with board priorities and district direction. • Manages the equitable implementation of district resources aligned with the budget adopted by the board. • Communicates the budget priorities and ensures regular updates on implementation of the budget.	

6. POLICY, GOVERNANCE AND ADVOCACY

DESCRIPTORS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Develops relationships, leads collaborative decision-making and governance, and represents and advocates for district needs in local, county and state policy conversations. • Cultivates a respectful and responsive relationship with the district board of education focused on achieving the shared mission and vision of the district. • Implements, maintains and communicates district, state and national policy, laws, rules and regulations to staff, board and other appropriate stakeholders.	

7. INCREASE READING PROFICIENCY K-8

ACTION STEPS	ARTIFACTS/NARRATIVE REFLECTIVE RESPONSE
• Provide professional learning for teachers on evidence-based literacy instruction aligned with the Science of Reading. • Monitor implementation of the district's reading curriculum and instructional best practices, and provide regular progress reports to the Board. • Regularly review student reading data with district leadership at regular intervals to identify trends and implement responsive supports.	

8. INCREASE MATH PROFICIENCY

ACTION STEPS	ARTIFACTS
• Monitor implementation of the district's mathematics curriculum and instructional best practices, and provide regular progress reports to the Board. • Develop a professional learning plan focused on effective mathematics instruction. • Regularly monitor student mathematics outcomes and adjust supports as needed.	

9. IMPROVE ATTENDANCE

ACTION STEPS	ARTIFACTS
• Evaluate the effectiveness of existing attendance recognition programs K-8, and revise or expand them as appropriate. • Monitor chronic absenteeism, identify barriers, and implement targeted interventions. • Explore the feasibility of a year-round calendar by presenting multiple models and gathering stakeholder feedback.	

10. STRENGTHEN COMMUNITY ENGAGEMENT

ACTION STEPS	ARTIFACTS
• Develop an internal and external communication plan. • Conduct regular surveys and share results with stakeholders annually. • Expand community partnerships that increase locally sourced foods while maintaining fiscal responsibility and meeting nutrition standards. • Keep the Board and community informed regarding district financial conditions and budget development. • Provide community engagement opportunities on the topic of school consolidation, and make recommendations to the Board by March 2027. • Promote district engagement opportunities within the community.	

11. STRENGTHEN STUDENT SAFETY

ACTION STEPS	ARTIFACTS
• Ensure consistent implementation of the districtwide behavior matrix through ongoing calibration with school and student services teams. • Monitor major behavioral incident data and implement improvement strategies as needed. • Provide staff training in de-escalation and proactive behavior supports, with emphasis on supporting students with intensive behavioral needs.	

PART 4: EVALUATION SUMMARY

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	School Board Policies - first reading
Item Type:	Information and Discussion
Administrator:	Jeanne Grazioli, Jodi Fahy
Objective:	Review the policies and administrative regulations as a first reading

Background: OSBA provides quarterly policy updates that include current revisions to state and federal laws and guidelines. Staff has reviewed the updated language in the April and August 2026 updates and applied revisions which are reflected in the policy packet.

Staff updates include:
Policy EFA - following the review of the policy by the Wellness Committee during the 2025-26 school year, the recommended language revisions by the committee are reflected in blue font.

KBA-AR - the process to request a public records request will be updated to include an electronic request form. The administrative regulation has been revised to reflect the update.

Revisions in red font indicate OSBA updated language. Revisions in blue font indicate staff updated language. Revisions in **green** font indicate updated language following a first reading.

Occasionally, OSBA includes informative footnotes that will be removed from the final adopted policy.

Policy	Title	Summary
BBE Delete old version and replace with new version	Vacancies on the Board	OSBA has updated this policy to incorporate legal requirements into a set of steps boards can follow in order to fill the vacancy. Additional language revisions have been provided by Board Director Johnsen for consideration. That language is indicated in blue font. At the July Board Retreat, the Board reviewed the policy and determined they would review it as a first reading again, following anticipated feedback from OSBA. Here is the feedback on the proposed revisions.

DBEA	Budget Committee	The Oregon Legislature passed House Bill 4066, modifying the requirement requiring a member of the educational equity advisory committee to serve on the district's budget committee. The amendment clarifies that this requirement does not apply if no member of the educational equity advisory committee is willing or eligible to serve on the budget committee.
EBB	Integrated Pest Management	House Bill 2684 (2025) added some new requirements to law for Integrated Pest Management Plan requirements. The first requires posting the Integrated Pest Management Plan and list of low-impact pesticides to the website (can be included in the Healthy and Safe Schools Plan); the second requires a review of an IPM plan every five years to identify updates, if any, and readoption.
EBBA	Student Health Services*/**	Senate Bill 2948 (2025, now in ORS 342.458) added language regarding nurse delegation. This update reflects the new language.
ECAA	Access to Buildings	The Oregon Legislature passed House Bill 3083 (2025), which amends ORS 339.408 requiring schools to have emergency safeguards to protect students and staff, including "policies and procedures relating to school building security." HB 3083 also requires the Board to consider the installation of a panic alarm when reviewing policies and procedures relating to school building security.
EFA	Local Wellness	*See attached executive summary below for explanation of revisions.*
GAA - *delete*	Personnel Definitions*	Policy GAA – Personnel Definitions has been reviewed recently and the recommendation is to delete this policy from the board's policy manual. This

		policy is largely definitions already found in statute under ORS Chapter 342 and/or outlined in an agreement.
GBA	Equal Employment Opportunity	Senate Bill 808 (2025) amended ORS 408.225, 408.230 and 408.235, which discusses issuing preferences to veterans and disabled veterans during a hiring or promotion process, and defined and added state servicemembers and former state servicemembers. These are servicemembers who are current servicemembers of the Oregon National Guard or former servicemembers of the Oregon National Guard, and who meet the new provisions. As a result, board policy GBA – Equal Employment Opportunity and administrative regulation GBA-AR – Veteran and State Servicemember Preference has been updated to reflect SB 808 and to account for the four different employment preferences now allowed under Oregon law effective January 1, 2026. Additionally, OAR 581-022-2405 requires districts to have policies regarding equal employment opportunities and affirmative action. Language has been added to more clearly meet these requirements. *Does not require Board approval. Information only.*
GBA-AR	Veteran and State Servicemember Preference	
GBN/JBA	Sexual Harassment	Multiple laws address sexual harassment in Oregon schools. Oregon laws include requirements to provide notice to individuals involved in reports of sexual harassment. This update is to clarify these notice requirements.
GCBDA/GDBDA-AR(1)	Family and Medical Leave*	Many changes have been made to leave laws over the last few years. This update

		reflects those changes. *Does not require Board approval. Information only.*
GCBDD/GDBDD	Sick Time*	The change from Senate Bill 1108 (2025) added another allowable use for earned sick time: to donate blood in connection with a voluntary program that is approved or accredited by the American Association of Blood Banks or the American Red Cross.
JBA/GBN	Sexual Harassment	Multiple laws address sexual harassment in Oregon schools. Oregon laws include requirements to provide notice to individuals involved in reports of sexual harassment. This update is to clarify these notice requirements.
KBA	Public Records Request	The district is updating its public records request process to provide an electronic request form for individuals seeking public records. The policy and administrative regulation have been revised to reflect the district's updated process for submitting public records requests.
KBA-AR	Public Records Request	
KNA	Immigration Enforcement on District Property	In 2026, the Oregon Legislature adopted three bills related to federal immigration enforcement in schools: Senate Bill (SB) 1538, SB 1594, and House Bill (HB) 4079). These new laws require the Oregon Attorney General's (AG) Office to publish model policies related to immigration enforcement in schools. Districts must provide these model AG policies to employees, and must adopt a policy that is consistent with the AG model policies by September 30, 2026. The district-adopted policy must: ● Designate an individual to be the primary contact for immigration
KNA-AR	Interactions with Immigration Enforcement	

		enforcement; ● Include requirements for notifying students, parents, staff and the community when federal immigration officials are confirmed to be on district property for enforcement purposes; ● Include training requirements for designated individuals; ● Be included in the student handbook and in culturally appropriate languages on the district's website; and ● Include any other requirements provided by law.

* *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 9.3.26; OSBA Feedback RE Policy BBE; Policy EFA Executive Summary; Wellness Committee Agendas

The policy packet is organized with the revised version first (colored font), followed by a draft final version with the revisions incorporated. Policies recommended for deletion include a "delete" watermark across the policy.

Recommendation: Review revised language and move the policies forward for adoption/ readoption/deletion at the September 17 Board meeting.

Suggested Motion: *No action required at this meeting.*

Medford School District 549C

Code: BBE
Adopted: xx/xx/xx

Vacancies on the Board

Vacancies on the Board will be filled through the following procedures:

1. At a Board meeting, the Board will declare the vacancy[1];

2. The Board or designee will establish an application period of at least 20 days. Applicants will be required to submit an application to the district office by the designated date. Deadlines and instructions will be posted on the district website. The Board can vote to extend or re-open the application period at any time;

3. After the application period has ended, the superintendent or designee will verify applicant eligibility. Applicants must:

   a. Be an elector of the district.[2] This requires being registered to vote within the district;
   b. Have resided in the district for a period of one year immediately preceding the appointment;
   c. Not be an employee of the district or a charter school located within the district
   d. The Board will review applicant materials in an open Board meeting;

4. The Board may select applicants to interview. Any interview will be held in an open Board meeting;

5. During an open Board meeting, the Board will vote to appoint one of the applicants. In the event that no applicant receives a majority of votes[3], the Board may re-vote or vote to re-open the application period;

6. The newly appointed Board member(s) will take an oath of office before assuming the duties of office and will be seated immediately thereafter.

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[1] In accordance with ORS 332.030, the Board shall declare a vacancy upon any of the following:
7. The death or resignation of any Board member;
8. When a Board member is removed from office or the election of the Board member has been declared void by the judgment of any court;
9. When a Board member ceases to be a resident of district;
10. When a Board member ceases to discharge the duties of office for two consecutive months unless prevented by sickness or other unavoidable cause;
11. When a Board member ceases to discharge the duties of office for four consecutive months for any reason; or
12. When a Board member is recalled.

[2] ORS 254.005(4) provides "'Elector' means an individual qualified to vote under section 2, Article II, Oregon Constitution." District staff may verify this with local elections officials.

[3] ORS 332.055 requires the affirmative vote of a majority of Board members to transact any business. Consequently four votes are necessary to appoint a board member, regardless of how many vacancies exist.

DRAFT

The appointee will serve until June 30 following the next election. At that election, either the remainder of the term for the position, or a full term for the position will be on the ballot. If a vacancy is declared after the filing window opens in an election year, the Board should wait to fill the vacancy until the newly elected members are sworn in. If the Board deems it essential to fill the vacancy sooner to maintain functioning district operations, then the Board should ask the Southern Oregon Educational Service District to run the interview process and make a recommendation, to be approved and voted on by the Board.

If the offices of a majority of Board members are vacant at the same time, the directors of the Southern Oregon Education Service District shall appoint persons to fill the vacancies from qualified individuals.

END OF POLICY

Legal Reference(s):

ORS 249.865 - 249.877
ORS 254.005
ORS 255.245
ORS 255.335
ORS 332.030
ORS 332.122
ORS 332.124

DRAFT

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Adopted: xx/xx/xx

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3. After the application period has ended, the superintendent or designee will verify applicant eligibility. Applicants must:

    a. Be an elector of the district.[2] This requires being registered to vote within the district;
    b. Have resided in the district for a period of one year immediately preceding the appointment;
    c. Not be an employee of the district or a charter school located within the district
    d. The Board will review applicant materials in an open Board meeting;

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9. When a Board member ceases to be a resident of district;
10. When a Board member ceases to discharge the duties of office for two consecutive months unless prevented by sickness or other unavoidable cause;
11. When a Board member ceases to discharge the duties of office for four consecutive months for any reason; or
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DRAFT

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END OF POLICY

Legal Reference(s):

ORS 249.865 - 249.877
ORS 254.005
ORS 255.245
ORS 255.335
ORS 332.030
ORS 332.122
ORS 332.124

DRAFT

Medford School District 549C

Code: DBEA
Adopted: 4/16/02
Revised/Readopted: 3/11/19; 9/21/23; 10/16/25; xx/xx/xx
Orig. Code(s): DBEA

Budget Committee

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

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

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

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

1. The budget committee consists of seven members appointed by the Board plus the elected Board members. To be eligible for appointment, the appointive member must:

   a. Live and be registered to vote in the district;
   b. Not be an officer, agent or employee of the district.

2. At least one member of the budget committee must be a member of the district's educational equity advisory committee;[1]

3. No budget committee member may receive any type of compensation from the district;

4. At its first meeting in October, the Board will identify vacant budget committee positions, which must be filled by appointment of the Board. The Board will announce the vacancies and receive applications from interested persons during the month of November. Such applications will include a signed statement that the applicant is willing to serve as a member of the budget committee and to adhere to the policies of the district. The Board may appoint budget committee members to as many consecutive terms as deemed appropriate;

5. At the first regular Board meeting in December, the Board will review the names of persons filing applications and names of those persons who have served previously and are willing to be

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

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

6. The appointive committee members of a budget committee in a district that prepares an annual budget will be appointed for three-year terms. The terms will be staggered so that, as near as practicable, one-third of the appointive members' terms end each year;

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

Budget Committee Responsibilities

1. At its first meeting after appointment, the budget committee will elect a presiding officer from among its members. It may also establish other ground rules as necessary for successful operation of the committee;

2. A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action;

3. The budget committee shall hold one or more meetings to receive the budget message, receive the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. The meetings of the budget committee are open to the public;

4. The budget committee may request from the superintendent or business manager any information used in the preparation of or for revising the budget document. The committee may request the attendance of any district employee at its meetings. The budget committee will approve the budget document as submitted by the superintendent or as subsequently revised by the committee;

5. After approval of the original or revised budget document, the budget committee's duties cease. The hearing on the approved budget is held by the Board.

END OF POLICY

Legal Reference(s):

ORS 174.130
ORS 192.610 - 192.695
ORS 294.305 - 294.565
ORS 328.542
ORS 329.711
ORS 433.835 - 433.875
OAR 581-022-2307

House Bill 4066 (2026)

Medford School District 549C

Code: DBEA
Adopted: 4/16/02
Revised/Readopted: 3/11/19; 9/21/23; 10/16/25; xx/xx/xx
Orig. Code(s): DBEA

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

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

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2. At least one member of the budget committee must be a member of the district's educational equity advisory committee;[1]

3. No budget committee member may receive any type of compensation from the district;

4. At its first meeting in October, the Board will identify vacant budget committee positions, which must be filled by appointment of the Board. The Board will announce the vacancies and receive applications from interested persons during the month of November. Such applications will include a signed statement that the applicant is willing to serve as a member of the budget committee and to adhere to the policies of the district. The Board may appoint budget committee members to as many consecutive terms as deemed appropriate;

5. At the first regular Board meeting in December, the Board will review the names of persons filing applications and names of those persons who have served previously and are willing to be reappointed. At the first regular meeting in January, the Board will appoint persons to fill the vacant positions;

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

6. The appointive committee members of a budget committee in a district that prepares an annual budget will be appointed for three-year terms. The terms will be staggered so that, as near as practicable, one-third of the appointive members' terms end each year;

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

Budget Committee Responsibilities

1. At its first meeting after appointment, the budget committee will elect a presiding officer from among its members. It may also establish other ground rules as necessary for successful operation of the committee;

2. A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action;

3. The budget committee shall hold one or more meetings to receive the budget message, receive the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. The meetings of the budget committee are open to the public;

4. The budget committee may request from the superintendent or business manager any information used in the preparation of or for revising the budget document. The committee may request the attendance of any district employee at its meetings. The budget committee will approve the budget document as submitted by the superintendent or as subsequently revised by the committee;

5. After approval of the original or revised budget document, the budget committee's duties cease. The hearing on the approved budget is held by the Board.

END OF POLICY

Legal Reference(s):

ORS 174.130
ORS 192.610 - 192.695
ORS 294.305 - 294.565
ORS 328.542
ORS 329.711
ORS 433.835 - 433.875
OAR 581-022-2307

House Bill 4066 (2026)

DRAFT

Medford School District 549C

Code: EBB
Adopted: 2/08/16
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code(s): EBB

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the ~~district~~ Board shall adopt an integrated pest management plan (IPM) which emphasizes the least possible risk to students, staff and community members and shall adopt a list[1] of low-impact pesticides for use with the IPM plan. The IPM plan and list shall be available to the public through the district's website[2].

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:

   a. Protect the health and safety of students and faculty;
   b. Protect the integrity of district buildings and grounds;
   c. Maintain a productive learning environment; and
   d. Protect local ecosystem health.

2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding, and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests; ~~during building operations and maintenance. All measures covered by this IPM will cover all district construction projects and contractors hired to perform work at any district site or building.~~

3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;

4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;

5. Evaluates the need for pest control by identifying acceptable pest population density levels;

6. Monitors and evaluates the effectiveness of pest control measures;

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[1] See ORS 634.705(5).
[2] Inclusion of the list and IPM in the district's Healthy and Safe Schools Plan satisfies this requirement as long as it is posted on the district's website.

7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;

8. Excludes the application of pesticides for purely aesthetic purposes;

9. Includes school staff education about sanitation, monitoring, inspection, and pest control measures;

10. Gives preference to the use of nonchemical pest control measures;

11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and

12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The ~~district shall designate the~~ facilities manager is designated as the Integrated Pest Management Plan Coordinator ~~with~~ and has the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

1. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;

2. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;

~~3. Communicate the IPM plan essentials to the school community, custodians, maintenance, construction, grounds, faculty, and kitchen staff about the schools;~~

3. Oversee pest prevention efforts;

4. Ensuring identification and evaluation of pest situation;

5. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property, and the environment;

6. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;

7. Evaluate pest management results; ~~and~~

8. Keep for at least four years following the application date, records of applied pesticides that include:

    a. A copy of the label;
    b. A copy of the Safety Data Sheet (SDS);
    c. The brand name and U.S. Environmental Protection Agency (USEPA) registration number of the product;
    d. The pest condition that prompted the application;

e. The approximate amount and concentration of pesticide applied;
f. The location and description of the area where the pesticide was applied;
g. The type of application and whether the application was effective;
h. The name(s) of the person(s) applying the pesticide;
i. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
j. The dates and times for the placement and removal of warning signs; and
k. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.

9. Respond to inquiries about the IPM plan and refer complainants to Board policy KL – Public Complaints; and

10. Conduct outreach to district staff about the district's IPM plan.

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

END OF POLICY

Legal Reference(s):

ORS 634.116 ORS 634.700 - 634.750

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

Medford School District 549C

Code: EBB
Adopted: 2/08/16
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code(s): EBB

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Legal Reference(s):

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Medford School District 549C

Code: EBBA
Adopted: 3/07/00
Revised/Readopted: 5/06/19; 1/23/25
Orig. Code(s): EBBA; JHC

Student Health Services*/**

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

The district shall maintain a written prevention-oriented health services plan for all students. The health services plan will[1]:

1. Explain available health care space that is appropriately supervised and adequately equipped for providing health care and administering medication or first aid;

2. Refer to available communicable disease prevention and management plan that includes school-level protocols[2];

3. Outline a district-to-school communication plan[3];

4. Provide information about health screenings, including immunizations and TB certificate requirements;

5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed[4];

6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;

7. Describe how hearing, vision and dental screenings are managed and/or verified for required students[5];

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

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

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

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

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

8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school[6];

9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids[7];

10. Refer to adopted policy and procedures for medications in accordance with Oregon law[8];

11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities[9]; and

12. List the positions in the district which shall be required to obtain and maintain a first-aid/CPR/AED card in accordance with OAR 581-022-2220(3).

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

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

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

~~**Access to Records**~~

~~Related records can be requested in accordance with Board policies IGBAB/JO ,- Education Records/Records of Students with Disabilities, KBA, - Public Records Requests and their respective administrative regulations. Records may be protected by Family Educational Rights and Privacy Act~~

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[6] For definitions for this policy see ORS 336.201.

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

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

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

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

~~(FERPA), Health Insurance Portability and Accountability Act (HIPAA) or other public records laws. The timelines outlined in law and policy will be followed.~~

END OF POLICY

Legal Reference(s):

ORS 329.025
ORS 332.107
ORS 336.201
ORS 336.204
ORS 336.211 – 336.214
ORS 342.458
OAR 581-021-0017
OAR 581-021-0031
OAR 581-021-0587
OAR 581-021-0590
OAR 581-022-2050
OAR 581-022-2220
OAR 581-022-2515

Every Student Succeeds Act, 20 U.S.C. § 7928 ~~(2018)~~ (2024).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ~~(2018)~~ (2024).

Medford School District 549C

Code: EBBA
Adopted: 3/07/00
Revised/Readopted: 5/06/19; 1/23/25
Orig. Code(s): EBBA; JHC

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5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed[4];

6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;

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

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

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

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

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

8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school[6];

9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids[7];

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11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities[9]; and

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END OF POLICY

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[6] For definitions for this policy see ORS 336.201.

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

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

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ORS 329.025
ORS 332.107
ORS 336.201
ORS 336.204
ORS 336.211 – 336.214
ORS 342.458
OAR 581-021-0017
OAR 581-021-0031
OAR 581-021-0587
OAR 581-021-0590
OAR 581-022-2050
OAR 581-022-2220
OAR 581-022-2515

Every Student Succeeds Act, 20 U.S.C. § 7928 (2024).
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2024).

DRAFT

Medford School District 549C

Code: ECAA
Adopted: 12/07/04
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code: ECAA

Access to Buildings

The Board directs the superintendent to control access to district buildings as appropriate and necessary to protect property, students and personnel.

~~Site administrators will control access to their building and~~ The superintendent or designee will develop procedures to control access to school buildings and ~~will~~ provide safeguards against unauthorized access to the building. ~~Procedures will be developed to control the use of building keys and to ensure that buildings are adequately closed and locked when no authorized personnel are present. Staff or students who fail to obey such regulations may be disciplined, suspended or dismissed~~. Procedures will include staff members being responsible for district property (e.g., keys, access cards) in their possession.

Staff who fail to obey such procedures may be disciplined up to and including dismissal. Students who fail to obey such procedures may be disciplined.

When reviewing policies and procedures relating to school building security, the Board must consider the installation of a panic alarm system in accordance with ORS 339.408.

END OF POLICY

Legal Reference(s):

~~ORS 164.205 to -164.270~~
ORS 332.107 ORS 332.172 ORS 339.408

Medford School District 549C

Code: ECAA
Adopted: 12/07/04
Revised/Readopted: 5/06/19; xx/xx/xx
Orig. Code: ECAA

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END OF POLICY

Legal Reference(s):

ORS 332.107 ORS 332.172 ORS 339.408

DRAFT

Medford School District 549C

Code: EFA
Adopted: 2/27/17
Revised/Readopted: 1/22/20; 3/17/22; 6/29/23; 10/19/23; xx/xx/xx
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~~ through school and/or district communications. 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~~ promoted when possible at 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 (BAtB).

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 Standards[1]. 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~~ discouraged from using 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.

[1] Oregon Department of Education, Oregon Smart Snacks Standards

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 Revised Statute (ORS) 329.045). Teachers of physical education shall ~~regularly~~ participate in professional development activities ~~annually~~ on an ongoing basis as opportunities are available and/or offered;

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;~~

1. 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);

2. Nonfood-related fundraisers;

3. Physical activity energizers during transitions from one subject to another;

4. Intramural sports;

5. Monthly/weekly school walks;

~~6. 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;~~

6. Use of alternatives to food as rewards in the classroom;

7. 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;

8. 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);

9. Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;

10. 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~~ district nurses, psychologist, health and physical educators, nutrition professionals, school 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 marketing[2]" 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 Standards"[3] 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~~ through extended hours for activities such as clubs, yearbook, athletic practices, band or choir practice, student government, drama rehearsals, or child care programs .

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):

[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

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).

Cross Reference(s):

EFAA - District Nutrition and Food Services

Medford School District 549C

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

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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 through school and/or district communications. 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.

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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 promoted when possible at school-community events.

DRAFT

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 (BAtB).

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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.

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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 Standards[1]. 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 discouraged from using 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.

[1] Oregon Department of Education, Oregon Smart Snacks Standards

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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.

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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.

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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 Revised Statute (ORS) 329.045). Teachers of physical education shall participate in professional development activities on an ongoing basis as opportunities are available and/or offered;

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.

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. 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);

2. Nonfood-related fundraisers;

3. Physical activity energizers during transitions from one subject to another;

4. Intramural sports;

5. Monthly/weekly school walks;

6. Use of alternatives to food as rewards in the classroom;

7. 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;

8. 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);

9. Communication between classroom teachers and nutrition staff, so that menus and nutrition promotion can be tied into classroom learning and coursework;

10. 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.

DRAFT

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, district nurses, psychologist, health and physical educators, nutrition professionals, school counselors and other staff); and

DRAFT

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 marketing[2]" 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 Standards"[3] 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, through extended hours for activities such as clubs, yearbook, athletic practices, band or choir practice, student government, drama rehearsals, or child care programs .

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):

DRAFT

[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

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).

Cross Reference(s):

EFAA - District Nutrition and Food Services

DRAFT

Medford School District 549C

Code: GAA
Adopted: 2/15/05
Revised/Readopted: 1/14/19; 10/17/19

Personnel: Definitions

LICENSED EMPLOYEES - are those holding a position that requires a license issued by the state Teacher Standards and Practices Commission (TSPC).

A teacher is an employee who holds a teacher's license or is registered to teach by TSPC.

A contract teacher means any teacher who has been regularly employed by a school district for a probationary period of not more than three successive school years and who has been re-extended for the next succeeding school year.

A probationary teacher is one who is not a contract teacher and who works at least 135 consecutive days in any school year as a teacher in the district.

A temporary teacher is any teacher employed to fill a position designated as temporary or experimental or to fill a vacancy that occurs after the opening of school because of unanticipated enrollment or the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher.

A substitute teacher is any teacher employed to take the place of a probationary or contract teacher who is temporarily absent. A substitute teacher is employed on a day-to-day basis, without contract, and does the work of the regularly assigned teacher during the latter's absence from duty. Substitutes employed by the District will be paid at a rate established annually by the Board in accordance with the provisions of Oregon law.

An intern teacher is a regularly enrolled student of a college or university who teaches under the supervision of the staff of such institution and of the district in order to acquire practical experience in teaching. The intern teacher receives both academic credit from such institution and financial compensation from the district.

An administrator is an employee who has been granted administrative authority and who spends more than one-half time in the organization, direction, supervision, control or evaluation of district employees or programs.

A specialist is an employee who has a teaching license or a letter of authorization from the Oregon Department of Education and who is employed half-time or more.

CLASSIFIED PERSONNEL – are those employees in positions for which no teaching or administrative licenses are required by law.

Regular classified employees are those employed in positions established by the Board requiring 20 or more hours per week for at least a full school year.

DELETE

Part-time regular classified employees are those employed in positions established by the Board requiring less than 20 hours per week for at least a full school year.

Temporary/substitute classified employees are those employed on an as-needed basis. The Board shall determine if these employees are eligible for benefits.

Classified supervisory employees are those who serve in positions that exercise administrative authority or supervisory responsibility over classified employees and as defined in ORS 243.650 (23).

SUPERVISORY EMPLOYEES – are those individuals having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. No nurse, charge nurse or similar nursing position shall be deemed to be supervisory unless such position has been traditionally classified as supervisory.

CONFIDENTIAL EMPLOYEES – are designated in accordance with Oregon law and provisions of the labor agreements between the district and its licensed and classified employees. Such employees will be excluded from any bargaining unit. Salaries and benefits for confidential employees will be established by the Board.

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

END OF POLICY

Legal Reference(s):

ORS 243.650(6), (23)
ORS 332.505
ORS 332.554(3)
ORS 342.120
ORS 342.125
ORS 342.420
ORS 342.610
ORS 342.815
ORS 342.835
ORS 342.840
ORS 342.845

OAR 584-020-0005

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

Cross Reference(s):

GC - Licensed Staff Positions

DELETE

Medford School District 549C

Code: GBA
Adopted: 1/23/17
Revised/Readopted: 10/17/19; 2/20/20; 1/13/22; xx/xx/xx
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race[1], color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition[2], age, veterans' status[3]~~,~~ service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability[4] if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

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

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

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

END OF POLICY

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[1] Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 ~~(as amended by House Bill 2935 (2021))~~.

[2] ~~This unlawful employment practice~~[Certain protections related to pregnancy, childbirth or a related medical condition ~~as described in House Bill 2341 (2019) (added to ORS 659A)~~ appli~~es~~y to employers who employ six or more persons (ORS 659A.106 and ORS 659A.148).] {Remove if district has six or more employees.}

[3] ~~The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.~~

[4] ~~This unlawful employment practice~~[Certain protections related to disability ~~as described in ORS 659A.112~~ appli~~es~~y only to employers who employ six or more persons (ORS 659A.106).

Legal Reference(s):

ORS 174.100
~~ORS 243.317 – 243.323~~
ORS 326.051
ORS 332.505
~~ORS 342.934~~
ORS 408.225 – 408.237
~~ORS 408.230~~
~~ORS 408.235~~
ORS 652.210 - 652.220
ORS 659.850
ORS 659A.003
ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
~~ORS 659A.040~~
ORS 659A.082
ORS 659A.109
ORS 659A.112
ORS 659A.147
~~ORS 659A.233~~
~~ORS 659A.236~~
~~ORS 659A.309~~
~~ORS 659A.321~~
~~ORS 659A.409~~
ORS 659A.820
OAR 581-021-0045
OAR 581-022-2405
~~OAR 839-003-0000~~
OAR 839-006-0435 – 0480
~~OAR 839-006-0440~~
~~OAR 839-006-0450~~
~~OAR 839-006-0455~~
~~OAR 839-006-0460~~
~~OAR 839-006-0465~~

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ~~(2018~~2024).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. ~~(2018~~2024).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 ~~(2018~~2024); 29 C.F.R Part 1626 (~~2019~~2025).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 ~~(2018~~2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) ~~(2018~~2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 ~~(2018~~2024); 34 C.F.R. Part 104 (~~2019~~2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 ~~(2018~~2024);
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act ~~of 1990~~/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 ~~(2018~~2024); 29 C.F.R. Part 1630 (~~2019~~2025); 28 C.F.R. Part 35 ~~2019~~2025).
~~Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).~~
~~Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).~~
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 ~~(2018~~2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 ~~(2018~~2024).
~~Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).~~
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 ~~(2018~~2024).
~~House Bill 2935 (2021)~~
~~House Bill 3041 (2021)~~

Medford School District 549C

Code: GBA
Adopted: 1/23/17
Revised/Readopted: 10/17/19; 2/20/20; 1/13/22; xx/xx/xx
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race[1], color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition[2], age, veterans' status, service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability[3] if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

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

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

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

END OF POLICY

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

[2] Certain protections related to pregnancy, childbirth or a related medical condition apply to employers who employ six or more persons (ORS 659A.106 and ORS 659A.148).

[3] Certain protections related to disability apply only to employers who employ six or more persons (ORS 659A.106).

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Legal Reference(s):

ORS 174.100
ORS 326.051
ORS 332.505
ORS 408.225 – 408.237
ORS 652.210 - 652.220
ORS 659.850
ORS 659A.003
ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
ORS 659A.082
ORS 659A.109
ORS 659A.112
ORS 659A.147
ORS 659A.820

OAR 581-021-0045
OAR 581-022-2405
OAR 839-006-0435 – 0480

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2024).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2024).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2024); 29 C.F.R Part 1626 (2025).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2024).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2024).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2024); 34 C.F.R. Part 104 (2025).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2024); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act /Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2024); 29 C.F.R. Part 1630 (2025); 28 C.F.R. Part 35 (2025).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2024).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2024) .
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (2024).

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Medford School District 549C

Code: GBA-AR
Revised/Reviewed: 1/09/17; 10/03/19; 1/09/20; 3/17/22; xx/xx/xx
Orig. Code(s): GBA-AR

Veteran~~s'~~ and State Servicemember Preference

Oregon's ~~Veterans' Preference L~~law requires the district to grant a preference to qualified and eligible veterans, ~~and~~ disabled veterans, state servicemembers and former state servicemembers at each stage ~~in~~ during the hiring ~~and~~ or promotion process who claim a preference. To be **qualified** for ~~veterans'~~ preference, an ~~veteran or disabled veteran~~ applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for ~~veterans'~~ preference[1] an ~~veteran or disabled veteran~~ applicant must provide certification they are a veteran, ~~or~~ disabled veteran, state servicemember or former state servicemember as defined by Oregon law[2].

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

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

Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide ~~veterans and disabled veterans~~ a with preference as required by Oregon law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.[3]

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[1] See Oregon Revised Statute (ORS) 408.235.

[2] See Oregon Revised Statute (ORS) 408.225: ~~and OAR 839-006-0440~~ for definitions of veteran, ~~and~~ disabled veteran, state servicemember or former state servicemember.

[3] ~~See Verification of Veteran's Preference (OAR 839-006-0465)~~. A ~~veteran~~ applicant claiming veteran's or disabled veteran's preference will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran will may also submit a copy of their letter from the U.S. Department of Veterans Affairs verifying disabled veteran status, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits

Selection Procedures

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

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

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

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

Step 5: Following completion of the interviews, the designated administrator shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. ~~Veterans' p~~Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.

Step 6: ~~The designated administrator makes the offer to the applicant with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.~~ The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.

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

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

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

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

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certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

Filing a Complaint

A veteran, ~~or~~ disabled veteran, state servicemember or former state servicemember is encouraged to contact the Human Resources office if ~~they have~~ there are any concerns or questions concerning the application of or the process used for ~~veterans'~~ preference.

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

Medford School District 549C

Code: GBA-AR
Revised/Reviewed: 1/09/17; 10/03/19; 1/09/20; 3/17/22; xx/xx/xx
Orig. Code(s): GBA-AR

Veteran and State Servicemember Preference

Oregon's law requires the district to grant a preference to qualified and eligible veterans, disabled veterans, state servicemembers and former state servicemembers at each stage during the hiring or promotion process who claim a preference. To be **qualified** for preference, an applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for preference[1] an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law[2].

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

Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide a with preference as required by Oregon law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.[3]

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[1] See Oregon Revised Statute (ORS) 408.235.
[2].See Oregon Revised Statute (ORS) 408.225: for definitions of veteran, disabled veteran, state servicemember or former state servicemember.

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

Selection Procedures

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

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

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

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

Step 5: Following completion of the interviews, the designated administrator shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.

Step 6: The district will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.

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

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

Filing a Complaint

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

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

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Medford School District 549C

Code: GBN/JBA
Adopted: 6/01/15
Revised/Readopted: 5/06/19; 9/17/20; 11/18/21; 1/12/23; 9/19/24; xx/xx/xx
Orig. Code(s): GBN/JBA

Sexual Harassment

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

Any person may report sexual harassment.

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

General Procedures

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[1] shall include:

1. A demand or request for sexual favors in exchange for benefits;

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

    a. Interferes with a student's educational activity or program;
    b. Interferes with a school or district staff member's ability to perform their job; or
    c. Creates an intimidating, offensive, or hostile environment.

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

3. Assault when sexual contact occurs without consent.[2]

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

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

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):
Fred Kondziela
Title IX Coordinator/ District Athletics & Activities Director
Email: fred.kondziela@medford.k12.or.us Phone:541-842-3838

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

Response

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

1. Student is protected and to promote a nonhostile learning environment;

2. Staff member is protected and to promote a nonhostile work environment; or

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

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

Investigation

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

1. Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.

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

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

1. Discipline of staff and students engaging in sexual harassment;

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

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

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

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

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

Notices

When a person[3] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[4]:

1. Name and contact information for all person designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

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

[4] Remember confidentiality laws when providing any information.

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:

    a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
    b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

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

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and members of the public at each office, at the district office and on the website of the school or district.

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

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[5];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

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

Reporting

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

The District Athletics & Activities Director is designated as the Title IX Coordinator and can be contacted at 541-842-3838. The Title IX Coordinator will coordinate the district's efforts to comply with its

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

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

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[6] The district shall treat complainants and respondents equitably by providing supportive measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

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

[7] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

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

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

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary[11], or both.

No Retaliation

Neither the district or any person may retaliate[12] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

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

END OF POLICY

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[11] Of the United States Department of Education.

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

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030

OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Medford School District 549C

Code: GBN/JBA
Adopted: 6/01/15
Revised/Readopted: 5/06/19; 9/17/20; 11/18/21; 1/12/23; 9/19/24; xx/xx/xx
Orig. Code(s): GBN/JBA

Sexual Harassment

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

Any person may report sexual harassment.

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

General Procedures

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[1] shall include:

1. A demand or request for sexual favors in exchange for benefits;

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

    a. Interferes with a student's educational activity or program;
    b. Interferes with a school or district staff member's ability to perform their job; or
    c. Creates an intimidating, offensive, or hostile environment.

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

3. Assault when sexual contact occurs without consent.[2]

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

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

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):
Fred Kondziela
Title IX Coordinator/ District Athletics & Activities Director
Email: fred.kondziela@medford.k12.or.us Phone:541-842-3838

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

Response

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

1. Student is protected and to promote a nonhostile learning environment;

2. Staff member is protected and to promote a nonhostile work environment; or

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

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

Investigation

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

1. Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.

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

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

1. Discipline of staff and students engaging in sexual harassment;

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.

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No Retaliation

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

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

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

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

Notices

When a person[3] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[4]:

1. Name and contact information for all person designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

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

[4] Remember confidentiality laws when providing any information.

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4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:

    a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
    b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and members of the public at each office, at the district office and on the website of the school or district.

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

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[5];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

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

Reporting

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

The District Athletics & Activities Director is designated as the Title IX Coordinator and can be contacted at 541-842-3838. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

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

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[6] The district shall treat complainants and respondents equitably by providing supportive measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

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

[7] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

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

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

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3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary[11], or both.

No Retaliation

Neither the district or any person may retaliate[12] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

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

END OF POLICY

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[11] Of the United States Department of Education.

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

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Legal Reference(s):

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ORS 659A.006
ORS 659A.029
ORS 659A.030

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Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
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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; 2/20/25; xx/xx/xx

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 days immediately prior to the first day of the start of the requested leave.[1] In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

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

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

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

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

~~An employee of the district 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:~~

[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.

~~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.~~

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

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

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. ~~Whether~~ When 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;~~

2. An employee unable to work because of a disabling compensable injury[2] 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.~~

[2] As defined in ORS 656.005.

Qualifying Reason

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

1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care[3] or continuing treatment by a health care provider[4].

2. Parental leave[5] (separate from eligible leave as a result of a child's serious health condition):

    a. Bonding with and caring for the employee's newborn child (within 12 months following birth);
    b. Bonding with and caring for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
    c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
    d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.

3. Military caregiver leave: leave for the care for a covered servicemember if the eligible employee is the spouse, child or next-of-kin ~~who is a covered~~ of the servicemember with a serious injury or illness;

4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee's spouse, child or parent who is a military member on active duty or call to covered active duty status.

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

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

2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care. ~~Under OFLA, sick child leave includes~~; or leave taken to care for an employee's child whose school or child care provider has been closed[6] in conjunction with a statewide public health emergency declared by a public health official.[7]

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[3] "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.

[4] "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.

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

[6] "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).

[7] 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. 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.[8]

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) Spouse[9];
      (2) Parent[10]; or
      (3) Child.[11]~~; 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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3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

[8] 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.

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

[10] "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."

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

[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. 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 as described in ORS 659A.104.

3. In loco parentis:

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

4. Next of kin:

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

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

5. Covered servicemembers:

   ~~For the purposes of FMLA, "covered servicemember" means 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 disability~~

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2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

~~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.~~

For the purposes of FMLA, "covered servicemember" means:

a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who:

(1) Is undergoing medical treatment, recuperation or therapy;
(2) Is otherwise in outpatient status; or
(3) Is otherwise on the temporary disability retired list for a serious injury or illness; or

b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

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

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

7. Public health emergency:

For OFLA a "public health emergency" means;

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

Leave Period

For the purposes of calculating an employee's leave period for FMLA, the district will use 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;

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

[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.

[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.

also run concurrently with leave taken under the sick time ~~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 12[15]. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek[16]. 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).

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

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

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[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.

[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).

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 child, or a serious injury of illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

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

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

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

2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;

4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and

5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

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

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

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

2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;

4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

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

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

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as signers ~~interpreters~~[18] 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.

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[18] ~~29 CFR 825.600(c) uses "signers."~~

2. Limitation on Leave Near the End of the Term[19]

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 employee[20] 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

[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.

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

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~~

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

~~FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.~~

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice[22] 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 information[23] to determine the requested leave qualifies as FMLA or OFLA leave as provided by law. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination.

An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

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

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice[25] 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.

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

[24] See 29 CFR § 825.304.

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

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate[26], 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 appropriate[27], 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

[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)

[28] https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf

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.

[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

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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.

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

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

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

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

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

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

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

[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.

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. When an employee is an "eligible employee" as defined in OAR 839-009-0210, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period.

In addition:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;

2. An employee unable to work because of a disabling compensable injury[2] need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

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

Qualifying Reason

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

1. Serious health condition of the employee or the employee's covered family member. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care[3] or continuing treatment by a health care provider[4].

2. Parental leave[5] (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);

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[2] As defined in ORS 656.005.

[3] "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.

[4] "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.

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

c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.

3. Military caregiver leave: leave for the care for a covered servicemember if the eligible employee is the spouse, child or next-of-kin of the servicemember with a serious injury or illness;

4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee's spouse, child or parent who is a military member on active duty or call to covered active duty status.

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

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

2. Sick child leave: leave taken to care for an employee's child who is suffering from an illness, injury, or condition that requires home care or leave taken to care for an employee's child whose school or child care provider has been closed[6] in conjunction with a statewide public health emergency declared by a public health official.[7]

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.[8]

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

Definitions

1. Family member:

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[6] "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).

[7] The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:
1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

[8] 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.

a. For the purposes of FMLA, "family member" means:

(1) Spouse[9];
(2) Parent[10]; or
(3) Child.[11]

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]

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."

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

[10] "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."

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

[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;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

d. For the purposes of sick child leave under OFLA, the child must be under the age of 18 or substantially limited by a physical or mental impairment as described in ORS 659A.104.

3. In loco parentis:

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

4. Next of kin:

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

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

5. Covered servicemembers:

For the purposes of FMLA, "covered servicemember" means:

a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who:

(1) Is undergoing medical treatment, recuperation or therapy;
(2) Is otherwise in outpatient status; or
(3) Is otherwise on the temporary disability retired list for a serious injury or illness; or

b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

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

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

7. Public health emergency:

   For OFLA a "public health emergency" means;

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

Leave Period

For the purposes of calculating an employee's leave period for FMLA, the district will use 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 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;

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.

[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.

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 time law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12[15]. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek[16]. 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

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[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.

[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).

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

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

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

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

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

Alternate Work Assignment

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

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

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

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

2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;

4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and

5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

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

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

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

2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;

3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;

4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

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

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

Special Rules for School Employees

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

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

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

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

2. Limitation on Leave Near the End of the Term[18]

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.

[18] "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)

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 employee[19] begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

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

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

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.[20] 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.

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

[20] See also ORS 342.934(4)(d) in reduction force situations.

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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.

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; the closure of the school or child care provider of the employee's child due to a public health emergency unless the declaration of the emergency was issued by the Governor at least 30 days before commencement of the leave; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice[21] 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 information[22] to determine the requested leave qualifies as FMLA or OFLA leave as provided by law. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination.

An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming

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

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

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.[23]

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice[24] 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 appropriate[25], 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 appropriate[26], 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:

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[23] See 29 CFR § 825.304.

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

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

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

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.[27] The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.[28]

Record Keeping

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

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

Federal vs. State Law

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

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[27] https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf

[28] 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: GCBDD/GDBDD
Adopted: 2/23/16
Revised/Readopted: 5/06/19; 2/20/25; xx/xx/xx
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 or others excluded by law.

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.~~ and ~~An employee is limited to~~ using no more than 40 hours of sick time ~~per school~~ in a 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~~ and may be used for the employee's or a family member's[1] mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifying Family and Medical Leave 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.~~

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

1. In the event of a public health emergency compliant with Oregon Revised Statute (ORS) 653.616;

2. To donate blood in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross; or

3. For leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272 (safe leave).

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

[1] "Family member" is defined by the Oregon Family Leave Act (OFLA).

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 certification[2] paid for by the district. If an employee fails to provide verification or certification or fails to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or OFLA leave, sick time leave and qualifying FMLA, PFMLI or OFLA leave may run concurrently, 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 consistent with the reporting time established by the district ~~as soon as possible before the assigned shift or~~ or when circumstances prevent the employee from providing notice as required, as soon as practicable. ~~in the event of an emergency.~~

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

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

~~Nothing in this policy impacts the district's sick leave obligation under Oregon Revised Statute (ORS) 332.507.~~

END OF POLICY

Legal Reference(s):

[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.

ORS 332.507
ORS 342.545
ORS 342.610
ORS 653.601 - 653.661
ORS 659A.150 - 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, 29 C.F.R. Part 825 (2023).

Medford School District 549C

Code: GCBDD/GDBDD
Adopted: 2/23/16
Revised/Readopted: 5/06/19; 2/20/25; xx/xx/xx
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 independent contractors or others excluded by law.

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 and using no more than 40 hours of sick time in a year.

Sick time shall be taken in hourly increments and may be used for the employee's or a family member's[1] mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifying Family and Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave Act (OFLA).

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

1. In the event of a public health emergency compliant with Oregon Revised Statute (ORS) 653.616;

2. To donate blood in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross; or

3. For leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272 (safe leave).

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

[1] "Family member" is defined by the Oregon Family Leave Act (OFLA).

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need for the sick time, including a medical verification or certification[2] paid for by the district. If an employee fails to provide verification or certification or fails to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

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

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

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

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

END OF POLICY

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[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.

Legal Reference(s):

ORS 332.507
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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, 29 C.F.R. Part 825 (2023).

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Medford School District 549C

Code: JBA/GBN
Adopted: 10/08/18
Revised/Readopted: 5/06/19; 9/19/19; 9/17/20; 11/18/21; 1/12/23; 9/19/24; xx/xx/xx
Orig. Code: JBA/GBN

Sexual Harassment

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

Any person may report sexual harassment.

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

General Procedures

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[1] shall include:

1. A demand or request for sexual favors in exchange for benefits;

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

    a. Interferes with a student's educational activity or program;
    b. Interferes with a school or district staff member's ability to perform their job; or
    c. Creates an intimidating, offensive, or hostile environment.

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

3. Assault when sexual contact occurs without consent.[2]

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

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

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):
Fred Kondziela
Title IX Coordinator/ District Athletics & Activities Director
Email: fred.kondziela@medford.k12.or.us Phone:541-842-3838

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

Response

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

1. Student is protected and to promote a nonhostile learning environment;

2. Staff member is protected and to promote a nonhostile work environment; or

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

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

Investigation

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

1. Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.

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

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

1. Discipline of staff and students engaging in sexual harassment;

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

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

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

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

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

Notices

When a person[3] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[4]:

1. Name and contact information for all person designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

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

[4] Remember confidentiality laws when providing any information.

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:

    a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
    b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

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

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and members of the public at each office, at the district office and on the website of the school or district.

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

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[5];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

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

Reporting

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

The District Athletics & Activities Director is designated as the Title IX Coordinator and can be contacted at 541-842-3838. The Title IX Coordinator will coordinate the district's efforts to comply with its

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

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

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[6] The district shall treat complainants and respondents equitably by providing supportive measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

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

[7] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

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

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

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary[11], or both.

No Retaliation

Neither the district or any person may retaliate[12] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

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

END OF POLICY

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[11] Of the United States Department of Education.

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

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030

OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Medford School District 549C

Code: JBA/GBN
Adopted: 10/08/18
Revised/Readopted: 5/06/19; 9/19/19; 9/17/20; 11/18/21; 1/12/23; 9/19/24; xx/xx/xx
Orig. Code: JBA/GBN

Sexual Harassment

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

Any person may report sexual harassment.

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

General Procedures

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

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[1] shall include:

1. A demand or request for sexual favors in exchange for benefits;

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

    a. Interferes with a student's educational activity or program;
    b. Interferes with a school or district staff member's ability to perform their job; or
    c. Creates an intimidating, offensive, or hostile environment.

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

3. Assault when sexual contact occurs without consent.[2]

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

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

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):
Fred Kondziela
Title IX Coordinator/ District Athletics & Activities Director
Email: fred.kondziela@medford.k12.or.us Phone:541-842-3838

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

Response

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

1. Student is protected and to promote a nonhostile learning environment;

2. Staff member is protected and to promote a nonhostile work environment; or

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

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

Investigation

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

1. Interviews with those involved;

2. Interviews with witnesses;

3. Review of video surveillance;

4. Review of written communications, including electronic communications;

5. Review of any physical evidence; and

6. Use of third-party investigator.

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

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

1. Discipline of staff and students engaging in sexual harassment;

2. Removal of third parties engaged in sexual harassment;

3. Additional supervision in activities;

4. Additional controls for district electronic systems;

5. Trainings and education for staff and students; and

6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events.

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No Retaliation

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

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or

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

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

Notices

When a person[3] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;

2. If appropriate, any impacted person who is not a reporting person;

3. Each reported person; and

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include[4]:

1. Name and contact information for all person designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

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

[4] Remember confidentiality laws when providing any information.

4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;

7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:

    a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
    b. For the reported persons, information about and contact information for state and community-based mental health services.

8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

The notice must:

1. Be written in plain language that is easy to understand;

2. Use print that is of a color, size and font that allows the notification to be easily read; and

3. Be made available to students, students' parents, staff members and members of the public at each office, at the district office and on the website of the school or district.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

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2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[5];

3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

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

Reporting

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

The District Athletics & Activities Director is designated as the Title IX Coordinator and can be contacted at 541-842-3838. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

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

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[6] The district shall treat complainants and respondents equitably by providing supportive measures[7] to the complainant and by following a grievance procedure[8] prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

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

[7] (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

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

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

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3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary[11], or both.

No Retaliation

Neither the district or any person may retaliate[12] against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Publication

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

END OF POLICY

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[11] Of the United States Department of Education.

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

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Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030

OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

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Medford School District 549C

Code: KBA
Adopted: 5/07/18
Revised/Readopted: 9/19/19; 1/12/23; xx/xx/xx
Orig. Code: KBA

Public Records Request**

A request to inspect or receive a copy of a public record shall be ~~in writing and will be presented to the superintendent's office~~ submitted electronically using the public records request form available on the district's website by selecting the Public Records Request link. Individuals who need assistance submitting a request may contact the Public Records Officer at Superintendent.Office@medford.k12.or.us.

A "public record" includes any writing that contains information relating to the conduct of the public's business, prepared, owned, used or retained by the district regardless of physical form or characteristics, unless otherwise exempted by law.[1] "Writing" means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.[2]

The Board's official minutes, its written policies and its financial records will be available at the superintendent's office for inspection by any citizen desiring to examine them during hours when the superintendent's office is open. All such information will be made available to individuals with disabilities in an accessible format upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make reasonable efforts to disseminate information. Each principal is authorized to use available means to keep parents and others in the particular school's community informed about the school's program and activities.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for persons with disabilities.

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[1] There are multiple definitions for "public record" in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

[2] In accordance with Bialostosky v. Cummings, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

Employee and volunteer personal residential addresses, personal electronic mail addresses, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon

Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the district are exempt from public disclosure pursuant to ORS 192.363 - 368 and ORS 192.355(3). District electronic mail addresses assigned by the district to district employees are not exempt. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member.

The district will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The district shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter, Division 400 and ORS Chapter 192.

END OF POLICY

Legal Reference(s):

ORS 180.805
ORS Chapter 192
OAR 137-004-0800(1)
OAR 166-005-0010
OAR 166-400

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).
OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual*.
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
Bialostosky v. Cummings, 319 Or. App. 352 (2022).

Medford School District 549C

Code: KBA
Adopted: 5/07/18
Revised/Readopted: 9/19/19; 1/12/23; xx/xx/xx
Orig. Code: KBA

Public Records Request**

A request to inspect or receive a copy of a public record shall be submitted electronically using the public records request form available on the district's website by selecting the Public Records Request link. Individuals who need assistance submitting a request may contact the Public Records Officer at Superintendent.Office@medford.k12.or.us.

A "public record" includes any writing that contains information relating to the conduct of the public's business, prepared, owned, used or retained by the district regardless of physical form or characteristics, unless otherwise exempted by law.[1] "Writing" means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.[2]

The Board's official minutes, its written policies and its financial records will be available at the superintendent's office for inspection by any citizen desiring to examine them during hours when the superintendent's office is open. All such information will be made available to individuals with disabilities in an accessible format upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make reasonable efforts to disseminate information. Each principal is authorized to use available means to keep parents and others in the particular school's community informed about the school's program and activities.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for persons with disabilities.

[1] There are multiple definitions for "public record" in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

[2] In accordance with Bialostosky v. Cummings, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

Employee and volunteer personal residential addresses, personal electronic mail addresses, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon

Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the district are exempt from public disclosure pursuant to ORS 192.363 - 368 and ORS 192.355(3). District electronic mail addresses assigned by the district to district employees are not exempt. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member.

The district will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The district shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter, Division 400 and ORS Chapter 192.

END OF POLICY

Legal Reference(s):

ORS 180.805
ORS Chapter 192
OAR 137-004-0800(1)
OAR 166-005-0010
OAR 166-400

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).
Oregon Dep't of Justice, Oregon Attorney General, *Public Records and Meetings Manual*.
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
Bialostosky v. Cummings, 319 Or. App. 352 (2022).

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Medford School District 549C

Code: KBA-AR
Revised/Reviewed: 4/23/18; 9/19/19; 12/15/22; 12/05/24; 8/21/25; xx/xx/xx
Orig. Code: KBA-AR

Public Records Request

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. A public records request shall be submitted electronically using the public records request form available on the district's website by selecting the Public Records Request link. Individuals who need assistance submitting a request may contact the Public Records Officer at ~~in writing through the superintendent's office at 900 Kenyon St., Medford, OR 97501 Jeanne Grazioli or by email to:~~ Superintendent.Office@medford.k12.or.us

2. Upon receipt of a written request, the district shall respond within five business days[1] acknowledging receipt of the request or completing[2] the district's response to the request. If the district provides an acknowledgment of the request, it must:

   a. Confirm that the district is the custodian of the requested record;
   b. Inform the requester that the district is not the custodian of the requested record; or
   c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.

3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:

   a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
   b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.

4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:

   a. The staff or volunteers[3] necessary to complete a response to the public records request are unavailable;

[1] "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

[2] The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

[3] Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
c. Of the volume of the public records request being simultaneously processed by the district.

In these situations, the district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.

6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.

7. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.

8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

9. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be charged to the requester. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

   If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

10. The district reserves the right to restrict the inspection of some public records to the district's facilities.

Medford School District 549C

Code: KBA-AR
Revised/Reviewed: 4/23/18; 9/19/19; 12/15/22; 12/05/24; 8/21/25; xx/xx/xx
Orig. Code: KBA-AR

Public Records Request

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. A public records request shall be submitted electronically using the public records request form available on the district's website by selecting the Public Records Request link. Individuals who need assistance submitting a request may contact the Public Records Officer at Superintendent.Office@medford.k12.or.us

2. Upon receipt of a written request, the district shall respond within five business days[1] acknowledging receipt of the request or completing[2] the district's response to the request. If the district provides an acknowledgment of the request, it must:

    a. Confirm that the district is the custodian of the requested record;
    b. Inform the requester that the district is not the custodian of the requested record; or
    c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.

3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:

    a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
    b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.

4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:

    a. The staff or volunteers[3] necessary to complete a response to the public records request are unavailable;

[1] "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

[2] The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

[3] Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

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b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
c. Of the volume of the public records request being simultaneously processed by the district.

In these situations, the district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.

6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.

7. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.

8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

9. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be charged to the requester. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

   If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

10. The district reserves the right to restrict the inspection of some public records to the district's facilities.

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Medford School District

Code: KNA
Adopted: xx/xx/xx

Immigration Enforcement on District Property

{House Bill 4079 (2026) requires districts to "adopt a policy for providing notice when a federal immigration authority is confirmed to have entered school property for immigration enforcement." This policy must be "consistent with applicable model policies published by the Attorney General as provided by ORS 180.810."}

The district complies with state and federal law, including Oregon Revised Statute (ORS) 180.805 and ORS 181.826, and this policy and accompanying administrative regulations KNA-AR(1) – Interactions with Immigration Enforcement and KNA-AR(2) – Federal Immigration Enforcement Request Log when responding to requests from federal immigration authorities regarding immigration enforcement.

This policy will be made available in the student handbook and on the district's website[1].

Designation of Primary Point of Contact

The Director of Security{[2]} is the primary point of contact for coordinating interactions with federal immigration authorities occurring in the district ("immigration liaison"{[3]}). The Chief Communications Officer shall serve as an alternative point of contact during the immigration liaison's absence or unavailability ("alternate immigration liaison").

The immigration liaison's responsibilities include:

1. Serving as the district's representative during encounters with federal immigration authorities;

2. Confirming when federal immigration authorities have entered school property for immigration enforcement purposes;

3. Ensuring federal immigration authorities engaging in enforcement activities at the district have notice of relevant district policies: JO/IGBAB – Education Records/Records of Students with Disabilities, JOA – Directory Information, JOB – Personally Identifiable Information and this policy;

4. Assisting staff in performing their duties in response to immigration enforcement efforts, including ensuring compliance with all district policies and procedures related to interactions with federal immigration authorities and immigration enforcement efforts;

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[1] Must be provided in culturally appropriate languages that are used to communicate effectively with parents and guardians of students in the district, as determined by the Board.

[2] {House Bill 4079 (2026) requires the policy to "identify at least one administrator" for this purpose. The Board should consider whether a single administrator is sufficient for the district, or whether multiple administrators should be designated.}

[3] {The district can choose any title to use for this individual and should use it throughout this policy.}

5. Reviewing and responding to requests from federal immigration authorities, in coordination with, and under the direction of, the superintendent or designee;

6. Facilitating the district's compliance with lawful immigration enforcement efforts in a manner that does not unnecessarily disrupt the school environment or invade the privacy of students, staff, or volunteers;

7. Providing notice as required in this policy when a federal immigration authority has been confirmed to have entered school property for immigration enforcement.

Required Notice

When a federal immigration authority is reported to have entered school property for the purpose of immigration enforcement the immigration liaison shall confirm whether federal immigration authorities have entered school property for immigration enforcement and when confirmed, shall provide notice as follows:

1. Notice must be provided to:

    a. Students who attend the school where the federal immigration authority is confirmed to be on school property for immigration enforcement and who are in grades 6 and above;
    b. Parents or guardians of students attending the school where the federal immigration authority is confirmed to be on school property for immigration enforcement;
    c. Staff of the school where the federal immigration authority is confirmed to be on school property for immigration enforcement; and
    d. Community-based service providers that have requested to receive notice when a federal immigration authority is confirmed to be on school property for immigration enforcement. Community-based service providers can request to receive such notifications by contacting the Chief Communications Officer at the district office.

2. Notice must include:

    a. The general location of the federal immigration authority; and
    b. Whether classes or school operations were affected by the presence of the federal immigration authority.

3. Notice must not disclose:

    a. Personally identifiable information;
    b. Other information that may not be legally disclosed; or
    c. Other information when the disclosure may threaten the health or safety of students or staff of the district or is prohibited by a court order.

The required notice will be provided as expediently as possible using existing methods used for providing electronic communications.

Unless otherwise prohibited by law or court order, the district will make reasonable efforts to provide notice to a student, or to the parent or guardian of a student, when the district has provided information related to the student to a federal immigration authority.

Confidentiality of School Records

Except when required by a judicially authorized warrant, subpoena, or order, Oregon law prohibits the district from disclosing protected information to federal immigration authorities for the purpose of enforcing federal immigration laws.

Staff must also maintain the confidentiality of school records and other information about students, staff, and volunteers when communicating with other students, parents, or community members about immigration enforcement activities involving students, staff, or volunteers of the district or occurring on district property. Staff should direct anyone with questions about immigration enforcement activities occurring on district property to the immigration liaison.

Training

The district will provide the immigration liaison and alternate immigration liaison with training as follows:

1. The training must include information on the requirements of House Bill 4079 (2026), any applicable model policies published by the Attorney General, and this policy; and

2. The training must be provided at the time of designation and at least once every two years thereafter.

END OF POLICY

Legal Reference(s):

ORS 180.810
ORS 180.805
ORS 181.826
OAR 581-021-0371

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
Oregon Attorney General's *K12 School Model Policy*
Senate Bill 1538 (2026).
Senate Bill 1594 (2026).
House Bill 4079 (2026).

Cross Reference
JOA - Director Information
JOB - Personally Identifiable Information

Medford School District

Code: KNA
Adopted: xx/xx/xx

Immigration Enforcement on District Property

The district complies with state and federal law, including Oregon Revised Statute (ORS) 180.805 and ORS 181.826, and this policy and accompanying administrative regulations KNA-AR(1) – Interactions with Immigration Enforcement and KNA-AR(2) – Federal Immigration Enforcement Request Log when responding to requests from federal immigration authorities regarding immigration enforcement.

This policy will be made available in the student handbook and on the district's website[1].

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The Director of Security is the primary point of contact for coordinating interactions with federal immigration authorities occurring in the district ("immigration liaison"). The Chief Communications Officer shall serve as an alternative point of contact during the immigration liaison's absence or unavailability ("alternate immigration liaison").

The immigration liaison's responsibilities include:

1. Serving as the district's representative during encounters with federal immigration authorities;

2. Confirming when federal immigration authorities have entered school property for immigration enforcement purposes;

3. Ensuring federal immigration authorities engaging in enforcement activities at the district have notice of relevant district policies: JO/IGBAB – Education Records/Records of Students with Disabilities, JOA – Directory Information, JOB – Personally Identifiable Information and this policy;

4. Assisting staff in performing their duties in response to immigration enforcement efforts, including ensuring compliance with all district policies and procedures related to interactions with federal immigration authorities and immigration enforcement efforts;

5. Reviewing and responding to requests from federal immigration authorities, in coordination with, and under the direction of, the superintendent or designee;

6. Facilitating the district's compliance with lawful immigration enforcement efforts in a manner that does not unnecessarily disrupt the school environment or invade the privacy of students, staff, or volunteers;

[1] Must be provided in culturally appropriate languages that are used to communicate effectively with parents and guardians of students in the district, as determined by the Board.

7. Providing notice as required in this policy when a federal immigration authority has been confirmed to have entered school property for immigration enforcement.

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    b. Parents or guardians of students attending the school where the federal immigration authority is confirmed to be on school property for immigration enforcement;
    c. Staff of the school where the federal immigration authority is confirmed to be on school property for immigration enforcement; and
    d. Community-based service providers that have requested to receive notice when a federal immigration authority is confirmed to be on school property for immigration enforcement. Community-based service providers can request to receive such notifications by contacting the Chief Communications Officer at the district office.

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    a. The general location of the federal immigration authority; and
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    a. Personally identifiable information;
    b. Other information that may not be legally disclosed; or
    c. Other information when the disclosure may threaten the health or safety of students or staff of the district or is prohibited by a court order.

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The district will provide the immigration liaison and alternate immigration liaison with training as follows:

1. The training must include information on the requirements of House Bill 4079 (2026), any applicable model policies published by the Attorney General, and this policy; and

2. The training must be provided at the time of designation and at least once every two years thereafter.

END OF POLICY

Legal Reference(s):

ORS 180.810
ORS 180.805
ORS 181.826
OAR 581-021-0371

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
Oregon Attorney General's *K12 School Model Policy*
Senate Bill 1538 (2026).
Senate Bill 1594 (2026).
House Bill 4079 (2026).

Cross Reference
JOA - Director Information
JOB - Personally Identifiable Information

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Medford School District

Code: KNA-AR(1)
Revised/Reviewed: xx/xx/xx

Interactions with Immigration Enforcement

The Director of security is designated as the "immigration liaison," and the Chief Communications Officer is the "alternative immigration liaison."

1. Staff shall adhere to all district policies when interacting with federal immigration authorities and the following administrative regulations:

    a. Unless expressly authorized by the superintendent or designee, or by the immigration liaison on behalf of the superintendent or designee, staff shall not:

        (1) Provide federal immigration authorities with records or information about students, staff, or volunteers;
        (2) Confirm whether a student, staff member, or volunteer is present or make the student, staff member, or volunteer available;
        (3) Allow access to non-public areas of the district's facilities or property;
        (4) Sign documents presented by federal immigration authorities; or
        (5) Give consent to any immigration enforcement action.

    b. Staff may not interfere with lawful immigration enforcement actions or physically obstruct federal immigration authorities in any manner. However, staff should immediately report to the immigration liaison if they observe any conduct or enforcement activities by federal immigration authorities that violate state or federal law, or district policies, or that otherwise present a security threat or potential danger to students, staff, volunteers, or visitors.
    c. Staff who receive a request related to immigration enforcement must immediately notify the immigration liaison. The immigration liaison is responsible for interacting with the federal immigration authorities until the matter is concluded or the federal immigration authorities have been referred to the superintendent or designee.
    d. The immigration liaison or alternate immigration liaison should meet the federal immigration authorities at the school door or other area designated by the superintendent or designee for this purpose.
    e. The immigration liaison shall provide federal immigration authorities with a copy of this policy and explain that school staff are required to follow these steps in this policy. The immigration liaison should inform the immigration authorities that school staff must contact the office of the superintendent or designee for guidance before providing access to school facilities, records, or other information.
    f. The immigration liaison should direct another staff member to contact the superintendent or designee while the immigration liaison remains with the federal immigration authorities.
    g. The immigration liaison must document the request from federal immigration authorities to the fullest extent possible under the circumstances. At a minimum, the documentation shall include the following information, if available:

(1) The name, badge number, and agency of the law enforcement officer making the request;
(2) The number of officers present;
(3) Time, date, and location of the request;
(4) The nature of the request;
(5) The source of authority for the request, including whether the request is administratively or judicially authorized;
(6) Whether the request requires an immediate response;
(7) The identification of witnesses present; and
(8) How the encounter concluded.

h. The immigration liaison shall direct another staff member to transmit copies, photos, or other documentation provided by federal immigration authorities to the superintendent or designee, along with other information documented pursuant to this policy. The superintendent or designee must approve any response to a law enforcement request related to immigration enforcement as provided in Section 3 of this administrative regulation.

2. Determination of Validity of Judicial Warrant, Subpoena or Order

a. If presented with a warrant, subpoena or order by federal immigration authorities, the immigration liaison shall verify the validity of the warrant, subpoena or order by determining whether the warrant, subpoena or order is judicially authorized. An administrative warrant, subpoena, order or other legal process that has not been authorized by a judicial officer does not authorize the district to provide law enforcement with access to records or information, or facilities for purposes of immigration enforcement.

A judicially authorized warrant, subpoena or order contains the following key features:

(1) A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon);
(2) A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate, and the date of the signature; and
(3) An indication that the warrant, subpoena or order has not expired.

Examples of warrants and subpoenas are available in the Attorney General's model policies[1].

b. The immigration liaison shall notify the superintendent or designee of the warrant, subpoena or order and whether the warrant, subpoena or order appears on its face to be judicially authorized.
c. The immigration liaison should request a copy of the warrant, subpoena or order and transmit a copy of the warrant, subpoena or order for review by the superintendent or designee, or legal counsel.
d. The superintendent or designee shall make the final determination regarding the validity of any warrant, subpoena or order and whether, and to what extent, federal immigration will have

[1] https://www.doj.state.or.us/wp-content/uploads/2026/06/Attorney-Generals-Model-Public-School-Policies-in-Compliance-with-SB-1538.pdf

access to district records or information, or facilities. If the superintendent or designee is uncertain as to the validity or scope of the warrant, subpoena or order, the superintendent or designee should immediately consult legal counsel or a statewide or regional education organization.

3. Approval of Response by Superintendent

a. The immigration liaison shall notify the superintendent or designee of a request related to immigration enforcement prior to responding to the request. The superintendent or designee will only honor requests from immigration enforcement officers or other agencies enforcing federal immigration laws if the request is judicially authorized. If the superintendent or designee is uncertain as to the lawfulness or scope of the request, the superintendent or designee should immediately consult legal counsel or a statewide or regional education organization prior to approving a response.

b. If the superintendent or designee determines that a response is not authorized by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process, such as a warrant, the superintendent or designee shall direct the immigration liaison to decline the request.

Upon direction of the superintendent or designee, the immigration liaison shall decline the request, refer the federal immigration enforcement authorities to the superintendent or designee, and request that they leave the premises.

The immigration liaison shall ensure that the information documented pursuant to this administrative regulation is submitted to the Oregon Criminal Justice Commission as provided in ORS 181A.826.

c. If the request is accompanied by a subpoena, warrant or order that appears on its face to be judicially authorized, the superintendent or designee must review and approve the immigration liaison of district's response to the request.

The superintendent or designee shall ensure that the district's response provides no greater access to records or information, or facilities, than that required by the subpoena, warrant or order.

d. If the request involves a warrant that appears to be valid and authorizes the arrest of a particular person, the superintendent shall direct the immigration liaison to request that the arrest be conducted in a manner that is the least disruptive to the school environment and to the person's wellbeing, which may include bringing the arrestee to the federal immigration authorities.

Medford School District

Code: KNA-AR(1)
Revised/Reviewed: xx/xx/xx

Interactions with Immigration Enforcement

The Director of security is designated as the "immigration liaison," and the Chief Communications Officer is the "alternative immigration liaison."

1. Staff shall adhere to all district policies when interacting with federal immigration authorities and the following administrative regulations:

    a. Unless expressly authorized by the superintendent or designee, or by the immigration liaison on behalf of the superintendent or designee, staff shall not:

        (1) Provide federal immigration authorities with records or information about students, staff, or volunteers;
        (2) Confirm whether a student, staff member, or volunteer is present or make the student, staff member, or volunteer available;
        (3) Allow access to non-public areas of the district's facilities or property;
        (4) Sign documents presented by federal immigration authorities; or
        (5) Give consent to any immigration enforcement action.

    b. Staff may not interfere with lawful immigration enforcement actions or physically obstruct federal immigration authorities in any manner. However, staff should immediately report to the immigration liaison if they observe any conduct or enforcement activities by federal immigration authorities that violate state or federal law, or district policies, or that otherwise present a security threat or potential danger to students, staff, volunteers, or visitors.
    c. Staff who receive a request related to immigration enforcement must immediately notify the immigration liaison. The immigration liaison is responsible for interacting with the federal immigration authorities until the matter is concluded or the federal immigration authorities have been referred to the superintendent or designee.
    d. The immigration liaison or alternate immigration liaison should meet the federal immigration authorities at the school door or other area designated by the superintendent or designee for this purpose.
    e. The immigration liaison shall provide federal immigration authorities with a copy of this policy and explain that school staff are required to follow these steps in this policy. The immigration liaison should inform the immigration authorities that school staff must contact the office of the superintendent or designee for guidance before providing access to school facilities, records, or other information.
    f. The immigration liaison should direct another staff member to contact the superintendent or designee while the immigration liaison remains with the federal immigration authorities.
    g. The immigration liaison must document the request from federal immigration authorities to the fullest extent possible under the circumstances. At a minimum, the documentation shall include the following information, if available:

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(1) The name, badge number, and agency of the law enforcement officer making the request;
(2) The number of officers present;
(3) Time, date, and location of the request;
(4) The nature of the request;
(5) The source of authority for the request, including whether the request is administratively or judicially authorized;
(6) Whether the request requires an immediate response;
(7) The identification of witnesses present; and
(8) How the encounter concluded.

h. The immigration liaison shall direct another staff member to transmit copies, photos, or other documentation provided by federal immigration authorities to the superintendent or designee, along with other information documented pursuant to this policy. The superintendent or designee must approve any response to a law enforcement request related to immigration enforcement as provided in Section 3 of this administrative regulation.

2. Determination of Validity of Judicial Warrant, Subpoena or Order

a. If presented with a warrant, subpoena or order by federal immigration authorities, the immigration liaison shall verify the validity of the warrant, subpoena or order by determining whether the warrant, subpoena or order is judicially authorized. An administrative warrant, subpoena, order or other legal process that has not been authorized by a judicial officer does not authorize the district to provide law enforcement with access to records or information, or facilities for purposes of immigration enforcement.

A judicially authorized warrant, subpoena or order contains the following key features:

(1) A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon);
(2) A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate, and the date of the signature; and
(3) An indication that the warrant, subpoena or order has not expired.

Examples of warrants and subpoenas are available in the Attorney General's model policies[1].

b. The immigration liaison shall notify the superintendent or designee of the warrant, subpoena or order and whether the warrant, subpoena or order appears on its face to be judicially authorized.
c. The immigration liaison should request a copy of the warrant, subpoena or order and transmit a copy of the warrant, subpoena or order for review by the superintendent or designee, or legal counsel.
d. The superintendent or designee shall make the final determination regarding the validity of any warrant, subpoena or order and whether, and to what extent, federal immigration will have

[1] https://www.doj.state.or.us/wp-content/uploads/2026/06/Attorney-Generals-Model-Public-School-Policies-in-Compliance-with-SB-1538.pdf

access to district records or information, or facilities. If the superintendent or designee is uncertain as to the validity or scope of the warrant, subpoena or order, the superintendent or designee should immediately consult legal counsel or a statewide or regional education organization.

3. Approval of Response by Superintendent

a. The immigration liaison shall notify the superintendent or designee of a request related to immigration enforcement prior to responding to the request. The superintendent or designee will only honor requests from immigration enforcement officers or other agencies enforcing federal immigration laws if the request is judicially authorized. If the superintendent or designee is uncertain as to the lawfulness or scope of the request, the superintendent or designee should immediately consult legal counsel or a statewide or regional education organization prior to approving a response.

b. If the superintendent or designee determines that a response is not authorized by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process, such as a warrant, the superintendent or designee shall direct the immigration liaison to decline the request.

Upon direction of the superintendent or designee, the immigration liaison shall decline the request, refer the federal immigration enforcement authorities to the superintendent or designee, and request that they leave the premises.

The immigration liaison shall ensure that the information documented pursuant to this administrative regulation is submitted to the Oregon Criminal Justice Commission as provided in ORS 181A.826.

c. If the request is accompanied by a subpoena, warrant or order that appears on its face to be judicially authorized, the superintendent or designee must review and approve the immigration liaison of district's response to the request.

The superintendent or designee shall ensure that the district's response provides no greater access to records or information, or facilities, than that required by the subpoena, warrant or order.

d. If the request involves a warrant that appears to be valid and authorizes the arrest of a particular person, the superintendent shall direct the immigration liaison to request that the arrest be conducted in a manner that is the least disruptive to the school environment and to the person's wellbeing, which may include bringing the arrestee to the federal immigration authorities.

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Feedback from OSBA - Spencer Lewis

A few thoughts:

- Legally, I think this is permissible. The remaining board members are still meeting to appoint a replacement as required by statute. There could be some pushback regarding the delay (potentially March until after July 1), but I can't think of a law that this would violate (there is no timeline requirement for the appointment, and you could start the process, with the actual appointment occurring after July 1);
- You would want to check with the ESD to see if they are willing to do this. ORS 332.040(5) requires the ESD to step in when a majority of positions are vacant, but your proposed language would be an additional responsibility for the ESD-- and they may not be willing to do this;
- Is the intent to require the board to approve the ESD's recommendation? Or consider it and make a decision?
- Both sentences say "should," which would allow the board to do something else without violating policy. Is this the intent?
- Should be "Southern Oregon Educational Service District;"
- The public meeting setup could be interesting-- the ESD would follow public meeting laws, the question is whether your district would have to notice the meeting as well since the ESD could be advisory to the board. The safe thing would be for the district to notice the meeting as well as the ESD-- just something to consider.

Let us know if you have any additional questions.

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Local Wellness Policy - first reading
Item Type:	Information
Administrator:	Amy Muhler, Student Wellness Director
Objective:	Provide information on the process to update the Local Wellness Policy EFA

Background:

The Local Wellness Policy provides a districtwide framework for creating school environments that support student health services, nutrition standards and school practices that promote a readiness to learn. Because implementation occurs at the school level, a triennial review is important to determine whether the practices occurring in schools are consistent with the expectations established in Board policy.

The goals for the district wellness committee that met four times (quarterly) within this yearlong process are to evaluate how consistently the existing policy is being implemented across all district schools and update the policy using current OSBA recommendations. The district wellness committee met four times quarterly and consisted of a district nurse, nutritionist, teacher, classified and district staff and one Board member.

Board Policy EFA has been reviewed and revised at least every three years as requirements and recommended practices have evolved. The current district policy was originally adopted in 2017 and has subsequently been revised or readopted in 2020, 2022, and twice in 2023, with the most recent revision occurring in October 2023.

School-Level Triennial Assessment:

As part of the review, every school completed the ODE School Nutritional Triennial Review as part of the School Site Council meeting with a given due date of January 2026. School teams examined their practices in relation to the expectations outlined in Board Policy EFA and identified areas of compliance, strengths, and opportunities for improvement.

A district wellness committee met quarterly and in February reviewed the school assessments collectively to identify districtwide themes and areas where implementation may vary between schools. This provided an important connection between Board policy and actual school practices and helped identify where clearer expectations, additional guidance, or greater consistency may be needed.

OSBA Review and Policy Revision:

The district wellness committee then reviewed Board Policy EFA alongside the current OSBA model policy and recommendations. OSBA guidance was used to inform the proposed edits and

ensure the revised policy reflects current recommended language and provides an effective framework for districtwide implementation.

The proposed revisions therefore reflect both external guidance and internal evidence: OSBA recommendations establish the policy framework, while the school triennial assessments provide information about how wellness expectations are currently being implemented throughout the district.

Outcome and Next Steps:

The resulting proposed revisions represent a districtwide, evidence-informed approach to updating Local Wellness Board Policy EFA. Following School Board review and adoption of the revised policy, district staff will communicate updated expectations to schools and use the assessment findings to support continued improvement and consistency in implementation.

Additional Materials: 2025-26 Running Agenda

Recommendation: This information is being provided as information only.

Suggested Motion: Action is not required at this time.

Medford SCHOOL DISTRICT

Wellness Committee Running Agenda

- Analyze data to give guidance on board policy and support the triennial assessment at each local school site.
- Wellness policies are foundational support for better academic and health outcomes.

May 20, 2026

2:30 pm-4:00 pm

Location: Washington Conference Room, upstairs

- Introductions and purpose of the committee
- Finalize board policy recommendations and proposal for board policy approval.
- Communication plan out to our community.

February 11, 2026

2:30 pm-4:00 pm

Location: Washington Conference Room, upstairs

- Introductions and purpose of the committee
- Review the Triennial Assessment Data from our schools
- Review the current MSD board policy
- Suggest any changes to an updated board policy

September 17, 2025

2:30 pm-4:00 pm

Location: FP Conference Room at Student Wellness

Agenda

- Introductions and purpose of the committee
- Decide on the Triennial Assessment Tool
    - ODE School Nutrition Triennial Review Tools and Resources webpage
    - WellSAT 3.0
    - Wellness Policy in Action Tool (WPAT)
- Review MSD board policy

Resource List:

- MSD Local Wellness Board Policy EFA
- Oregon Healthy Schools Resource Page
- USDA Local Wellness Policy Toolkit

Wellness Committee Agenda

June 4, 2025

Agenda and Objectives: Zoom Link

To re-establish an MSD Wellness Committee comprised of a diverse group of stakeholders, in order to analyze data to give guidance on board policy and support the triennial assessment at each local school site. Wellness policies are foundational support for better academic and health outcomes.

3:30 pm-3:35 pm Welcome (Amy) and Introductions.

3:35 pm-3:40 pm Purpose of the District Wellness Committee.

3:40 pm-3:55 pm	Meeting Structure agreements: zoom or in person? Propose 3 meeting times~topics are subject to change: September 17, 2025 2:30-4pm ● Introductions and the purpose of the committee, decide on the Triennial Assessment and review board policy. January 21, 2026 2:30-4pm ● Review School Site Triennial Assessment data and start to assess compliance, measure progress and identify areas for improvement. ● Analyze any other relevant data ie: Student Health Survey. May 20, 2026 2:30-4pm ● Finalize board policy recommendations and proposal for board policy approval. ● Communication plan out to our community.
3:55 pm-4:00 pm	Input on additional invitations to the committee and Closing.

Resource List:

- MSD Local Wellness Board Policy EFA
- Oregon Healthy Schools Resource Page
- USDA Local Wellness Policy Toolkit

EXECUTIVE SUMMARY

Meeting Date:	September 3, 2026
Agenda Item:	Scheduling a Special Meeting
Item Type:	Discussion/Potential Action
Administrator:	Chair Kendell Ferguson
Objective:	Discuss and potentially approve scheduling a special board meeting

Background: Board Chair Kendell Ferguson will provide the context for discussion at the meeting.

Additional Materials: Policy BBG - Board Member Concerns About Board Member Behaviors

Recommendation: Discuss purpose of proposed special meeting and potentially schedule a meeting date.

Suggested Motion: "I move to approve a special board meeting scheduled for (date) _____ at (time)_____.

Medford School District 549C

Code: BBG
Adopted: 3/19/26

Board Member Concerns About Board Member Behaviors

The existence of this special process does not excuse the Board from following the law and/or other existing policies for certain complaints and only applies to Board Member to Board Member complaints, in such an instance the Board Member should also follow the other existing policies and laws. Any staff, student or community member would use existing procedures for complaints about a Board Member.

Step 1: One-on-One Communication: If a Board Member believes that another Board Member has violated the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law, and believes that action should be taken to remedy the violation or avoid a repeat of the violation, then it is the responsibility of the concerned Board Member to discuss the alleged violation with the other Board Member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair or legal authorities (for example, if a child is in imminent physical danger at that exact moment). Board members are strongly encouraged to address concerns directly with Board Member in question first, in a one-on-one format. Notably, the Board Member should not first go to other Board Members, social media, or anywhere else, other than the Board Member who they believe has committed a violation. The concerned Board Member is, however, strongly encouraged to provide a written follow-up after the one-on-one communication or to document that the other Board Member declined to meet one-on-one (which then allows for immediate escalation). One or both Board Members may record the meeting, provided that a copy of the recording shall be provided to other participating Board Member. If recorded, there must be notice to the other Board Member at the beginning of the meeting because the recording will be a public record.

- If the Board Member facing allegation is unresponsive to requests to schedule a meeting -- in person, via phone, or via video -- within 7 days of it being requested, the concerned Board Member may proceed to the next step.

- If Board Members have previously completed this step or this is based on an additional infraction of the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law previously discussed with the Board Member, then the concerned Board Member may proceed to the next step.

- Alternatively, if there are concerns regarding the threat of harm or accuracy of what is said, or if the Board Member is unwilling to have a private conversation with the concerned Board Member, the concerned Board Member may move on to Step 2.

Step 2: Two-on-One Communication: If, after the concerned Board Member has privately discussed the alleged violation with the other Board Member, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair**,** vice chair, third Board Member, or mutually agreed upon third party outside of district (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member shall submit the allegation, in writing, to the Board Vice-Chair, third Board Member, or mutually agreed upon third party outside of district (arbiter).

- The Board Members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the arbiter's duty is to work to avoid such escalation.

- If the Board Member facing allegation is unresponsive to requests to schedule a meeting -- in person, via phone, or via video -- within 7 days, the concerned Board Member may proceed to the next step.

- If Board Members have previously completed this step or this is based on an additional infraction of the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law previously discussed with the Board Member, then the concerned Board Member may proceed to the next step.

- Any Board Member or mutually agreed upon third party outside of district may decline to serve as arbiter. The responsibility of the arbiter is to attempt to resolve the matter through conferencing. If the arbiter is unable to do so, then the concerned Board Member may proceed to the next step.

Step 3: Full Board Communication: If, after the conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair will call a special meeting of the Board to discuss the alleged violation.

- If, after the special meeting of the Board to discuss the alleged violation, the Board determines that the allegations are substantiated, the Board should inform the Board Member in question that the allegations have been substantiated and that the Board Member is to refrain from any further such behavior. If the Board believed that Step 3 was sufficient to stop further violations or continued violations, the Board does not need to proceed to Step 4. If the Board believes that Full Board Action is required to stop repeated or continued violations, the Board may proceed to Step 4 during this special meeting.

- If Board Members have previously completed this step or this is based on an additional infraction, the concerned Board Member may proceed to the next step.

- If the Board determines that further investigation is necessary, then the Board Chair may call upon the District's General Counsel to help retain an external advisor to investigate the nature of the allegations. The findings of this investigation will be presented at a future special meeting of the Board.

Step 4: Full Board Action: If the allegations are such that action is required to ensure there are no further violations or continued violations, the Board may proceed to this step during the special meeting called for Step 3 rather than scheduling another special meeting at a later date. Alternatively, if the Board believed that Step 3 was sufficient to stop further violations or continued violations, but after the Board Member has been informed that their behavior has been substantiated as being a violation as set forth in Step 3 above, any Board Member is concerned that the behavior has continued after the conclusion of Step 3, the concerned Board Member must notify the Board Chair that the concerned Board Member would like to bring a motion to admonish the other Board Member, and the Board Chair will call a special meeting of the Board to consider the allegation. During the special meeting, in order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish, or a motion to censure.

- In order to protect the overriding principle of freedom of speech, the Board shall not impose admonition or censure on any of its members solely for the exercise of their First Amendment rights. In order to ensure the right to a fair jury trial, the Board shall not impose admonition or censure on any of its members for the violation of any law while civil or criminal charges are pending. However, when the civil or criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may again pursue admonition or censure.

- **Dismissal**: A motion to dismiss allegations concludes these procedures against the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order. A motion to dismiss allegations requires a majority vote of the full Board to pass. If there is not a majority vote in favor of the motion, the motion fails.

- **Admonition:** An admonition is a formal warning that the board member's conduct does not conform to the policies of the school district, the board operating agreement, or other standards which are expected of an elected official. Admonishment should include prescriptive guidance to bring the accused board member's conduct in line with board expectations. A motion to admonish must be presented in writing and must contain the exact wording of the alleged violation, the proposed admonition, and corrective action. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a majority vote of the full Board to pass. If there is not a majority vote in favor of the motion, the motion fails.

- **Censure:** A censure is a formal action of the board to declare that the accused board member's conduct does not conform to the policies of the school district, the board operating agreement, or other standards which are expected of an elected official. Actions taken by the board may restrict or revoke privileges of the accused board member as necessary to ensure the safe operations of the school district, and uphold the expectations of board member conduct. A censured board member will retain all rights of an elected official, and any limitations imposed on a censured board member should be necessary to achieve the aims of compliance with expected board member conduct and the functioning of the school district. Restrictions and limitations imposed on a censured board member should be reviewed and reaffirmed on a regular and frequent basis, at least quarterly and shall terminate one year after implementation. A motion to censure must be presented in writing and must contain the exact wording of the alleged violation, the proposed censure, proposed corrective action, and any proposed loss or restriction of privileges. A copy of the motion to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to censure requires a 2/3 majority vote of the full Board to pass. If there is not a 2/3 majority vote in favor of the motion, then the motion fails. If the motion fails, a motion for Admonition may be made.

- **Privileges**: All privileges that have been extended to the Censured Board Member may be revoked and revoked privileges must remain revoked until the censure is lifted. This in no way harms or alters the statutory rights of an elected official — to be in meetings, to participate/vote, and to make public information requests (PIR) as provided by law. Anything that is not a statutorily protected right of elected officials, however, may be revoked. Privileges that may be revoked include, but are not limited to, officer roles, committee roles, access to district staff, access to district facilities, access to district events, access to district athletics, access to district graduation, approval of board member travel, and access to any requests not covered by special PIR rights. In effect, the Censured Board Member will have the same privileges that a member of the general

public would have with respect to the privileges that have been revoked and may meet with district staff, access district facilities, access district events, access district athletics, and/or access district graduation in the same manner as any other member of the general public, but will not receive any special board member access.

If a motion for censure is made and fails, then a motion for admonition is made and also fails, the matter shall be dismissed.

END OF POLICY

Legal Reference(s):

ORS 332.075
ORS 332.107