

AGENDA	CORBETT SCHOOL DISTRICT REGULAR SCHOOL BOARD MEETING ZOOM virtual 35800 E Historic Columbia River Highway Corbett, Oregon 97019	7:00 PM Wednesday, November 17, 2021

<https://us02web.zoom.us/j/86432510383>

Or iPhone one-tap :

US: +16699006833,,86432510383# or +12532158782,,86432510383#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 864 3251 0383

International numbers available: <https://us02web.zoom.us/j/86432510383>

1. PRELIMINARY BUSINESS
 1. Call to Order / Flag Salute
 2. Review and Acceptance of Agenda 3
 3. Board Chair Report Information/Discussion Items
 - a. Regional Table Invitation to East County Boards
 - b.
 4. OSBA Elections Action Item 5
- RESOLUTION NO. 11.62-21 - RESOLVED** that the Board vote in alignment with the 2021 OSBA Election summary sheet/official ballot form for LPC Position 17, Board of Directors Position 18, and LPC Position 18, as in the Board packet.
2. Student Representative to the Board Report Information Item 29
3. Approval of Minutes Action Item 30
4. Introduction and Comments of Guests and Representatives 40
 - a. Leah Fredericks, patron/parent
1. Principal / Director/ Supervisor Reports 44
2. FINANCIAL REPORTS / MATTERS 48
 - a. Monthly Reports 52
5. Interim Superintendent Wold's Report Information item
 1. Enrollment Update
 2. Update on Corbett School campus upgrades and/or grants
6. CONSENT AGENDA 59
 1. **Consent agenda **Resolution items 11.64-21** through 11.66 -21** Action Items 60**

7. CURRICULUM
8. STUDENTS
9. TRANSPORTATION, BUILDINGS AND MAINTENANCE
10. CO-CURRICULAR ACTIVITIES
11. Personnel
 1. Vacant Positions Information Items
 2. Virtual Meetings Host Stipend Action Item
12. Policy
 1. First Reading of Policy Section I Information Item 324
13. Matters for the Good of the Order
14. COMING EVENTS
 1. Friday, November 19, 2021 - Assessment
 2. Wednesday - Friday, November 24-26, 2021 - Thanksgiving Holiday, no school
 3. Wednesday, December 15, 2021 - Regular Board Meeting, virtual via ZOOM 7:00 p.m.
 4. Friday, December 17, 2021- Winter Break Begins
 5. Monday, January 3, 2021 - Back to school from winter break
15. ADJOURNMENT

Corbett School District 39

Code: BDDC
Adopted: 10/16/19
Orig. Code(s): BDDC

Board Meeting Agenda

The Board chair, ~~with the assistance of~~ will assist the superintendent, ~~will prepare~~ in preparing an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or patron of the district by notifying the superintendent at least five working days prior to the meeting.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard may be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least three full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted on the district website on the day of the meeting.

The district will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the request of the person with a disability in the selection of the appropriate auxiliary aid and/or service. Should the Board demonstrate such a request would result in a fundamental alteration in the service, program or activity or an undue financial and administrative burden, an alternate, equally effective communication will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

10/06/19 TTH

ORS 192.630

ORS 192.640

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2015); 28 C.F.R. Part 35 (2015).

Americans with Disabilities Act Amendments Act of 2008.



Robin Faye Lindeen Blakeley <rlindeen@corbett.k12.or.us>

OSBA Elections - Official ballots available

1 message

OSBA Information <info@osba.org>

Fri, Oct 15, 2021 at 2:35 PM

To: Robin Lindeen-Blakeley <rlindeen@corbett.k12.or.us>

Dear Robin Lindeen-Blakeley:

Ballots are now available! Your board will be voting on OSBA Board of Directors and Legislative Policy Committee (LPC) representatives. Print and preview your Official Ballot for your board's consideration. Your board's votes may be submitted using your Official Ballot between **November 15 and December 17, 2021**.

Please make sure your board votes! Ask your board chair to place the OSBA election on your next meeting agenda.

Official ballot and materials:

- [Preview the Official Ballot](#)
- [View Board of Directors candidate information](#)
- [View LPC candidate information](#)

Other resources:

- [OSBA's Election Center](#) containing all election information
- [2021 Elections Calendar\(PDF\)](#)

Scott Rogers
OSBA President-elect
osbaElections@osba.org

NOMINATION FORM

OSBA BOARD OF DIRECTORS

REGIONAL MEMBER

Date: September 2, 2021

TO: Scott Rogers, OSBA President-Elect
Oregon School Boards Association 1201
Court St NE, #400
Salem, OR 97301
Fax: 503-588-2813
E-mail: OSBAelections@osba.org

**Nominations are due by 5 pm,
October 1, 2021**

Return this form and all candidate information forms to the OSBA office by email at OSBAelections@osba.org, or mail to Oregon School Boards Association, 1201 Court St. NE, #400, Salem, OR 97301

Dear Scott Rogers:

With this letter, our board nominates the candidate named below to a position on the OSBA Board of Directors for the _____ Multnomah _____ Region, Position # _____18_____.

BOARD CANDIDATE INFORMATION

Name: Kris Howatt

District/ESD/Community College: Gresham-Barlow School District

Address: 1558 NW 12th Court

City: Gresham _____ Oregon ZIP: 97030 _____

E-mail: Kris.Howatt@gmail.com Howatt3@gresham.k12.or.us Phone: 503-830-3608

This nomination was approved by official action of our board of directors at a duly called meeting on _____.
(date)

Margaret L. Gonzales
(Board Chair signature)

Board Chair name: Mayra Gomez

District: Gresham-Barlow

Address: 1331 NW Eastman Parkway

City: Gresham, Oregon ZIP: 97030

CANDIDATE QUESTIONNAIRE

OSBA Board of Directors

Name: Kris Howatt

Region: Multnomah

District/ESD/CC: Gresham-Barlow School District Position #: 18

I certify that if elected I will faithfully serve as a member of the OSBA Board of Directors. My nomination form has been submitted to OSBA (or is attached to this document) as evidence.

Kris Howatt
Name

August 25, 2021
Date

Be brief; please limit your responses to 50 words per question.

1. Describe in your own words the mission and goals of OSBA.

OSBA exists to train and support locally elected school board members. They enable school board members to effectively serve the students in their respective community. OSBA provides a perspective beyond local districts, advocating at the State and National level.

2. What do you want to accomplish by serving on the OSBA board of directors?

Over the years, OSBA has become a "go-to" organization for education issues in the State. Our board members are invited to meet around key legislation, emerging issues, and trending developments. I want to continue to advance the impact of OSBA and maintain their relevance in the education sphere.

3. What leadership skills do you believe you bring to the board of directors? Give an example of a situation in which you demonstrated these skills.

I do my research and make sure that I am including the relevant perspectives. I have been directly involved in OSBA's governance remodel, the realignment of OSBA goals, expanded opportunities for our students through CTE and the additional resources from the Corporate Activity Tax. My success in these endeavors hinged on bringing other supporters along and encouraging collaborative efforts.

4. What do you see as the two most challenging issues faced by OSBA?

The political polarization of education in the State. The changing demographics of our student population, and how to better support these students and their communities.

5. What do you see as the two most challenging issues faced by your region?

Supporting our diverse student population. Engaging our newly elected board members in timely and appropriate training opportunities.

6. What is your plan for communicating with boards in your region?

COVID adjustments have provided a nice platform to view regional board meetings, but they aren't a perfect substitute for in-person conversation. I'm looking forward to a return to in-person training, conferences, roundtables, and regional meetings. In the meantime, virtual, email, and phone are the communication methods.

Deadline: October 1, 2021, 5 pm

Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.

CANDIDATE'S DATA SHEET

To: Scott Rogers, OSBA President-elect

Name: **Kris G. Howatt**

Position: **Multnomah Region, Position 18**
Gresham-Barlow School District 10j

Address: **1558 NW 12th Court**
Gresham, OR 97030-4922

Business: **(971) 220-0936**

Residence: **(503) 830-3608 (preferred number)**

E-mail: **Kris.Howatt@gmail.com**

Fax: **--**

Primary Occupation: **Small Business Owner – Feather Your Nest Quilt Store**
Director, Gresham-Barlow School District
Director, Oregon School Boards Association

Education Background: **Sam Barlow HS (1979) Honors - Gresham, Oregon**
Mt. Hood Community College – Gresham, Oregon

- **Political Science Major (2010-2011)**
- **Desktop Computing (1986)**
- **Aviation Major (1979-1980)**

Professional Experience: **Small Business Operation (2014-2021)**

- *Supply Chain Management*
- *Customer Service (online & in person)*
- *Shipping Production*
- *Skills Instruction & Demonstrations*

Portland General Electric (PGE) - (1979-1994)

- *Computer Specialist /Contract Administrator*
- *Computer Tech Support, Software trainer, Word Processing*
- *Meter Reader (field work, customer service), Utility Workman*

LOCAL LEADERSHIP EXPERIENCE

1. Name of School District/Board of Education on which the nominee serves:

Gresham-Barlow School District (GBSD)
12,000 student enrollment/100,000 population

2. Date of service on Local School board (including current term):

December 2000 to present

3. When does the current term expire?

June 2023

4. List all dates and offices that the nominee has held on the Local School Board:

Chair	2010-2011, 2017-2019
Vice Chair	2008-2009, 2014-2015, 2021-2022
Interest-Based Bargaining Team - classified	2012, 2016, 2020
Negotiating Team – Classified	2004, 2008
Negotiating Team – Licensed	2012, 2020, 2021
Continuous Improvement Plan Committee	2010-2011
Audit Review Committee	2008-2011
Superintendent Search Committees	2001, 2003, 2009, 2011, 2017, 2021
Multnomah County Regional Equity	2019-2021
Wellness Committee/Nutrition Services	2004-2020

5. Local Leadership experience in community (list community service such as church officer, other government experience, Chamber of commerce, etc.)

GBSD Capital Bond Committee	2000, 2013, 2016
Member – Historic Downtown Gresham Business	2015-2021
Member – Gresham Chamber of Commerce	2014-2021
Eastgate Chapel Kitchen Director	2008 - 2014
East Metro Legislative Forum Committee	2008, 2010
East Metro Talented-Gifted Network	2003-2006
Market Mavens LLC – Investment Club {Treas.}	1997 - 2017
Parent Teacher Club {President, Sec, Treasurer}	1995-2001

STATE LEADERSHIP EXPERIENCE

1. State Association Leadership – Oregon School Boards Association

<u>Offices Held</u>	<u>Dates</u>
Past President	2013
President	2012
President – elect	2011
Secretary/Treasurer	2010
Board of Directors	2006 – present

2. State Association Committee Assignments

OSBA Legal Assistance Trust - Chair	2018-2021
OSBA Executive Director Search Committee	2012-2013
OSBA Policy Review Committee (co-chair)	2011-2012
OSBA Finance Committee	2010, 2012
OSBA Budget Committee	2010, 2011, 2012
OSBA Executive Committee	2010 – 2013
OSBA Governance Review Committee	2007-2008
OSBA Legislative Policy Committee	2006 – present
 NSBA Annual Conference Delegate	 2011 (alt.), 2012
 OR Dept. of Education – <i>Talented & Gifted Task Force (SB-990) – co-chair</i>	 2011-2012
 OR Dept. of State Lands – <i>Remediation and Rulemaking Advisory Committee</i>	 2011-2012
 “Courageous Conversations” (CFEE) Graduate <i>(Coaching for Education Equity)</i>	 2010

3. Other State Association Leadership Experience

Statewide Regional Tours	2012
<i>{Over the course of 6 weeks (September thru October), 17 regional meetings, visiting 600+ board members, traveling 4500 miles throughout the state of Oregon}</i>	
OSBA Annual Convention Speaker	2011, 2012
OSBA <u>Leadership Institute</u> Platinum Level	2011
NSBA School Board Recognition	2010
<i>(School Board Leadership – 1 of 3 in Oregon to receive)</i>	
OSBA <u>Leadership Oregon</u> Certification	2007
OSBA <u>Leadership Institute</u> – GBSD Board Award	2005 – 2009
<i>(Commitment to ongoing professional development – 5 years)</i>	
OSBA Board Member of Color Caucus	2018 - Present

NATIONAL SCHOOL BOARDS ASSOCIATION EXPERIENCE

1. National Leadership Experience

Pacific Region Vice Chair	2013
Pacific Region Policy/Resolution Chair	2013

2. NSBA Committee Assignments

Pacific Region Nominating Committee	2011 (December)
Pacific Region Policies/Resolutions – alternate	2011, 2012
NSBA Credentials Committee	2011 (April)

3. Other National Association Leadership Experience

Native American Caucus Member	2011, 2012
NSBA President's Retreat	2011
Pacific Region Meetings, delegate	2010 - 2013
Pacific Region Meetings, non-delegate	2009, 2010
Federal Relations Network	2008 – 2018
NSBA Equity Symposium	2016-2018
NSBA National Conferences	2005, 2007, 2010 – 2013, 2016-2019

OTHER LEADERSHIP EXPERIENCE

1. Other Officer positions held (other state or national associations such as American Bankers Association, AMA, etc.)

None

2. Other Speaker or Program Experience

Quilt Shows – Sales & In-store Presentations **2014-2020**

OP-Ed – Salem Statesman Journal **2012 (May)**
(“Schools are Critical to Oregon’s Economic Recovery”)

Gresham-Barlow All-Staff Convocation **2009, 2010, 2017, 2018**

Mission Trip Coordinator – Teec Nos Pos, AZ **2008, 2009**

GBSD Volunteer Coordinators Keynote **2004-2006, 2008-2010, 2012-2016**

Scrip Fundraising Coordinator **2004 – 2017**
(Supporting 4 schools, overall revenue in excess of \$1.5 million)

Master Seamstress – Gresham HS Drama **2003-2013**
(15 productions)

Exchange Student Host Family **2000, 2001, 2003, 2005,**
(China, Taiwan, S. Korea, Spain, Japan) **2007-2008, 2009, 2012**

CANDIDATE’S STATEMENT

1. See attached written statements by the candidate of 50 words or less, per question, stating why he/she desires to be a director and what the candidate can bring to the position.

**OSBA Mission, Why Me, Leadership Examples, Challenge OSBA, Challenge Region,
Regional Connection Options**

NOMINATION FORM

OSBA LEGISLATIVE POLICY COMMITTEE (LPC)

REGIONAL MEMBER

Date: September 29, 2021

TO: Scott Rogers, OSBA President-Elect
Oregon School Boards Association
1201 Court St NE, #400
Salem, OR 97301
Fax: 503-588-2813
E-mail: OSBAelections@osba.org

**Nominations are due by 5 pm,
October 1, 2021.**

Return this form and all candidate information
forms to the OSBA office by email at
OSBAelections@osba.org, or mail to Oregon
School Boards Association, 1201 Court
St. NE, #400, Salem, OR 97301

Dear Scott Rogers:

With this letter, our board nominates the candidate named below to a position on the OSBA Legislative Policy Committee for the Multnomah Region, Position # 17.

LPC CANDIDATE INFORMATION

Name: Elizabeth Durant
District/ESD/Community College: Parkrose School District
Address: 2331 NE 131st Avenue
City: Portland, Oregon ZIP: 97230
E-mail: elizabeth_durant@parkrose.k12.or.us Phone: 503-951-7864

**This nomination was approved by official action of our board of directors at a duly called meeting on
September 27, 2021
(date)**


(Board Chair signature)

Board Chair name: Elizabeth Durant


(Board Vice Chair signature)

Board Vice Chair name: Sara Kirby

District: Parkrose School District

Address: 10636 NE Prescott Street

City: Portland, Oregon ZIP: 97220

CANDIDATE QUESTIONNAIRE

OSBA Legislative Policy Committee

Name: Elizabeth Durant

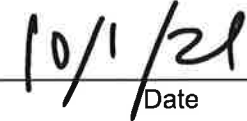
Region: Multnomah

District/ESD/CC: Parkrose School District

Position #: 17

I certify that if elected I will faithfully serve as a member of the OSBA Legislative Policy Committee. My nomination form has been submitted to OSBA (or is attached to this document) as evidence.


Name


Date

Be brief; please limit your responses to 50 words per question.

1. What do you want to accomplish by serving on the Legislative Policy Committee (LPC)?

As an out queer parent, I want to lift up the concerns of LGBTQ+ students and families. I am passionate about student voice, and curious how we might intentionally invite student input into OSBA policies. As a long-time resident, I want to represent the diverse needs of East County.

2. What leadership skills do you bring to the LPC? Give an example of a situation in which you demonstrated these skills.

I'm a relentless advocate. Recently I worked, over a two-year period, to enact a national gender equity and safety commitment within my organization (the United Church of Christ). I mobilized a solid regional coalition, built national connections, and leveraged an education partner to accomplish this work.

3. What do you see as the two most challenging legislative issues faced by OSBA?

We need adequate and sustainable **funding** for the State School Fund that frees us from the constant crisis of looming budget cuts. Despite recent **equity** legislation (HB2935, SB732), school districts remain entrenched in patterns of white supremacy. As the takeover and firing of superintendents across the state has shown, community accountability mechanisms are lacking.

4. What do you see as the two most challenging legislative issues faced by your region?

Policing. Our region struggles with gun violence and excessive use of force by police officers that deeply impact communities of color. The policing system has a long history of racist behavior and broken promises for reform.

Funding. The tax base of older, retired, white homeowners are increasingly disconnected from schools which are majority students of color, often renters, immigrants and/or refugee.

5. What is your plan for communicating with boards in your region about legislative issues?

I'm looking forward to communicating with and through the Multnomah Education Service District Regional School Board Equity Team and local community leaders.

Deadline: October 1, 2021, 5 p.m.

Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.

CANDIDATE PERSONAL/PROFESSIONAL RESUME

OSBA Legislative Policy Committee

Name: Elizabeth Durant

Date: 10/1/2021

Address: 2331 NE 131st Avenue

City / ZIP: Portland, OR 97230

Business phone: 503-256-1835

Residence phone: 503-951-7864

Cell phone: 503-951-7864

E-mail: elizabeth_durant@parkrose.k12.or.us

District/ESD/CC: Parkrose #3

Term expires: 2025

Years on board: 2

Deadline: October 1, 2021, 5 pm

Please send your picture (head shot).

A high-resolution digital photo is preferred but a print is acceptable.

E-mail to OSBAelections@osba.org,

or mail to: Oregon School Boards

Association, 1201 Court St NE, #400,

Salem, OR 97301

Work or service performed for OSBA or local district (include committee name and if you were chair):

Parkrose Board of Education, Member (2019-2020), Chair (2021)

Multnomah Education Service District, Regional School Board Equity Team, Member (2019-present)

Sacramento Elementary School Parent-Teacher Organization, Volunteer (2018-2020)

Other education board positions held/dates:

Occupation (Include at least the past five years):

Employers:

Gethsemane Lutheran Church, Interim Pastor

Bridgeport United Church of Christ, Sabbatical Pastor

First Congregational United Church of Christ, Assistant Minister

Dates:

March 2021 to present

May 2019 to October 2019

July 2016 to February 2019

Schools attended (Include official name of school, where and when):

High school: Buena High School, Ventura, CA, 1988 to 1992

College: Willamette University, Salem, OR, 1992 to 1996; Marylhurst University, Marylhurst, OR, 2008 to 2013

Degrees earned:

Bachelor of Arts, Politics (with honors)

Master of Divinity (M.Div.)

Education honors and/or awards:

American Academy of Religion, Society of Biblical Literature (AAR/SBL) Annual Meeting, Presenter, 2015

National Endowment for the Humanities, Younger Scholar's Award, 1994

Other applicable training or education:

Sacred Conversations to End Racism, United Church of Christ (2019-2021)

Mental Health First Aid, NAMI (2018)

Activities, other state and local community services:

Ecumenical Ministries of Oregon, Reckoning with Racism Cohort (2020-21)

Showing Up for Racial Justice, Interfaith Action Group (2015-17)

Oregon State Poetry Association, newsletter editor, poetry judge (2006-08)

Write Around Portland, workshop facilitator (2007-10)

Hobbies/special interests:

Writing, public speaking, sacred dance

Business/professional/civic group memberships; offices held and dates:

Central Pacific Conference of the United Church of Christ (tri-state organization)

Board of Directors, 2019-2020; Chair, Justice & Witness Ministries, 2018-2021

Additional comments:

Deadline: October 1, 2021, 5 pm

Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.

NOMINATION FORM

OSBA LEGISLATIVE POLICY COMMITTEE (LPC)

REGIONAL MEMBER

Date 9/27/2021

TO: Scott Rogers, OSBA President-Elect
Oregon School Boards Association
1201 Court St NE, #400
Salem, OR 97301
Fax: 503-588-2813
E-mail: OSBAelections@osba.org

**Nominations are due by 5 pm,
October 1, 2021.**

Return this form and all candidate information
forms to the OSBA office by email at
OSBAelections@osba.org, or mail to Oregon
School Boards Association, 1201 Court
St. NE, #400, Salem, OR 97301

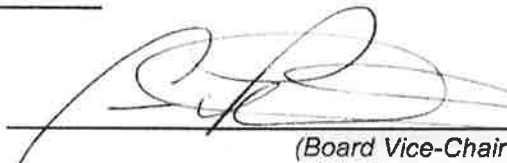
Dear Scott Rogers:

With this letter, our board nominates the candidate named below to a position on the OSBA Legislative Policy Committee for the Multnomah Region, Position #18.

LPC CANDIDATE INFORMATION

Name: Jessica Arzate
District/ESD/Community College: Multnomah ESD
Address: 18382 SE Stephens St.
City: Portland, Oregon ZIP: 97233
E-mail: mailto:jarzate@mesd.k12.or.us Phone: 562-394-7765

**This nomination was approved by official action of our board of directors at a duly called meeting on
September 21, 2021
(date)**



(Board Vice-Chair signature)

Board Vice-Chair name: Denyse Peterson
District: Multnomah ESD
Address: P.O. Box 3632
City: Portland, Oregon ZIP: 97208

CANDIDATE QUESTIONNAIRE

OSBA Legislative Policy Committee

Name: _____ Jessica Arzate _____ Region: Multnomah _____

District/ESD/CC: _____ Multnomah ESD _____ Position #: _____ 18 _____

I certify that if elected I will faithfully serve as a member of the OSBA Legislative Policy Committee. My nomination form has been submitted to OSBA (or is attached to this document) as evidence.

Jessica Arzate
Name

9/23/21
Date

Be brief; please limit your responses to 50 words per question.

1. What do you want to accomplish by serving on the Legislative Policy Committee (LPC)?

My hope is to lend my expertise and leadership in PK12 Education and represent my community of East Portland. My hope is also to work on shifting power across the state and within school districts to promote equitable education. It is my mission to help elevate and strengthen the voices of students of color and students who experience the most systemic barriers and provide a platform for advocacy.

2. What leadership skills do you bring to the LPC? Give an example of a situation in which you demonstrated these skills.

My leadership style is collaborative, innovative, and driven by racial equity. As part of the Design Team for the Regional Kindergarten Readiness Network (RKRN), I help facilitate a collective of 60 regional, cross-sector partners working together to ensure that all systems are ready to serve all of our kids on their journey to kindergarten and beyond. I've co-led the development of design criteria and an initial list of potential metrics for the Kindergarten Readiness Snapshot as part of this transformational work

3. What do you see as the two most challenging legislative issues faced by OSBA?

There has been historic investment in education equity through Student Success Plans. OSBA's legislative priorities should be to maintain full funding for the implementation of those plans and to hold districts accountable to improving outcomes called out in those plans. I would also say the second most challenging issue for OSBA will be regarding its role in Board Development, particularly around racially just learning and a Board Member's role in governance. There have been board members across the state that are confusing their own political agendas with statewide policies meant to protect students. OSBA has a critical role in educating and training those boards.

4. What do you see as the two most challenging legislative issues faced by your region?

Student retention (high mobility rates) due to gentrification and lack of affordable housing and lack of mental health and counseling supports. Our students who have enrollment gaps or transitions are graduating at a lower rate than their peers who remain in one school district. There is a lack of continuity when a student moves from one district to another and causes a significant disruption to their success. Additionally, students in our region are not receiving the adequate support they need to feel and be healthy. Living with trauma and/or mental health illness decreases the likelihood for a student to thrive and achieve the academic potential.

5. What is your plan for communicating with boards in your region about legislative issues?

My plan is to create meaningful platforms of communication that align with existing regional efforts. First and foremost, I want to listen to my colleagues and be responsive to the unique challenges and opportunities of each district. In my current MESD Zone, I cover all of David Douglas, Parkrose, Centennial, and a small part of Portland Public Schools. Serving on the MESD Board for Zone 4 (East Portland), positions me to best represent my region. I live, work, and serve in my region.

Deadline: October 1, 2021, 5 p.m.

Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.

CANDIDATE PERSONAL/PROFESSIONAL RESUME

OSBA Legislative Policy Committee

Name: Jessica Arzate Date: 9/23/21

Address: 18382 SE Stephens St

City / ZIP: Portland 97233

Business phone: _____

Residence phone: _____

Cell phone: (562)394-7765

E-mail: jarzate@mesd.k12.or.us

District/ESD/CC: Multnomah ESD

Term expires: 2024 Years on board: 4

Deadline: October 1, 2021, 5 pm

Please send your picture (head shot).
A high-resolution digital photo is preferred but a print is acceptable.
E-mail to OSBAelections@osba.org,
or mail to: Oregon School Boards Association, 1201 Court St NE, #400, Salem, OR 97301

Work or service performed for OSBA or local district (include committee name and if you were chair):

Multnomah ESD Board Vice- Chair 2020-2021; Multnomah ESD Chair 2021-Present
Superintendent Evaluation Committee 2017-Present; Committee Chair 2018-2019
Oregon Association of ESDs Governance Council 2017-2019; Multnomah ESD Representative
Regional Equity Task Force 2018-Present; Design Team Member Fall 2018; Multnomah ESD Representative
Oregon School Board Members of Color Caucus 2017-Present; Co-President 2017-2018
OSBA Legislative Policy Committee 2019-Present

Other education board positions held/dates:

National School Board Association 2018 Delegate Assembly Member
College of Education Graduate Student Association 2011-2013; Founding Vice-President

Occupation (Include at least the past five years):

Employers:

Dates:

Greater Than PDX; Chief Impact Officer August 2017-Present
United Way of the Columbia-Willamette; Early Learning Multnomah Hub Manager; 2015-2017
United Way of the Columbia-Willamette; Community Collaborations & Investments Coordinator 2014-2015

Schools attended (Include official name of school, where and when):

High school: Millikan High School, Long Beach, CA 2004
College: University of California, Irvine 2009; California State University, Long Beach 2013
Degrees earned: BA in Anthropology; Minor in Medical Anthropology and Gender Studies 2009;
M.Ed Dual Language Development 2013

Education honors and/or awards:

Bi-Literacy Seal
Dean's List

Other applicable training or education:

Hispanic Metropolitan Chamber of Commerce Leadership Program 2015

ColorPAC 2017

Center for Equity and Inclusion; Reframing Racism 2015; 2016; 2017-2018

CoCreative; Collaborative Leadership Essentials Training 2019

Center for Executive and Professional Education at PSU; Practical Project Management 2019

Activities, other state and local community services:

Women's Foundation of Oregon; Grants Committee 2014-Present; Committee Chair 2017-2019

Women's Foundation of Oregon Board Member 2017-Present; Vice President 2017-2019; Treasurer 2021

Ethnic Studies Advisory Group (HB 2845) 2018-2019

Student Success Act Rules Advisory Committee 2020-2021

Hobbies/special interests:

Long Distance Running, Hiking, Mountaineering, Basketball, playing the piano,
and creating music with my significant other.

Business/professional/civic group memberships; offices held and dates:

Women's Foundation of Oregon Member 2014-Present

City Club of Portland- Civic Scholars Ambassador 2015-2016

East County Rising Member 2018-Present

Regional Kindergarten Readiness Network- Design Team Member; 2018-Present

Regional Kindergarten Readiness Network- Data and Metrics Work Group Chair; 2019-Present

Additional comments:

- Experience in developing, designing, and implementing *strategic plans*
- Experience in facilitating groups with an overt diversity and equity lens.
- Experience serving and building relationships with culturally specific communities
- Experience in developing and delivering learning and training experiences
- 10+ years of professional work experience in Education and non-profit community work
- Effective communicator, collaborator and detail-oriented worker, with a passion for mission-driven work
- Ability to take initiative, foster innovation, and creativity by encouraging new ways of thinking and working.

Deadline: October 1, 2021, 5 pm

Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.



Dedicated to improving student success and education equity through
advocacy, leadership and service
to Oregon public school boards.

2021 OSBA Election

Board of Directors Position 17

Vote

No election for Board
of Directors Position
17 this year

* LPC Position 17

Vote

Elizabeth Durant, Parkrose 3

* Board of Directors Position 18

Vote

Kris Howatt, Gresham-Barlow 10

* LPC Position 18

Vote

Jessica Arzate,
Multnomah ESD

OSBA Board Position 19

Vote

No election for Board of Directors Position 19 this year

LPC Position 19

Vote

No candidates filed
for LPC Position 19

*** Type the name of the district, ESD, or community college board that officially made this vote.**

*** Type the meeting date when the board officially made this vote.**

*** Type your name and title.**

To retain a record of your vote, you MUST print this page before clicking the Done button.

Done

Powered by



SurveyMonkey

See how easy it is to [create a survey](#).

[Privacy & Cookie Notice](#)

Corbett School District 39

Code: BCBA
Adopted: 10/16/97
Orig. Code(s): BCBA

Student Representative to the Board

The Board ~~has provided~~ may provide for a formalized ongoing method of communication with district students by establishing a position of student representative to the Board.

The student representative shall receive notice of meetings, the agenda and the appropriate agenda materials; be provided a place at the Board table; and shall have the same privileges of discussion as apply to Board members. The student representative shall not be a voting member of the Board nor shall he/she be permitted to attend executive sessions held by the Board.

~~The superintendent shall develop administrative regulations as needed for the implementation of this policy.~~

END OF POLICY

Legal Reference(s):

ORS 332.107

Corbett School District 39

Code: BDDG
Adopted: 9/17/14
Orig. Code: BDDG

Minutes of Board Meetings

The Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants. The minutes will include, but not be limited to, the following information:

1. All members of the Board who were present;
2. All motions, proposals, resolutions, orders and measures proposed and their disposition;
3. The results of all votes and the vote of each member by name;
4. The substance of any discussion on any matter;
5. Any other information required by law.

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of approved current minutes at the administration office. Minutes need not be approved by the Board prior to being available to the public. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

The district will maintain and make available to staff and other interested patrons an updated copy of the meeting minutes.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which executive session was held under Oregon Revised Statute (ORS) 192.660, the material may be withheld from disclosure.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including a student's confidential ~~medical records and that student's educational program~~; the discussion; and each Board member's vote on the issue.

END OF POLICY

Legal Reference(s):

ORS 192.610 - 192.710

ORS 332.061

House Bill 2514 (2019)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

Corbett School District ADOPTED

Superintendent Search Calendar

DATE	BOARD	CONSULTANT
Oct. 20* (7 pm)	• Hire search agency • Declare vacancy • Approve executive search process calendar <i>Regular public meeting</i>	• Facilitate board approval of search calendar
Oct. 28 – Nov. 11	Online survey available	• Facilitate staff and community input for new executive qualifications
Nov. 16* (7 pm)	• Public comment on qualities & qualifications • Discuss and adopt desired qualities & qualifications • Set dates, times and location of screening committee training • Identify potential screening committee members • Create salary range for posting <i>Special public meeting</i>	• Present public input report to board • Facilitate conversation on screening committee and salary range
Nov. 17		• Develop professional recruiting brochure • Develop notice of vacancy • Advertise position
Nov. 18		• Begin accepting applications
Dec. 15 (7 pm)	• Select screening committee members <i>Regular public meeting</i>	
Nov. 18 – Jan. 26	Ten Weeks	• Receive applications • Recruit candidates respond to inquiries
Jan. 26		• Applications close • Review all applicant submissions; prepare for screening
Jan. 27* (7 pm)	• Attend screening committee training • Review list of candidates • Establish contract parameters <i>Special public meeting/executive session</i>	• Train screening committee on screening process, tools and timeline
Jan. 27 – Feb. 1	• Screen applications and submit rankings	• Assist with ranking process as needed

Feb. 2 * (5:30 pm)	• Select candidates to interview • Develop interview schedule • Develop interview questions • Establish contract parameters <i>Special public meeting/executive session</i>	• Present screening committee/board ranking results; facilitate board's selection of candidates to interview • Train board on interview procedures • Train board on proper internet & social media check protocols • Provide interview questions for review and facilitate consensus on interview questions
Feb. 3 – 14	• Conduct internet & social media checks on upcoming interviewees	• Schedule initial interviews with candidates • Assist with internet & social media checks, as needed.
Feb. 15 - 19* (T.B.D.)	• Debrief results from internet & social media checks • Conduct interviews • Select finalists • Establish contract parameters <i>Special public meeting/executive session</i>	• Attend last interview and facilitate selection of finalists • Train board on conducting in-depth reference checks and site visits
Feb. 20 – Mar. 6	• Send disclosure release form to finalists' last three education providers (ORS 339.370- 339.378) • Conduct in-depth reference checks and site visits	• Schedule finalists' interviews • Assist with reference checking and site visits as needed
Mar. 10 – 11* (T.B.D.)	• Hold finalist forum/"Day in the Community" • Debrief reference checks and site visit information • Conduct final interviews • Establish contract parameters <i>Special public meeting/executive session</i>	• Develop finalist forum schedule, if needed • Moderate community Q&A as needed • Attend final interview and facilitate consensus on "first choice" candidate
Mar. 12 – 15	• Negotiate contract with "first choice" candidate	
Mar. 17	• Vote to hire candidate/approve contract in open public meeting • Announce selection <i>Special public meeting</i>	• Develop press release, if needed
Before July 1	• Create transition plan for new superintendent and board	• Meets with the new superintendent & board to create transition plan
July 1	• New executive begins	
After July 1	• COSA mentoring program provided to the new superintendent	Acts as a liaison between school district/superintendent and COSA as needed. OSBA provides part of the content for this mentoring program.

*Consultant is in attendance (may be virtually).

March Lottery Target Numbers

Grade	Classroom Teachers	Target Class Size	
K	3.17	24	76
1	3.17	24	76
2	3.17	24	76
3	3.17	24	76
4	3.17	26	82
5	3.17	26	82
6	3.17	26	82
7	3.17	26	82
8			82
9			90
10			88
11			86
12			84
	48	22	1062

Regular School Board Meeting

Board Approved

A Regular Meeting of the Board of Trustees of Corbett School District was held Wednesday, October 20, 2021, beginning at 7:00 PM in the Virtual via ZOOM. Board Members present were Bob Buttke; David Granberg; Michelle Vo, Rebecca Bratton; Todd Redfern and Todd Mickalson. Board Member Katey Kinnear had an excused absence. Also present were Dan Wold, Interim Superintendent; Cindy Duley, Business Manager; Holly Elvins-Dearixon, Curriculum Coordinator/TOSA/ZOOM Moderator and Robin Lindeen-Blakeley, Deputy Clerk/HR Lead. Student Representative, Galilea Rios-Schultz, was also in attendance beginning at 7:08 p.m. NOTE: The minutes are prepared to coincide with time scheduled matters and the numbering system of the agenda and is not necessarily the actual order of happenings at the meeting.

1. PRELIMINARY BUSINESS

Presenter: Michelle Vo, Board Chair

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86432510383>

Or iPhone one-tap :

US: +16699006833,,86432510383# or
+12532158782,,86432510383#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 864 3251 0383

International numbers

available: <https://us02web.zoom.us/j/86432510383>

1.1 Call to Order / Flag Salute
7:03 p.m.

Presenter: Michelle Vo-Board Chair

1.2 Review and Acceptance of Agenda
Galilea Rios-Schultz - HS Student Representative was moved to the agenda between 1.2-1.3. Dan Wold presented student lottery discussion under item 9.0. Item 1.3 included Milt Dennison, OSBA Lead Consultant and Resolution tabled last month was acted upon with new date.

Presenter: Michelle Vo- Board Chair

1.3 Board Chair Report Information / Discussion / Action Items
Interim Superintendent, Dan Wold – not pursuing extension of contract past June 30, 2022. He shared with Board his family situation for not returning. He thanked the Board and community for their support.

Presenter: Michelle Vo, Board Chair and Sarah Herb, OSBA Executive Search and Events Specialist and Milt Dennison, OSBA Lead Consultant

Superintendent Search Proposal
Todd Mickalson moved and Bob Buttke seconded:
RESOLUTION NO. 10.52-21 - RESOLVED that the Board approve Oregon School Boards Association (OSBA) as the search agency to begin working in November 2021, to find the Superintendent of Corbett SD 39, who would begin employment in July 2022.

Attachments: (2)

The vote of the Board was 6-0 in favor of Resolution No. 10.52-21.
OSBA shared a proposal calendar.
Board discussion.
Todd Mickalson moved and Todd Redfern seconded: **RESOLUTION NO. 10.59-21 - RESOLVED** that the Board amend the agenda for allowing changes to the proposed calendar in adoptions for timelines in the Superintendent search calendar and vacancy.
The vote of the Board was 6-0.
Todd Mickalson moved and Todd Redfern seconded:
RESOLUTION NO. 10.60-21 - RESOLVED that the Board adopt the Superintendent search calendar as amended.
The vote of the Board was 6-0.
Board Chair Vo thanked Mr. Wold for getting us through this tough period.
Todd Mickalson moved and Bob Buttke seconded:
RESOLUTION NO. 10.61-21 - RESOLVED that the Board recognized the Superintendent vacancy as of July 2022.
The vote of the Board was 6-0.

**2 Student Representative to the Board Report
Information Item
Attachments: (1)**

Presenter: Galilea Rios-Schultz - HS Student Representative

Ms. Rios-Shultz informed the Board that there was a lot of school spirit with students and community navigation of mask wearing for COVID-19 pandemic. Important for the school counselors to have involvement this year along with the teachers in college planning, etc. and would like to have assemblies again to feel connected.
Board Chair Vo directed Superintendent Wold to follow up.

3 Approval of Minutes Action Item

Todd Mickalson moved and Bob Buttke seconded:
RESOLUTION NO. 10.53-21 - RESOLVED that the Board approved the minutes of the Regular Board meeting of September 15, 2021.
Attachments: (2)

Presenter: Michelle Vo - Board Chair

Please see November 17, 2021 BoardBook Premier agenda for attachments to these meeting minutes.

The vote of the Board was 6-0.

4 Introduction and Comments of Guests and Representatives

Presenter: Michelle Vo - Board Chair

Attachments: (1) – There were no requests to speak.

4.1 8:01 p.m. Principal / Director/
Supervisor Reports

Presenter: Dan Wold, Interim Superintendent

Kathy Childress Secondary Principal-shared slides and spoke about CTE, space issues, AP or HS level course choices, AP five year summary, COVID-19 successes and challenges, i.e. lunch
Rachel Goodloomis 8:12 p.m. CAPS/MS Principal-spoke about

assemblies, core values, collaborative relationships, resilience, counselors, place-based learning like Buck Creek, academics, and curriculum

Michelle Dawkins 8:21 p.m. GS Principal-shared slides and spoke about class sizes, curriculum, field trips, intervention/strategic support, thanks to bus drivers, COVID-19, and continuous progress

Holly Elvins-Dearixon 8:31 p.m. TOSA/Curriculum Coordinator

ESSER III – spoke about ESSER III strategies, activities, and funding with reporting due today as attached to the board agenda/packet.

8:36 p.m. Board discussion.

Attachments: (3)

5 FINANCIAL REPORTS / MATTERS

Attachments: (1)

Presenter: Dan Wold,
Interim
Superintendent

5.1 Monthly Reports- Ms. Duley gave reporting through September 30, 2021. Continuing to pay bills, prepare grants claims and wrapping up the books for 2020-21. Audit pushed to December 13. OSCIM grant starting to go together.
Board discussion.

Presenter: Dan Wold,
Interim
Superintendent and
Cindy Duley, Business
Manager

Attachments: (4)

6 Interim Superintendent Wold's Report Information item

Presenter: Dan Wold,
Interim
Superintendent

- a. COVID-19 updates, vaccinations / accommodations – 100% applied by deadline for staff. Differences between recommendations and requirements for Multnomah County Health versus CDC and ODE, but following required guidance. Working through exceptions for volunteers and coaches.
Board discussion.
- b. Woodard Road property project – last meeting postponed, but meeting on October 22.
Board discussion.
- c. Lotteries — 3rd Round results and 4th Round approval – no information at this time in the meeting.
- d. Division 22 Assurance of Compliance – information in the board packet, we are in compliance except for SBAC testing, which we will course correct. Information also on the website.

Attachments: (2)

6.1 Enrollment Update - will be addressed under Item 9.

6.2 Update on Corbett School campus upgrades and/or grants - covered under b. and looking at future office in CHS for Erin Gibbs.

7 CONSENT AGENDA

Todd Mickalson moved and Bob Buttke seconded:

- 7.1 Consent agenda ****Resolution items 10.54-21** through 10.57-21** Action Items**
12.2RESOLUTION NO. 10.54-21** - RESOLVED** that the Board confirmed the hire of Samantha Byron, .4 FTE Kitchen Assistant, effective October 4, 2021.
12.3RESOLUTION NO. 10.55-21** - RESOLVED** that

the Board confirmed the hire of Jennifer Ranieri, .85 FTE SPED Assistant I, effective October 21, 2021.

12.4RESOLUTION NO. 10.56-21** - RESOLVED** that the Board confirmed the change in extra duty position for HS yearbook from Roger Binschus to Devon Groh for the 2021-22 year.

13.2RESOLUTION NO. 10.57-21** - RESOLVED** that the Board confirmed the second reading and adopted Policies or deletions of Section F, as were first read at the September 15, 2021, Board meeting.

Attachments: (1)

The vote of the Board was 6-0 in favor of Consent agenda Resolutions No. 10.54-21** through 10.57-21**.

- 8 **CURRICULUM-** Ms. Elvins-Dearixon mentioned that in-service on October 1 had half a day of math training and also included equity work.

Presenter: Dan Wold,
Interim
Superintendent and
Holly Elvins-
Dearixon,
TOSA/Curriculum
Coordinator

- 9 **STUDENTS-** Mr. Wold shared lottery information. Not recommending a fourth lottery this school year. Going forward for targeted proposal for spring/March lottery for next school year. We may start advertising in December or January. We are currently at 1057 students. Mr. Wold shared a slide as included as attachment to these minutes.

Board discussion.

Michelle Vo moved and Todd Mickalson seconded:

RESOLUTION NO. 10.58-21 - RESOLVED that the Board approved an out of district Charter Lottery targeting a path to enrollment of 1062 students K-12 for 2022-23.

The vote of the Board was 6-0.

- 10 **TRANSPORTATION, BUILDINGS AND MAINTENANCE - Mr. Wold announced that we are down a driver. Equity piece affects district transfers. We have an extra custodian with two on at night and two on in the day.**

Board discussion.

- 11 **CO-CURRICULAR ACTIVITIES-** Mr. Wold announced that fall sports are almost wrapped up. Post season banquets under RSSL guidelines recommended not bringing them on campus.

- 12 **Personnel-**See Consent Agenda 7.1 for Items 12.2, 12.3, and 12.4

Transfer of position for Mikayla Patrick to .83 FTE Educational Assistant CAPS, effective October 4, 2021.

Presenter: Dan Wold,
Interim
Superintendent

12.1 Vacant Positions Information Items - A couple of SPED Assistant applicants now.

Vacant Positions: .4 FTE Bus Driver, Substitute Bus Driver, and .85 FTE GS SPED Assistant I.

Presenter: Dan Wold,
Interim
Superintendent

- 13 **Policy**
See 7.1 for Item 13.2

Presenter: Board
Chair

13.1 First Reading of Policy Section G
Information Item
Board Discussion.

Attachments: (2)

14 Matters for the Good of the Order

Presenter: Board of
Directors

**14.1 Todd Mickalson asked about COVID-19
guidance around family separations. 3rd/4th
grade team football championship in Hood
River.**

14.2 Mr. Wold answered about contact - can be
shared bathroom or kitchen, as long as not
at the same time. We take parents word on
criteria and MESD makes the determination
for quarantines.

15 COMING EVENTS

Presenter: Board
Chair Vo read aloud.

15.1 Veterans' Day Holiday, Thursday, November
11, 2021 - no school

15.2 School Day, Friday, November 12, 2021

15.3 Special School Board meeting for
Superintendent search added for November
16, 2021.

15.4 Wednesday, November 17, 2021 - Regular
Board Meeting, 7:00 p.m. via ZOOM

15.5 Thursday, November 18, 2021 - End of
Trimester 1

15.6 Wednesday - Friday, November 24-26, 2021
- Thanksgiving Holiday, no school

16 ADJOURNMENT - The Board adjourned at 9:45 p.m.

Presenter: Board
Chair

Corbett School District - Regular School Board Meeting Oct 20 2021

Board Secretary

Corbett School District 39

Code: BDDH
Adopted: 1/17/18
Orig. Code: BDDH

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district community members to attend Board meetings to become acquainted with the program and operation of the district. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids¹ and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual. All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, an alternative, equally effective means of communication will be used.

Audience

During a session of a Board meeting open to the public, members of the public may be invited to present comments during the designated portion of the agenda. At the discretion of the Board chair, further public comment may be allowed.

Request for an Item on the Agenda

A member of the public may request the superintendent or Board chair consider placing an item on the agenda of a regular Board meeting. This request should be made in writing and presented to the superintendent or Board chair for consideration at least seven working days prior to the scheduled meeting.

Procedures for Public Comment at Meetings

The Board will establish procedures for public comment in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

¹ Auxiliary aids may include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Braille materials and large print.

1. Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair.
2. A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.
3. Any person who is invited by the Board chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.
4. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a time limit on discussion or oral presentation by visitors.
5. Questions asked by the public, when possible, will be answered by the Board chair or referred to the superintendent for reply. Questions requiring investigation may, at the discretion of the Board chair, be referred to the superintendent for response at a later time.
6. At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card or sign-in sheet, prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

The Board chair should be alert to see that all visitors have been acknowledged and thanked for their presence and for any contributed comments on agenda issues. Similar courtesy should be extended to members of staff who have been in attendance. Their return for future meetings should be welcomed.

Petitions

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

Comments Regarding Staff Members

Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for Board consideration of a legitimate complaint involving a staff member. The association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 to -192.690](#)
[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Corbett School District 39

Code: BDDH-AR
Revised/Reviewed: 1/17/18
Orig. Code(s): BDDH-AR

Public Comment at Board Meetings

(Recommend having this statement/form somewhere on the agenda itself)

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To make a comment or present a topic during public comment, if the opportunity is available on the Board agenda, please complete the Intent to Speak card and submit it to the Board secretary prior to the start of the meeting. An individual that has submitted an Intent to Speak card and has been invited to speak by the Board chair, will be allowed three minutes.

Any person, who is invited by the Board chair to speak to the Board during a meeting, should state his/her name and address and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Please keep in mind that reference to a specific employee or group of employees, is prohibited as follows:

Board policy BDDH - Public Comment at Board Meetings:

“Comments Regarding Staff Members -

Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for Board consideration of a legitimate complaint involving a staff member. The association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent.”

INTENT TO SPEAK

The Board welcomes your input. Please submit this completed card to the Board secretary prior the start of the meeting.

Name: _____ Phone: _____
Address: _____
Email (optional): _____
Topic or comment to be presented (brief description): _____

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure. A hearing conducted before the Board regarding personnel shall take place in an executive session.

The Board requests that a topic or comment is limited to three minutes or less.

Corbett School District 39

Code:
Adopted:

BD/BDA

Board Meetings (Version 2)

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. "Meeting" means the convening of a quorum of the Board as the district's governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of the majority of members of the Board is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. All meetings will be conducted in compliance with state and federal statutes. All Board meetings, including Board retreats and work sessions, will be held within district boundaries. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business.¹ No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation², age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. Communications with all qualified individuals with disabilities shall be as effective as communications with others.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.

1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the organizational meeting in July and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold an organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board

¹ ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved.

² As defined in ORS 174.100.

meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of a meeting. At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Electronic communications may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals) so long as that information is also being made available to the public;
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other Board members should have the following notice:

Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by Public Records and Meetings Law.

3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by the Public Meetings Law.

5. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with the state law on public meetings, including notice and minutes. The Board may make official decisions during a work session. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

6. Executive Sessions

Executive sessions may be held during regular, special or emergency meetings for a reason permitted by law. (See Board policy BDC - Executive Sessions)

END OF POLICY

Legal Reference(s):

ORS 174.100

ORS 174.104

ORS Chapter 192

ORS Chapter 193

ORS 255.335

ORS 332.040 to -332.061

ORS 433.835 to -433.875

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

Americans with Disabilities Act Amendments Act of 2008.

OR. ATTY. GEN. Public Records and Meetings Manual (2014).

Corbett School District 39

Code: DIC
Adopted: 10/16/97
Orig. Code: DIC

Financial Reports and Statements

~~Appropriate staff member(s) will be available at any Board meeting, upon request of the Board, to respond to questions and to present current financial information. The superintendent will notify the Board at any time that substantial deviations from anticipated income or expenditures are anticipated.~~

The Board will receive ~~and ratify~~ financial reports which will include estimates of expenditures for the ~~major~~ general fund budget ~~division~~ in comparison to budget appropriations, actual receipts in comparison to budget estimates and the overall cash condition of the district. Supplementary reports on other funds or accounts will be furnished upon request of the Board or superintendent.

The Board will receive a pre-audit report recapping the year-end closure of financial statements prior to the annual audit by the district's authorized accountant.

Appropriate staff member(s) will be available at any Board meeting, upon request of the Board, to respond to questions and to present current financial information. The superintendent will notify the Board at any time that substantial deviations from anticipated income or expenditures are anticipated.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 294.311](#)

[ORS Chapter 297](#)

[ORS 328.465](#)

[ORS 332.105](#)

[OAR 162-010-0000 to -0330](#)

[OAR 162-040-0000 to -0160](#)

[OAR 581-023-0037](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

CORBETT SCHOOL DISTRICT NO.39

**CANDIDATE INFORMATION SHEET
BUDGET COMMITTEE**

Please fill out and return to the school district office.

Name _____
Last First Initial Date

Home Address _____

Mailing Address if different _____ Phone _____

Home e-mail address _____

Business Address _____

Business e-mail Address _____ Phone _____

Occupation _____

No. of years in District _____

Do you have children in the school district? _____

Which schools? _____

Have you worked on any school committees? _____

If so, which committees? _____

Other community or business activities _____

Do you have other commitments which may conflict with your participation and attendance at school budget meetings? _____

Why do you wish to be appointed to the school budget committee? _____

_____ budvac.app

Corbett School District 39

Code: DBEA
Adopted: 3/12/14
Orig. Code: DBEA

Budget Committee

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

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

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

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

1. The budget committee consists of seven members appointed by the Board plus the elected Board members of the district. To be eligible for appointment, the appointive member must:
 - a. Live and be registered to vote in the district;
 - b. Not be an officer, agent or employee of the district.
2. No budget committee member may receive any type of compensation from the district.
3. At its first meeting in July, 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 July. 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.
4. At the first regular Board meeting in August, 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 September, the Board will appoint persons to fill the vacant positions.
5. 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. The Appointive members of a budget committee in a district that prepares a biennial budget shall be appointed to four-year

terms. The terms shall be staggered so that as near as practicable, one-fourth of the terms of the appointive members expire each year.

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

Budget Committee Responsibilities

The following items explain the budget committee's responsibilities:

1. At its first meeting after appointment, the budget committee will elect a presiding officer from among its members. It may also establish other ground rules as necessary for successful operation of the committee.
2. A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action.
3. The budget committee shall hold one or more meetings to receive the budget message, receive the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.
4. The budget committee may request **any information used in the preparation of or for revising the budget document** from the superintendent or business manager ~~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](#) to -192.695

[ORS 294.305](#) to -294.565
[ORS 433.835](#) to -433.875

Corbett School District 39
Monthly Financial Report
As of September 30, 2021

Summary of Budget and Actual Expenditures by Fund and Major Function

Current Budget vs Actual Total Expenses	Current Budget	Sep 30 2021 YTD Actuals	Sep 30 2021 Balance
Fund: 01 General Fund			
1000 Instruction	8,737,883	1,261,886	7,475,997
2000 Support Services	5,573,550	1,205,178	4,368,372
3000 Enterprise & Community Serves	11,180	-	11,180
4000 Facilities Acquisition/Construction	40,000	27,949	12,051
5100 Debt Service	296,742	72,328	224,414
5200 Transfers Out	198,000	-	198,000
6000 Contingencies	125,042	-	125,042
Fund: 01 General Fund Total	14,982,397	2,567,341	12,415,056
Fund: 02 Food Services Fund			
3000 Enterprise & Community Serves	426,000	53,787	372,213
Fund: 02 Food Services Fund Total	426,000	53,787	372,213
Fund: 03 Federal Funds			
1000 Instruction	259,951	28,002	231,949
2000 Support Services	13,993	-	13,993
6000 Contingencies	632,940	-	632,940
Fund: 03 Federal Funds Total	906,884	28,002	878,882
Fund: 04 Student Investment Account			
1000 Instruction	554,652	75,863	478,789
2000 Support Services	195,275	31,178	164,097
Fund: 04 Student Investment Account Total	749,927	107,042	642,885
Fund: 09 GO Bond 2021			
2000 Support Services	205,203	79,649	125,554
4000 Facilities Acquisition/Construction	3,000,000	170,477	2,829,523
Fund: 09 GO Bond 2021 Total	3,205,203	250,126	2,955,077
Fund: 10 Bond Matching Grant			
4000 Facilities Acquisition/Construction	4,000,000	-	4,000,000
Fund: 10 Bond Matching Grant Total	4,000,000	-	4,000,000
Fund: 20 Energy Projects Fund			
4000 Facilities Acquisition/Construction	13,708	-	13,708
5200 Transfers Out	25,000	-	25,000
Fund: 20 Energy Projects Fund Total	38,708	-	38,708
Fund: 11 Debt Service Fund			
5100 Debt Service	370,400	-	370,400
Fund: 11 Debt Service Fund Total	370,400	-	370,400
Fund: 06 Student Body Trust Fund			
1000 Instruction	300,000	-	300,000
Fund: 06 Student Body Trust Fund Total	300,000	-	300,000
Grand Total - All Funds	24,979,519	3,006,297	17,973,222

Corbett School District No. 39
Board Financial Report
Fund 01: General Fund

	Fiscal Year 2020-2021			Fiscal Year 2021-2022			
	Year End Actuals	Year to Date Sep 30 2020	% of YE Actuals	Current Budget	Projected Actual	Year to Date Sep 30 2021	% of Projected
Revenues							
Property Taxes	1,913,327	-	0%	1,880,900	1,880,900	9,991	1%
State School Fund	9,930,304	3,277,065	33%	9,679,300	9,679,300	3,098,566	32%
Local Sources	140,263	14,157	10%	420,500	420,500	42,239	10%
Intermediate Sources	202,439	-	0%	201,200	201,200	200,000	99%
State Sources	771,949	-	0%	1,273,238	1,273,238	116,939	9%
Federal Sources	-	-		49,172	49,172	-	0%
Total Revenues	12,958,281	3,291,223	25%	13,504,310	13,504,310	3,467,735	26%
Expenditures							
Salaries	6,614,303	1,200,187	18%	7,108,728	7,108,728	1,333,465	19%
Associated Payroll	4,043,811	720,958	18%	4,137,524	4,137,524	648,115	16%
Purchased Services	1,124,355	149,840	13%	1,889,203	1,889,203	183,868	10%
Supplies & Materials	665,396	151,523	23%	788,508	788,508	65,312	8%
Capital Outlay	103,137	-	0%	146,750	146,750	(126)	0%
Debt Service	310,510	64,822	21%	296,742	296,742	72,328	24%
Other Objects	255,229	232,392	91%	291,900	291,900	236,429	81%
Contingency	-	-		125,042	125,042	-	0%
Total Expenditures	13,116,742	2,519,722	19%	14,784,397	14,784,397	2,539,392	17%
Other Sources (Uses)							
Other Sources	-	-		115,000	115,000	-	0%
Transfer In	-	-		25,000	25,000	-	0%
Transfer Out	-	-		(198,000)	(198,000)	-	0%
Total Other Sources (Uses)	-	-		(58,000)	(58,000)	-	0%
Change in Fund Balance	(158,461)	771,501		(1,338,087)	(1,338,087)	928,343	
Fund Balance - Beginning	2,315,403	2,315,403		2,790,757	2,790,757	2,156,942	
Fund Balance - Ending	2,156,942	3,086,904		1,452,670	1,452,670	3,085,285	

YTD Revenues	FY 2020-21	FY 2021-22	Variance	% Change
Property Taxes	-	9,991	9,991	
State School Fund	3,277,065	3,098,566	(178,499)	-5%
Local Sources	14,157	42,239	28,082	198%
Intermediate Sources	-	200,000	200,000	
State Sources	-	116,939	116,939	
Total Revenues	3,291,223	3,467,735	176,512	5%

YTD Expenditures	FY 2020-21	FY 2021-22	Variance	% Change
Salaries	1,200,187	1,333,465	133,278	11%
Associated Payroll	720,958	648,115	(72,843)	-10%
Purchased Services	149,840	183,868	34,028	23%
Supplies & Materials	151,523	65,312	(86,211)	-57%
Capital Outlay	-	(126)	(126)	
Debt Service	64,822	72,328	7,506	12%
Other Objects	232,392	236,429	4,037	2%
Total Expenditures	2,519,722	2,539,392	19,670	1%

Corbett School District No. 39
Board Financial Report
Fund 02: Food Services Fund

	Fiscal Year 2020-2021			Fiscal Year 2021-2022			
	Year End Actuals	Year to Date Sep 30 2020	% of YE Actuals	Current Budget	Projected Actual	Year to Date Sep 30 2021	% of Projected
Revenues							
State School Fund	-	-		2,000	2,000	-	0%
Local Sources	11,636	604	5%	120,000	120,000	36	0%
State Sources	-	-		3,000	3,000	-	0%
Federal Sources	121,202	-	0%	121,000	121,000	14	0%
Total Revenues	132,838	604	0%	246,000	246,000	49	0%
Expenditures							
Salaries	86,276	18,973	22%	91,577	91,577	24,044	26%
Associated Payroll	60,071	13,640	23%	59,509	59,509	12,165	20%
Purchased Services	4,098	722	18%	6,000	6,000	429	7%
Supplies & Materials	95,785	6,101	6%	265,414	265,414	16,793	6%
Other Objects	1,201	-	0%	3,500	3,500	898	26%
Total Expenditures	247,431	39,436	16%	426,000	426,000	53,787	13%
Other Sources (Uses)							
Transfer In	-	-		180,000	180,000	-	0%
Total Other Sources (Uses)	-	-		180,000	180,000	-	0%
Change in Fund Balance	(114,593)	(38,831)		-	-	(53,738)	
Fund Balance - Beginning	7,221	7,221		-	-	(107,372)	
Fund Balance - Ending	(107,372)	(31,610)		-	-	(161,110)	

YTD Revenues	FY 2020-21	FY 2021-22	Variance	% Change
Local Sources	604	36	(569)	-94%
Total Revenues	604	49	(555)	-92%

YTD Expenditures	FY 2020-21	FY 2021-22	Variance	% Change
Salaries	18,973	24,044	5,071	27%
Associated Payroll	13,640	12,165	(1,475)	-11%
Purchased Services	722	429	(294)	-41%
Supplies & Materials	6,101	16,793	10,692	175%
Other Objects	-	898	898	
Total Expenditures	39,436	53,787	14,351	36%

Corbett School District No. 39
Board Financial Report
Fund 03: Federal Funds

	Fiscal Year 2020-2021			Fiscal Year 2021-2022			
	Year End Actuals	Year to Date Sep 30 2020	% of YE Actuals	Current Budget	Projected Actual	Year to Date Sep 30 2021	% of Projected
Revenues							
Federal Sources	-	-		906,884	906,884	-	0%
Total Revenues	-	-		906,884	906,884	-	0%
Expenditures							
Salaries	103,082	20,800	20%	109,199	109,199	17,168	16%
Associated Payroll	73,812	14,057	19%	73,173	73,173	9,063	12%
Purchased Services	3,726	1,418	38%	81,572	81,572	1,522	2%
Supplies & Materials	-	-		10,000	10,000	-	0%
Contingency	-	-		632,940	632,940	-	0%
Total Expenditures	180,620	36,275	20%	906,884	906,884	28,002	3%
Change in Fund Balance	(180,620)	(36,275)		-	-	(28,002)	
Fund Balance - Beginning	7,726	7,726		-	-	(172,894)	
Fund Balance - Ending	(172,894)	(28,549)		-	-	(200,896)	

YTD Expenditures	FY 2020-21	FY 2021-22	Variance
Salaries	20,800	17,168	(3,632)
Associated Payroll	14,057	9,063	(4,994)
Purchased Services	1,418	1,522	104
Supplies & Materials	-	-	-
Total Expenditures	36,275	28,002	(8,273)

Corbett School District No. 39
Board Financial Report
Fund 04: Student Investment Account

	Fiscal Year 2020-2021			Fiscal Year 2021-2022			
	Year End Actuals	Year to Date Sep 30 2020	% of YE Actuals	Current Budget	Projected Actual	Year to Date Sep 30 2021	% of Projected
Revenues							
State Sources	293,516	-	0%	749,927	749,927	-	0%
Total Revenues	293,516	-	0%	749,927	749,927	-	0%
Expenditures							
Salaries	-	-		449,211	449,211	77,093	17%
Associated Payroll	-	-		254,257	254,257	29,949	12%
Purchased Services	44,280	-	0%	-	-	-	
Supplies & Materials	-	-		46,459	46,459	-	0%
Capital Outlay	-	-		-	-	-	
Debt Service	-	-		-	-	-	
Total Expenditures	44,280	-	0%	749,927	749,927	107,042	14%

Corbett School District No. 39
Board Financial Report
Fund 09: GO Bond 2021

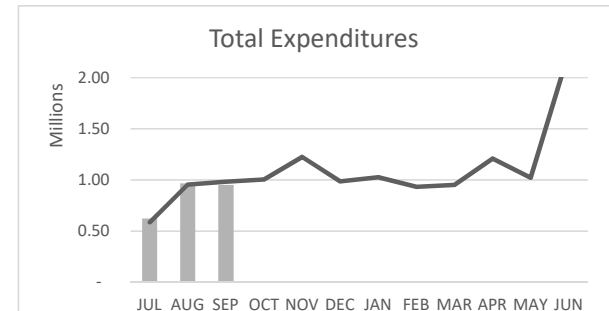
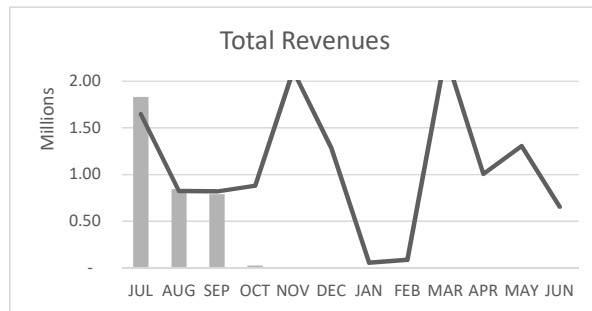
	Fiscal Year 2020-2021			Fiscal Year 2021-2022			
	Year End Actuals	Year to Date Sep 30 2020	% of YE Actuals	Current Budget	Projected Actual	Year to Date Sep 30 2021	% of Projected
Revenues							
State Sources	-	-		-	-	-	
Total Revenues	-	-		-	-	1,372	
Expenditures							
Purchased Services	19,388	-	0%	3,205,203	3,205,203	220,797	7%
Capital Outlay	-	-		-	-	21,984	
Other Objects	500	-	0%	-	-	7,345	
Total Expenditures	19,888	-	0%	3,205,203	3,205,203	250,126	8%
Other Sources (Uses)							
Transfer In	-	-		-	-	-	
Total Other Sources (Uses)	998,991	-	0%	-	-	-	
Change in Fund Balance	979,103	-		(3,205,203)	(3,205,203)	(248,754)	
Fund Balance - Beginning	37,200	37,200		3,205,203	3,205,203	1,016,302	
Fund Balance - Ending	1,016,302	37,200		-	-	767,549	

YTD Expenditures	FY 2020-21	FY 2021-22	Variance
Capital Outlay	-	21,984	21,984
Total Expenditures	-	250,126	250,126

FUND 01: GENERAL FUND
Revenues and Expenditures by Month

FY 2020-2021	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Revenues													
Property Taxes	-	-	-	2,783.89	1,287,795.70	459,964.96	33,104.63	14,947.16	53,441.08	8,692.57	8,318.33	44,278.31	1,913,326.63
State School Fund	1,641,572.00	820,293.00	815,200.41	820,293.00	820,293.00	820,293.00	-	-	2,223,808.00	993,576.00	974,975.17	-	9,930,303.58
Local Sources	5,041.64	5,105.72	4,010.13	57,637.99	3,625.47	3,710.28	3,396.00	2,921.02	5,704.81	4,010.57	9,865.89	35,233.58	140,263.10
Intermediate Sources	-	-	-	-	-	-	-	-	-	-	2,438.65	200,000.00	202,438.65
State Sources	-	-	-	-	-	-	18,652.69	68,928.53	-	630.23	309,062.59	374,674.85	771,948.89
Federal Sources	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	1,646,613.64	825,398.72	819,210.54	880,714.88	2,111,714.17	1,283,968.24	55,153.32	86,796.71	2,282,953.89	1,006,909.37	1,304,660.63	654,186.74	12,958,280.85
Expenditures													
Salaries	125,269.06	545,902.25	529,015.72	523,004.90	537,915.10	540,058.84	536,053.29	539,469.69	556,598.33	576,695.83	578,982.10	1,025,338.37	6,614,303.48
Associated Payroll	91,994.82	312,550.32	316,413.07	356,076.63	322,608.74	323,899.92	338,243.99	329,206.79	338,737.79	357,650.28	354,436.58	601,992.41	4,043,811.34
Purchased Services	32,558.29	30,593.67	86,687.84	48,220.24	87,363.22	41,278.44	77,778.43	44,532.61	46,709.52	208,290.40	56,533.44	363,808.67	1,124,354.77
Supplies & Materials	63,011.53	41,403.58	47,107.55	28,129.65	256,693.82	11,369.83	18,046.85	5,831.92	855.87	41,426.39	26,758.74	124,760.76	665,396.49
Capital Outlay	-	-	-	-	-	-	38,500.00	-	-	-	-	64,637.12	103,137.12
Debt Service	56,485.82	9,260.59	(924.59)	49,259.23	17,479.34	62,137.60	15,041.84	9,590.12	4,168.00	21,457.00	4,168.00	62,386.75	310,509.70
Other Objects	215,928.10	14,223.75	2,240.18	577.41	2,952.46	7,488.18	2,075.39	2,015.14	3,366.86	1,971.63	785.08	1,604.99	255,229.17
Total Expenditures	585,247.62	953,934.16	980,539.77	1,005,268.06	1,225,012.68	986,232.81	1,025,739.79	930,646.27	950,436.37	1,207,491.53	1,021,663.94	2,244,529.07	13,116,742.07

FY 2021-2022	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Revenues													
Property Taxes	-	6,396.56	3,594.64	-	-	-	-	-	-	-	-	-	9,991.20
State School Fund	1,549,748.00	774,409.00	774,409.00	-	-	-	-	-	-	-	-	-	3,098,566.00
Local Sources	12,316.65	16,452.44	13,469.97	24,050.00	-	-	-	-	-	-	-	-	66,289.06
Intermediate Sources	200,000.00	-	-	-	-	-	-	-	-	-	-	-	200,000.00
State Sources	68,928.53	48,010.20	-	-	-	-	-	-	-	-	-	-	116,938.73
Federal Sources	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	1,830,993.18	845,268.20	791,473.61	24,050.00	-	-	-	-	-	-	-	-	3,491,784.99
Expenditures													
Salaries	142,445.67	581,019.11	610,000.66	-	-	-	-	-	-	-	-	-	1,333,465.44
Associated Payroll	105,625.73	322,324.84	220,164.40	2,667.13	-	-	-	-	-	-	-	-	650,782.10
Purchased Services	56,699.89	42,271.96	84,896.08	2,203.88	-	-	-	-	-	-	-	-	186,071.81
Supplies & Materials	37,756.17	15,656.88	11,898.59	-	-	-	-	-	-	-	-	-	65,311.64
Capital Outlay	-	(125.61)	-	-	-	-	-	-	-	-	-	-	(125.61)
Debt Service	47,874.09	4,168.00	20,286.00	4,168.00	-	-	-	-	-	-	-	-	76,496.09
Other Objects	230,109.32	2,307.70	4,012.47	-	-	-	-	-	-	-	-	-	236,429.49
Total Expenditures	620,510.87	967,622.88	951,258.20	9,039.01	-	-	-	-	-	-	-	-	2,548,430.96



Corbett School District 39

Code: BFC
Adopted: 8/17/16
Orig. Code(s): BFC

Adoption and Revision of Policies

Adopting new policies and changing or repealing existing policies is the Board's responsibility. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of the Board members. Such action will be scheduled on the agenda of a regular or special meeting.

Proposed policies or policy changes and repeal of existing policies will be presented in writing for consideration by the Board.

To permit time for studying all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as a Board agenda item in the following sequence:

1. First reading of a proposed policy (or policies): This is an information item and no action is required by the Board. A first reading announces that a new policy, a revision of an existing policy or consideration to rescind a policy, is being considered by the Board. Comments, questions, concerns and recommended edits should be forwarded to the superintendent for consideration prior to the meeting in which the policy is recommended for a second reading and/or adoption. If a Board member wishes to discuss a proposed policy or administrative regulation listed as an information item, the policy must be moved to the agenda for discussion with a [consensus] [majority vote] of the Board. Any organization which represents employees of the district shall be furnished a copy of personnel policies and revisions as they are made.
2. Second reading/Adoption of a proposed policy (or policies): This is an action by the Board and may be placed on the consent agenda. Any revisions to a policy from the first reading will not require the policy go through an additional reading, except as the Board determines that the revision(s) need(s) further study and an additional reading would be advantageous.

When, in the best interest of the district, immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in the district's board policy manual.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.505

OAR 581-022-2305
OAR 581-022-2405

Corbett School District 39

Code: GA
Adopted: 5/21/98
Orig. Code: GA

Personnel Policy Goals

(OSBA has removed this policy from its samples.)

The Board recognizes that a dynamic, competent and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals and it recognizes its responsibility for promoting general welfare of the staff.

The Board's specific personnel goals are:

- To recruit, select and employ the best qualified personnel to staff the school system;
- To provide staff compensation and benefits programs sufficient to attract and retain qualified employees and within the district's ability to fund;
- To provide an in-service training program for all employees to improve their performance;
- To conduct an effective employee evaluation program that will contribute to the continuous improvement of staff performance as well as meet or exceed the law;
- To assign personnel as to ensure they are used as effectively as possible;
- To develop and maintain the morale necessary to obtain maximum staff performance and satisfaction.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)
[ORS 342.850](#)

[OAR 581-022-1720](#)

Corbett School District 39

Code: GAA
Adopted: 9/16/15
Orig. Code: GA

Personnel: Definitions

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

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

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

1. “Regular classified employees” are those employed in positions established by the Board requiring ~~12~~20 or more hours per week for at least 90 days.
2. “Part-time regular classified employees” are those employed in positions established by the Board requiring less than ~~12~~20 hours per week for at least a 90 school days.
3. “Temporary/Substitute classified employees” are those employed on an as-needed basis. The Board shall determine if these employees are eligible for benefits.

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

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

Corbett School District 39

Code: GAB
Adopted: 5/21/98
Orig. Code: GAB

Position Descriptions

(Version 1)

Position descriptions serve: (1) to describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation; (2) to describe attendance standards; (3) to help applicants determine their qualifications needed to fill a position; (4) to help district administrators determine which candidates to recommend for appointment; and (5) to form the basis for the evaluation of the employee's performance of position responsibilities.

Position descriptions will be developed under the supervision of the superintendent for each position in the district. Each position description shall be dated. As position descriptions are reviewed and/or revised new dates will be affixed.

Position descriptions will be coded and retained in a document titled *Position Descriptions for the Corbett School District*. The document will be available for inspection by any district employee or patron. Each employee shall receive a copy of his/her position description. Each employee shall affix his/her signature and date after having read the position description.

Position descriptions will be updated as job responsibilities or duties change. Revised position descriptions will be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-022-2405](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code:
Adopted:

GAB

Job Descriptions (Version 2)

Job descriptions serve to:

1. Describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. Describe attendance standards;
3. Help applicants determine the qualifications needed to fill a position;
4. Help district administrators determine which candidates to recommend for appointment; and
5. Assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions," as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his/her expertise or ability to perform the particular function.

"Attendance standards," as used in this policy means, the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the district.

Job descriptions will be developed under the supervision of the superintendent for each position in the district. Each job description shall be dated; as job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be coded and retained in a document titled *Job Descriptions for the Corbett School District*. The document will be available for inspection by any district employee or patron. Each employee shall receive a copy of his/her job description. Each employee shall affix his/her signature and date after having read the job description.

Job descriptions will be reviewed as needed. Initial or revised job descriptions will be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-022](#)-2405

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GB
Adopted: 5/21/98
Orig. Code: GB

General Personnel Policies

The quality of the professional and support staff is of primary importance in achieving the educational objectives of the district. In filling any licensed or classified position, therefore, the district will seek out and appoint the best-qualified person available for the position.

~~The employment of candidates to fill licensed positions will be approved by the Board upon the recommendation of the superintendent. The superintendent will employ all temporary employees, substitutes and part-time personnel as needed.~~

Notice of all regular job openings will be made available to current staff members. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies, or general and specialized media.

Applications or inquiries concerning job openings will be directed to and received by the superintendent on standard district application forms. The selection process will be coordinated and supervised by the superintendent, with the involvement of other appropriate administrators and supervisors.

Each candidate selected for a position with the district must possess or demonstrate eligibility for any license or permit required to fill the position. In addition, the individual must be insurable by the district's insurance carrier for any position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the district may require any candidate, as a condition of employment, to hold a current, recognized first-aid card. A current employee required to hold a card will obtain it within 90 days from the date on which the district gives notification.

~~Personnel selected for employment will be notified in writing of their selection following Board approval. This is a~~ Notification of employment will specify the assignment, the job classification, the salary or hourly rate, the length of the work week and the length of the assignment. Unsuccessful applicants who were interviewed will be notified.

Initial assignments of staff will be made by the superintendent or designee.

The superintendent will establish regulations guidelines governing the recruitment, selection and employment of personnel in accordance with this policy.

END OF POLICY

Legal Reference(s):

[ORS 342.664](#)
[ORS 408.225](#)

[ORS 408.230](#)
[ORS 408.235](#)

[ORS 653.305 to -653.326](#)
[ORS 659A.309](#)

[OAR 581-022](#)-2405
[OAR 839-006](#)-0435

[OAR 839-006](#)-0440
[OAR 839-006](#)-0450
[OAR 839-006](#)-0455

[OAR 839-006](#)-0460
[OAR 839-006](#)-0465

Corbett School District 39

Code: GBA
Adopted: 12/21/16
Orig. Code: GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in uniformed service, familial status, genetic information, and individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. 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 to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 652.210 - 652.220](#)

[ORS 659.850](#)
[ORS 659.870](#)
[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.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)
[ORS 659A.409](#)

¹ "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

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 related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

[ORS 659A.820](#)

[OAR 581-021-0045](#)

[OAR 581-022-2405](#)

[OAR 839-003-0000](#)

[OAR 839-006-0435](#)

[OAR 839-006-0440](#)

[OAR 839-006-0450](#)

[OAR 839-006-0455](#)

[OAR 839-006-0460](#)

[OAR 839-006-0465](#)

House Bill 2341 (2019)

Senate Bill 479 (2019)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2012); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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 (2012).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).

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 (2018).

Corbett School District 39

Code: GBA-AR
Revised/Reviewed: 10/19/16
Orig. Code: GBA-AR

Veterans' Preference

Oregon's Veterans' Preference Law requires the district to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law¹.

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

A veteran may submit a written request for an written explanation of the reasons why they were not selected for the position.² Upon written request, the district shall provide, in writing, the reasons for not selecting the candidate when requested.

Recruitment Procedures

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

Selection Procedures

- Step 1: Before the review of any applications the human resource director will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The human resource director will review the application materials using the above evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the human resource director shall evaluate whether the skill experience obtained in the military are transferable to the posted position. In this step the district **does not** apply a veterans'

¹Oregon Revised Statute (ORS) 408.225: definition of veteran.

² Oregon Revised Statute (ORS) 408.230(5)

³Verification of Veteran's Preference

A veteran 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. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.

preference. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

- Step 3: Based on Step 2, the human resource director determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the human resource director shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference points must be applied by adding 5 points to an eligible veteran and 10 points to an eligible disabled veteran.
- Step 6: The human resource director makes the offer to the applicant with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

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

~~A veteran may request a written explanation of the reasons why they were not selected for the position. Upon written request, the district shall provide the reasons for not selecting the candidate.~~

Filing a Complaint

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

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

Corbett School District 39

Code: GBAA
Adopted: 5/21/98
Orig. Code: GBAA

Fair Labor Standards Act

In compliance with the Fair Labor Standards Act, administrators, directors and/or supervisors shall give written notification to nonexempt employees, as defined by the Act, of the Board's following expectations:

- What constitutes non-exempt working hours;
- What constitutes normal working hours;
- That employees are not to work before, beyond, or outside their normal working hours or are not to work overtime without prior authorization;
- That employee time sheets be a true reflection of all time worked, whether it is more or less than normally scheduled hours;
- That a written corrective statement be given to employees not complying with established procedures.

END OF POLICY

Legal Reference(s):

[ORS 279.340](#)

[ORS 653.261](#)

[OAR 839-020-0005](#)

Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Sections 206 and 207.
Garcia v. San Antonio Metropolitan Transit Authority, et al., 469 U.S. 528 (1985).
41 Op Atty Gen 409 (1981).

Corbett School District 39

Code: GBB
Adopted: 5/21/98
Orig. Code: GBB

Staff Involvement in Decision Making

There shall be a staff advisory council consisting of at least two representatives from grades 7-12 and at least two K-6 representatives. They shall meet for the following purposes:

1. To give input on issues, concerns and programs;
2. To generally advise the superintendent regarding school operations.

END OF POLICY

Legal Reference(s):

[ORS 329.704](#)

[OAR 581-022-1720](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F. 2d 505 (9th Cir. 1984).

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

Corbett School District 39

Code: GBC
Adopted: 12/17/98
Orig. Code: GBC

Staff Ethics

(Version 1)

(see current version)

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not solicit for financial remuneration from students, parents and other staff;
2. Any device, publication or any other item developed during the employee's paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way.

No administrator or supervisor will exercise direct, supervisory authority over a person who is a member of his/her family. Persons regularly employed by the district prior to the inception of such relationship will not be terminated but may be transferred to another building or placed under different supervision, if necessary, to eliminate potential conflict.

More than one member of an individual employee's family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the superintendent's approval.

Family, as used in this policy and as defined by law means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual

No district employee may serve as a Board or budget committee member in the district.

An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) - 244.400
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001](#) - 199-020-0020
[OAR 584-020-0040](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Corbett School District 39

Code:
Adopted:

GBC

Staff Ethics (Version 2)

I. Prohibited Use of Official Position or Financial Gain

No district employee will attempt to use their district position to obtain financial gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, a household member or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the district employee's employment with the district.

This prohibition does not apply to any part of an official compensation package as approved by the Board, honorarium, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the district employee.

The employee may receive district or school logo apparel as part of the employee's official compensation package.

District employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in regard to their duties and responsibilities as district employees. This would also apply to any personal financial benefit for the district employee's relative or member of household of the employee, or any business with which the district employee or a relative or member of the household of the district employee is associated.

This means that:

1. Employees, relatives or members of the district employee's household will not use the employee's position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No district employee may serve as a Board or budget committee member in the district.;
5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If a district employee has a potential or actual conflict of interest, the district employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict. This must be done on each occasion the district employee is met with a conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by a district employee that could result in a financial benefit or detriment for self or relatives or for any business with which the district employee or relatives are associated, unless otherwise provided by law.

“Actual conflict of interest” means any action or any decision or recommendation by a district employee that would result in a financial benefit or detriment for self or relatives or for any business with which the district employee or relatives are associated, unless otherwise provided by law.

In order to avoid violation of nepotism provisions and district policy, district employees must abide by the following when an employee’s relative or member of the household of the district employee, is seeking and/or holds a position with the district:

1. A district employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless he/she complies with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A district employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee’s family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. {Employees who are members of the same family may not be assigned to work in the same building except by the superintendent’s approval.}

“Member of household” means any person who resides with the employee.

“Relative” means: the spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits² to the employee, or who receives any benefit from the employee’s public employment.

¹ The term spouse includes domestic partner.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

II. Gifts

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. A gift may be received by the district employee from, but not limited to, another district employee, a student or parent of a student or a vendor within the \$50 gift limit. Except for exclusions in ORS 244.040(2), an item received by an employee from the district is prohibited.

"Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

"Relative" means: the spouse³, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits⁴ to the employee, or who receives any benefit from the employee's public employment.

"Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees, the employee's relatives or members of the employee's household should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. If the giver does not have a legislative or administrative interest, the \$50 limit does not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A "legislative or administrative interest" means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A "decision" means an act that commits the district to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a

³ Ibid. p. 2

⁴ Ibid. p. 3

subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a decision.

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.

Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e., a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees:

1. Gifts from relatives and members of the household to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions.

Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:

- a. Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - (a) The giver is a unit of a:
 - (i) Federal, state, or local government;
 - (ii) An Oregon or federally recognized Native American Tribe; OR
 - (iii) Nonprofit corporation.
 - (2) The employee is representing the district:
 - (a) On an officially sanctioned trade-promotion or fact-finding mission; OR

- (b) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the superintendent.*

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The purpose of the exception in a. above is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the district.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;

5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. An item received by the employee as part of the usual or customary practice of the employee’s private business, employment or position as a volunteer that bears no relationship to the employee’s district employment;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Corbett School District 39

Code: GBCA
Adopted: 9/21/11
Orig. Code: GBCA

Staff Religious Dress

All staff, when on duty shall be allowed to wear religious attire, in accordance with the employee's sincerely-held religious beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment.

The district retains the authority to specify religious dress guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

The superintendent will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(7\)](#)
[ORS 327.109](#)

[ORS 332.107](#)
[ORS 339.351](#)

[ORS 659.850](#)
[ORS 659A.030](#)

OR. CONST., art. I, § 5.
U.S. CONST. amend. I.

Corbett School District 39

Code: GBCA-AR
Revised/Reviewed: 9/21/11
Orig. Code: GBCA-AR

Staff Religious Dress

“Religious clothing” means religious dress worn in accordance with the employee’s sincerely-held beliefs, including but not limited to head coverings, jewelry, emblems and other types of religious dress.

In assessing whether the district may restrict or prohibit the wearing of religious clothing, the district should consider whether:

1. The employee’s intent of wearing the religious clothing or by wearing the clothing is likely to be perceived by students, parents or employees to indoctrinate or proselytize students and/or create the impression that the district endorses religion or the employee’s particular religious belief.
 - a. Specific factors to be considered when assessing employee’s intent and reasonable perception should include but not be limited to:
 - (1) The size and visibility of the religious clothing;
 - (2) The inclusion of any writing or symbols on the religious clothing that communicates a direct message;
 - (3) Any accompanying verbal statements or declarations of a religious nature that goes beyond a limited explanation of the religious significance or obligation associated with the wearing of the religious clothing;
 - (4) The number of employees requesting or wearing the same or similar religious clothing in the school; and
 - (5) The reasonableness of this perception should take into account the age, background and sophistication of the student, parent or employee in the school who regularly encounters the employee.
2. The wearing of religious clothing disrupts the educational process, harasses, intimidates, coerces or otherwise interferes with the rights of students, parents or another school employee in the district.

Corbett School District 39

Code: GBCBA
Adopted: 5/21/98
Orig. Code: GBCBA

Alcohol/Controlled Substance Use

The following conduct is strictly prohibited and will subject an employee to immediate discipline, up to and including termination:

1. The buying, selling, transportation, possession, provision or use of intoxicants, including alcohol, or any controlled substances as defined by law while on district property, during work hours (including meal periods), while assigned to extra duty or special projects, including those held after or in addition to regular school hours and while driving between work sites during the work day in either a district-supplied vehicle or a vehicle supplied by the employee;
2. Reporting for work under the influence of alcohol, intoxicants or any controlled substance. An individual is considered to be “under the influence of alcohol, intoxicants and/or a controlled substance” when, in the district’s determination, ~~based upon testing conducted by and interpreted by trained medical personnel,~~ the controlled substance, alcohol or intoxicant is at a level that it may impair the individual’s ability to safely and/or efficiently perform assigned work OR prevent the employee from presenting a positive role model to students.

~~If the district has reasonable grounds to believe that an employee is under the influence of intoxicants, including alcohol or any controlled substance, the district may require the employee submit to immediate testing by trained medical personnel. Refusal to submit immediately to such tests may result in disciplinary action, up to and including dismissal. “Reasonable grounds” may include, but are not limited to, such things as slurred speech, dilated pupils, peculiar odors and unsteady balance.~~

~~The district reserves the right, with prior notice and reasonable suspicion, to conduct searches on district property of employees and/or their personal property which is on the district’s premises.~~

The district also reserves the right, with prior notice and reasonable suspicion, to conduct searches of district property, vehicles or equipment at any time. A refusal to submit to a search may result in disciplinary action, up to and including dismissal.

The administration will develop appropriate ~~regulations,~~ procedures, consent forms and such notifications as are needed for an orderly implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659.840](#)
[ORS 659A.300](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0330\(1\)\(n\),\(o\)](#)
[OAR 581-053-0420\(3\)\(c\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(s\)](#)
[OAR 584-020-0040](#)
[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GBD
Adopted: 5/21/98
Orig. Code: GBD

Board-Staff Communications

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication ~~will~~ be through the ~~district~~ superintendent. The superintendent will develop and recommend to the Board processes for communications between the Board and district employees.

~~All~~ Communications or reports to the Board or any Board committee from ~~any~~ staff members ~~or members~~ ~~should~~ ~~will~~ be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district. This procedure should not be construed as denying the right of any employee to appeal to the Board from administrative decisions provided that the superintendent is notified of the forthcoming appeal and the appeal has been processed in accordance with applicable provisions of collective bargaining agreements and the Board's policies on complaints.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will employ such media as are appropriate to keep staff fully informed of the Board's problems, concerns and actions.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2405](#)

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

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

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

Corbett School District 39

Code: GBDA
Adopted: 4/17/19
Orig. Code(s): GBDA

Mother Friendly Workplace *

The district recognizes that a normal and important role for mothers is to have the option and ability to express milk or breast-feed in the workplace. When possible, Employees must give reasonable notice of the intent to express milk or breast-feed to their direct supervisor. Unless otherwise agreed upon by the district and the employee, the district shall provide the employee a 30-minute rest period to express milk or breast-feed during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period. The district shall provide the employee a reasonable rest period to express milk, or breast-feed, each time the employee has a need to express milk or breast feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.

The district will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk or breast-feed in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

The following locations have been identified in each facility for milk expression or breast-feeding:

1. District office: private bathroom.
2. Corbett Elementary School and CAPS classrooms with windows covered and door locked.
3. Corbet middle school classrooms with the windows covered and door locked.
4. Corbett High School classrooms with the windows covered and door locked.
5. Bus barn office: The family restroom.
6. Maintenance office: The family restroom.

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 653.077](#)

[ORS 653.256](#)
[OAR 839-020-0051](#)

Corbett School District 39

Code: GBE
Adopted: 3/11/15
Orig. Code: GBE

Staff Health and Safety

The Board directs the superintendent to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties. The input of staff will be encouraged in the development of district health and safety plans.

The superintendent will develop a district plan for dealing with hazardous chemicals in the workplace. This plan will include proper labeling, storage and disposal of all such materials.

The superintendent will develop districtwide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, employees will be trained to recognize and respond appropriately to the presence of hazardous chemicals. All personnel who may be exposed to hazardous materials during the performance of their duties or in an emergency will be so informed and trained to appropriately deal with these materials.

The superintendent will provide staff members with the Safety Data Sheets (SDS), which must accompany any hazardous substance used in the school setting.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 329.095](#)
[ORS 453.001 to -453.275](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0075](#)

[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180 to -0182](#)
[OAR 437-002-0360](#)
[OAR 437-002-0368](#)

[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-022-2225](#)

Corbett School District 39

Code: GBE-AR
Revised/Reviewed: 1/27/99
Orig. Code: GBE-AR

Staff Health and Safety - Safety Rules

(recommend any safety rules be a part of the district's safety plan rather than in AR.)

Employees shall conduct their work in compliance with the safety rules of the district such as:

1. All injuries shall be reported immediately to the person in charge or other responsible representative of the district;
2. It is the duty of all employees to make full use of safeguards provided for their protection. It shall be the employee's responsibility to abide by and perform the following requirements:
 - a. An employee shall not operate a machine unless guard or method of guarding is in good condition, working order, in place and operative;
 - b. An employee shall stop the machine or moving parts and properly tag-out or lock-out the starting control before oiling, adjusting or repairing, except when such machine is provided with means of oiling or adjusting that will prevent possibility of hazardous contact with moving parts;
 - c. An employee shall not remove guards or render methods of guarding inoperative except for the purpose of adjustment, oiling, repair or setting up a new job;
 - d. Employees shall report to their supervisor any guard or method of guarding that is not properly adjusted or not accomplishing its intended function;
 - e. Employees shall not use their hands or any portion of their bodies to reach between moving parts or to remove jams, hang-ups, etc. (Use hook, stick, tong, jig or other accessory.);
 - f. Employees shall not work under objects being supported that could accidentally fall (such as loads supported by jacks, the raised body of a dump truck, etc.) until such objects are properly blocked or shored;
 - g. Employees shall not use defective tools or equipment. No tool or piece of equipment should be used for any purpose for which it is not suited and none should be abused by straining beyond its safe working load.
3. Employees shall not remove, deface or destroy any warning, danger sign or barricade or interfere with any other form of accident prevention device or practice provided which they are using or which is being used by any other worker;
4. Employees must not work underneath or over others thereby exposing them to a hazard without first notifying the other employee(s) or seeing that proper safeguards or precautions have been taken;
5. Employees shall not work in unprotected, exposed or hazardous areas under floor openings;
6. Long or unwieldy articles shall not be carried or moved unless adequate means of guarding or guiding are provided to prevent injury;
7. Hazardous conditions or practices observed at any time shall be reported as soon as practicable to the person in charge or some other responsible representative of the employer;

8. Employees observed working in a manner which might cause immediate injury to either themselves or other workers shall be warned of the danger;
9. Before leaving a job, workers shall correct, or arrange to give warning of, any condition which might result in injury to others unfamiliar with existing conditions;
10. Good housekeeping methods shall be observed in all operations. Materials shall be so handled and stored as to minimize falling, tripping or collision hazards;
11. Working and storage areas and passageways shall be kept free of unnecessary obstructions. No loose object shall be placed in any area where its presence will necessitate employees crowding between such objects as moving machinery, steam pipes or other objects with which contact would be dangerous;
12. Any materials which might cause an employee to slip or fall shall be removed from floors and other treading surfaces immediately or suitable means or methods shall be used to control the hazardous condition;
13. All sharp, pointed or otherwise hazardous projections in work areas shall be removed or rendered harmless.

Corbett School District 39

Code: GBEA
Adopted: 5/21/98
Orig. Code: GBEA

Workers' Compensation Insurance

(Version 1)

(OSBA has removed this policy and has new policy with this code)

All employees, including students as required by Oregon law, are covered by the district Workers' Compensation Insurance. Any injury or illness to an employee while on duty must be reported at once to the immediate supervisor who will submit a written report to the superintendent's office within 24 hours. The employee will be advised to notify the medical service provider that the injury or illness is covered by Workers' Compensation laws. The accident or illness must qualify as an industrial accident or illness under state law and district regulations.

Any employee who is injured while on duty or becomes ill as a result of performing his/her responsibilities may receive compensation and expenses as prescribed by state law and regulations.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 656.033](#)

[ORS 657.170](#)

[OAR 437-001-0760](#)

Corbett School District 39

Code:
Adopted:

GBEA

Workplace Harassment * (Version 2)

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between district employees or between a district employee and the district in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district and a district employee off district premises. Elected school board members, volunteers and interns are subject to this policy.

Any district employee who believes they have been a victim of workplace harassment may file a report with the district employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The district employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The district, upon receipt of a report from a district employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The district employee receiving the report, whether a supervisor of the employer or the district employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The district may not require or coerce a district employee to enter into a nondisclosure² or nondisparagement³ agreement.

¹ “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

The district may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between district employees or between a district employee and the district, in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district employee and employer off district premises.

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

If the district determines in good faith that an employee has engaged in workplace harassment, the district may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members, witnesses, and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The district shall make this policy available to all district employees and shall be made a part of district orientation materials provided and copied to new district employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

Legal Reference(s):

[ORS 243.317 - 243.323](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.820](#)
[ORS 659A.875](#)

[ORS 659A.885](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

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 (2019).

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

Corbett School District 39

Code: GBEA-AR
Revised/Reviewed:

Workplace Harassment Reporting and Procedure

Any district employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administrative regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the principal, compliance officer or superintendent.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082 or 659A.112 or section 4 of Senate Bill 479 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the district as a separate confidential file and stored in the district office.

Investigation Procedure

The ~~position title(s)~~ **superintendent** ~~is/are~~ responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves ~~position title(s)~~ **superintendent**, the employee may report to ~~alternative position title(s)~~ **Board chair**. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee;
3. Provide a copy of the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within ~~five~~ **10** working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the

investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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{A copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace harassment incident, including disciplinary action taken or recommended, shall be forwarded to the {superintendent} {human resources office}.}

Step 2

If a complainant is not satisfied with the decision at step 1, the complainant may submit a written appeal to the {superintendent} {or designee}. Such appeal must be filed within {10}15 working days after receipt of the step 1 decision. The {superintendent} {or designee} shall review the investigators report and findings. The {superintendent} {or designee} will arrange such meetings with the complainant and other affected parties as deemed necessary by the {superintendent} {or designee} to discuss the appeal. The {superintendent} {or designee} shall provide a written decision to the complainant within {10}15 working days after receipt of the appeal.

{Step 3

If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within {10}15 working days after receipt of the Step 2 decision. The Board will review the findings and conclusion of the {superintendent} {or designee} in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the {superintendent's} {or designee's} decision as the district's final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within {20}35 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within {10}15 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the {superintendent's} decision in Step 2 is final.}

Reports involving the superintendent should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within {30}35 days, in open session what action if any is warranted. The Board chair shall notify the

¹ Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee, and a copy the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee.

complainant in writing within ~~10~~14 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Follow-up Procedures

The ~~position title~~superintendent or designee will follow up with the district employee of the alleged harassment once every three months for the calendar year following the date on which the ~~position title~~superintendent or designee received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The ~~position title~~superintendent or designee will document the record of this follow-up. The ~~position title~~superintendent or designee will continue follow-up in this manner until and unless the employee directs the ~~position title~~superintendent or designee in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement (CBA) or a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Review the CBA for any provision that requires an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

~~[Name of District]~~ **Corbett School District**
~~[Address]~~ ~~[Phone]~~ **35800 E Historic Columbia River Hwy**
Corbett, OR 97019
503-261-4226

WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

Evidence of workplace harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

~~[Name of District]~~ **Corbett School District**
35800 E Historic Columbia River Hwy
Corbett, OR 97019
503-261-4226

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Corbett School District 39

Code: GBEAA
Adopted: 5/21/98
Orig. Code: GBEAA

Staff Protection

(see bullying and sexual harassments policies)

Job-related assault will be defined as any physical assault or battery upon an employee which takes place at any time during an employee's performance of work-related duties, either on district grounds or off.

1. Reporting the Assault:
 - a. The employee will report the assault or see that the assault is reported to his/her supervisor as soon as possible after the event;
 - b. The supervisor will assist in:
 - (1) Seeing that appropriate medical attention is given and/or arranged for;
 - (2) Seeing that the assault is reported and/or filed with the appropriate police agency;
 - (3) Reporting the incident to the superintendent's office so insurance procedures can be initiated;
 - c. The incident will be reported to the district's attorney by the superintendent or a designee.
2. Attorney Accessibility. The district will arrange a conference with the district's attorney at district expense. The attorney will provide the employee with information and/or direction in regard to:
 - a. Filing the complaint with the proper authority;
 - b. Criminal trial procedure;
 - c. The availability of civil remedies.
3. Days Missed as a Result of Assault. Days absent from duty, whether for injury, doctor's or health practitioner's direction, hospitalization, attorney consultation or court proceeding directly relating to the assault, will not be charged against any leave days, but the absence(s) must be consistent with worker's compensation guidelines.

Limitations:

- a. The doctor or health practitioner must release the employee for return to work;
- b. Upon the doctor's or health practitioner's release, the employee must return to work. If the employee chooses to be absent after the doctor's or health practitioner's release and if the absence is or is claimed to be a result of the assault, the absence(s) will be subtracted from the employee's accumulated sick leave;
- c. The district reserves the right to consult with the attending doctor or health practitioner before and/or after the release of the employee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 656.240](#)

Corbett School District 39

Code: GBEB
Adopted: 1/17/18
Orig. Code: GBEB

Communicable Disease – Staff *

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the Communicable Disease Guidance published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee ~~who knows that he or she has or has been exposed to any restrictable disease, may not attend work unless authorized by Oregon law while in a communicable stage of a restrictable disease or. When an administrator has reason to suspect that any the employee has or has been exposed to any restrictable disease and for which exclusion is required, the administrator shall send the employee home in accordance with law and per administrative regulation GBEB-AR – Communicable Diseases - Staff.~~ If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all other measures adopted by the district and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

~~Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.~~

The district shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

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

END OF POLICY

Legal Reference(s):

[ORS 431.150](#) to -431.157
[ORS 433.001](#) to -433.526

[OAR 333-018](#)
[OAR 333-019](#)-0010
[OAR 333-019](#)-0014

[OAR 437-002](#)-0360
[OAR 437-002](#)-0377
[OAR 581-022](#)-2220

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2017).
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).

Corbett School District 39

Code: GBEB-AR
Adopted: 1/17/18
Orig. Code: GBEB-AR

Communicable Diseases – Staff *

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis disease, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by Board policy² or by the public local health administrator after determining that it presents a significant public health risk in the school setting poses a danger to public’s health.
2. “Susceptible” means being at risk of contracting a restrictable disease by virtue of being in one or more categories described in law.
3. “Reportable diseases” means a human reportable disease, infection, microorganism or condition as specified in OAR Chapter 333, Division 18.

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable state of COVID-19³, unless authorized to do so under Oregon law. When and administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. When a An administrator shall exclude an employee if the administrator has reason to suspect that an employee has or has been exposed to any restrictable disease that requires exclusion, the administrator shall send the employee home measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as

¹ Added per OAR 333-019-1000(2).

² “OAR 333-019-0010(7) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”

³ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
5. ~~An administrator will exclude a susceptible employee that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public's health, or the local health officer states the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.~~
- 6.5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
- 7.6. More stringent exclusion standards for employees from school or work may be adopted by the local health department ~~or by the district through policy adopted by the Board.~~
- 8.7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. ~~[[District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance⁴.]]~~
4. An administrator shall determine other persons with a legitimate educational interest who may be informed of the communicable nature of an individual student's disease, or an employee's

⁴ Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education.

communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, ~~within guidelines allowed by~~ in accordance with law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually ~~by the school health nurse~~ to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (See policy EBBAA).

Corbett School District 39

Code: GBEBA
Adopted: 4/17/19
Orig. Code(s): GBEBA

Staff - HIV, AIDS and HBV

The district will strictly adhere in its policies and procedures, to Oregon law and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV¹.

The district recognizes a staff member has no obligation under any circumstance to report a condition to the district, and the staff member has a right to continue working. If the staff member reports a condition to the district, strict adherence to written guidelines outlined by the staff member shall be followed. These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon law.

Accommodations for a staff member infected with HIV, AIDS, or HBV shall be the same as with any other illness.

END OF POLICY

Legal Reference(s):

ORS 243.650	ORS 433.260	OAR 333-018-0005
ORS 342.850(8)		OAR 581-022-2220
ORS 433.008	OAR 333-017-0000	
ORS 433.045	OAR 333-018-0000	

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Corbett School District 39

Code: GBEBAA/JHCCBA/EBBAB
Adopted: 2/21/07
Orig. Code: GBEBAA/JHCCBA/EBBAB

HBV/Bloodborne Pathogens

(See policy EBBA)

The Board recognizes that staff/students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff/students of exposure to body fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.

Consequently, the Board directs adherence to standard precautions. Standard precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens¹.

In order to reduce the risk to staff/students by minimizing or eliminating staff exposure incidents to bloodborne pathogens, the Board directs the superintendent to develop and implement an Exposure Control Plan. The plan shall be reviewed and updated at least annually and when necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update shall also:

1. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens;
2. Annually, document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

The plan shall include training followed by an offer of immunization with Hepatitis B vaccine and vaccination series for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the district. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Personal protective equipment appropriate to job tasks shall be provided by the district. A postexposure evaluation and follow-up shall be made available to any employee sustaining an occupational exposure.

The district recognizes that, as required by OAR 437-002-1030, employees who use medical sharps in the performance of their duties (e.g., administering injectable medicines to students, such as epinephrine and glucagon) must, at least annually, be provided with the opportunity to identify, evaluate and select engineering and work practice controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems). The district will implement such work practice controls, as appropriate.

Documentation, including a sharps injury log, will be maintained as required by OAR 437-002-1035 and 437-002-1030 (3).

¹Bloodborne pathogens - pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B virus (HBV) and Human Immunodeficiency Virus (HIV).

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 437-002-1030](#)

[OAR 437-002-1035](#)

Corbett School District 39

Code: GBEBD/JHCCD
Adopted: 5/21/98
Orig. Code: GBEBD/JHCCD

Staff/Students - Rumor Control - HIV, AIDS, HBV and HCV**

(OSBA has removed this policy from its samples,)

The district shall use a two-pronged approach for rumor control related to HIV, AIDS and HBV¹ before a rumor begins and during an “active” rumor.

In preparation for rumor control, the district shall annually notify staff, students, parents, media and the general public through such means as handbooks and district newsletters of confidentiality and individual rights requirements placed upon school districts. The requirements are outlined in Oregon Revised Statutes and Oregon Administrative Rules. Individual rights include the right a staff member or a student may have to continue working or attending school.

The district shall emphasize that if a staff member or the student (parent) chooses not to divulge an HIV, AIDS, HBV or HCV condition, the district will have no information except to reiterate the requirements in the law regarding confidentiality and individual rights. This will be stated routinely and in cases of an “active” rumor.

If the staff member or student (parent) wishes to divulge information and continues working or attending school, the district shall meet with the infected party or representative to develop a written procedure. This procedure will minimally outline what information will be given, who will give the information, when and where the information will be given, how the information will be given and who will receive the information. The procedures will be signed for approval by the infected party or representative.

The district shall appoint a district spokesperson who shall be responsible for responding to staff, students, parents, media and the general public.

END OF POLICY

Legal Reference(s):

[ORS 433.008](#)
[ORS 433.045](#)
[OAR 333-012-0270](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005 \(1\)\(a\)](#)
[OAR 333-018-0030](#)

[OAR 581-015-0005](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus; HCV - Hepatitis C Virus

Corbett School District 39

Code: GBEBE/JHCCE/KBCAA
Adopted: 12/17/98
Orig. Code: GBEBE/JHCCE/KBCAA

News/Media - HIV, AIDS, HBV or HCV**

(OSBA has removed this policy from its samples)

The district shall appoint a district spokesman who shall respond to media inquiries regarding rumored or identified HIV, AIDS or HBV¹ cases.

The spokesman shall stress:

- School districts are not informed of a person infected with HIV, AIDS or HBV unless the infected person or his/her parent releases the information;
- School districts, if informed, may not release the information unless the infected person or parent gives permission for such release;
- School districts may not prevent a staff member from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school.

The district shall ask the local health department or other health authorities to assist the district spokesman in responding to media inquiries.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 342.850 \(7\)](#)

[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-012-0270](#)
[OAR 333-018-0000](#)

[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)
[OAR 581-022-1440](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus; HCV - Hepatitis C Virus

Corbett School District 39

Code: GBEC
Adopted: 5/21/98
Orig. Code: GBEC

Drug-Free Workplace *

(Version 1)

(See current version)

No employee engaged in work in connection with a direct federal grant or contract of \$25,000 or more shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

“Workplace” is defined to mean the site for the performance of work done in connection with a federal grant or contract. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district where work on a federal grant is performed.

******Each employee who is engaged in work related to a direct federal grant or contract of \$25,000 or more, shall notify his/her supervisor of his/her conviction of any criminal drug statute based on conduct occurring in the workplace, as defined above, no later than 5 days after such conviction.

******Each employee who is engaged in work related to a direct federal grant or contract of \$25,000 or more, shall abide by the terms of this district policy establishing a drug-free workplace.

******An employee who violates the terms of this policy shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, employment may be suspended, his/her contract non-renewed or be dismissed, at the discretion of the Board.

Sanctions against employees, including non-renewal, suspension and termination, shall be in accordance with prescribed district administrative regulations and procedures.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659A.127](#)

[OAR 581-022-2045](#)
[OAR 581-022-2210](#)
[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Corbett School District 39

Code:
Adopted:

GBEC

Drug-Free Workplace * (Version 2)

The district shall provide a drug-free workplace.

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the workplace.

This policy applies to all employees, including but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

The district shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's district duties; or knowingly endorse or suggest the use of such substances.

An employee shall, as a condition of employment, abide by the provisions of this policy.¹

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act, as modified under Oregon Revised Statute (ORS) 475.035.
2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. "Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or state criminal drug statutes.
4. "Criminal drug statute" means a Federal or State criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance[or alcohol].

¹ Districts directly receiving grants or contracts from the federal government are required to meet this obligation.

5. “Drug-free workplace” means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance[or alcohol].

Sanctions and Remedies²

The district, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol, or upon having reasonable suspicion (under the section below) of an employee’s unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action, which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee’s criminal drug statute conviction for a violation occurring in the workplace, the district shall:

1. Take appropriate action, which may include discipline up to and including termination; and/or
2. Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

1. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech, difficulty walking);
2. Direct observation of use in the workplace;
3. The opinion of a medical professional;
4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

² Ibid. p. 1

Establishment of Drug-Free Awareness Program

The district shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction³

An employee shall, as a condition of employment, notify the district in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

Notification by the District of an Employee Conviction

The district shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction, for a violation occurring in the workplace, no later than 10 calendar days after learning of such conviction.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659A.127](#)

[OAR 581-022-2045](#)
[OAR 581-022-2210](#)
[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

³ Ibid. p. 1

Corbett School District 39

Code: GBED
Adopted: 3/15/17
Orig. Code: GBED

Medical Examinations/Drug Testing *

Medical Examinations

The district may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his/her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

All offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a health-care professional selected by the district. District-required medical examination expenses will be paid by the district.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

Drug Testing

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security.¹ The district will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the candidate and reimbursed by the district upon receipt of negative drug test results. The

¹ Based on Lanier – "Safety sensitive" may also include positions that have heavy student contact and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).

district will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 657.176](#)

[ORS 659A.133](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GBEDA
Adopted: 1/17/18
Orig. Code: GBEDA

Drug and Alcohol Testing and Record Query- Transportation Personnel *

The district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education (ODE). The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

Accordingly, all employees subject to commercial driver license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
 - a. While on duty;
 - b. Eight hours before driving, in accordance with Oregon Administrative Rules;
 - c. Eight hours following an accident;
 - d. Consumption resulting in prohibited levels of alcohol in the system.

"Drugs" as used in this policy refer to controlled substances covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the district and district employees transferring to positions subject to the OTETA shall be required to submit to pre-employment drug testing and a pre-employment query with FMCSA. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return-to-duty and follow-up testing may also be required. The district will also require pre-employment alcohol testing in accordance with the following provisions:

1. All candidates for employment or transfer with the district and subject to the OTETA requirements will be tested;
2. All tests will be conducted using the alcohol testing procedures of 49 C.F.R. Part 40;
3. Such tests must be conducted prior to the new or transferred employee's performance of safety-sensitive functions.

Pre-employment alcohol and drug testing costs will be paid for by the district. All drug and alcohol testing of employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the district. A fee associated with a pre-employment query requested by the district from FMCSA will be paid by the district[and reimbursement sought from the individual]. The district will comply with collective bargaining agreement provisions.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing result and information obtained from a query with FMCSAs. An individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will not be hired or transferred¹. The offer of employment or transfer will be immediately withdrawn.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses alcohol and drug testing and/or refuses to give consent for a query with FMCSA.

Covered employees who, under the district's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) regulations. Covered employees who refuse consent for a query with FMCSA when required will be removed from safety-sensitive functions.

The district may, in its continuing effort to enhance safety, request a waiver of the OTETA prohibitions against standing down an employee before the medical review officer (MRO) has completed the verification process as provided by 49 C.F.R. § 40.21(c). "Stand-down" means the practice of temporarily removing an employee from safety-sensitive functions based solely on a report from a laboratory to the MRO of a confirmed positive test for drugs, an adulterated test or a substituted test before the MRO has completed verification of the test results. The written waiver request will be directed to the appropriate Federal Motor Carrier Safety Administrator.

In accordance with the provisions of 49 C.F.R. § 40.21(c)(2), and in its ongoing effort to protect the interests of employees in fairness and confidentiality, the district will ensure:

1. The district's policy and administrative regulation are distributed to all covered employees;
2. No information about the confirmed positive, adulterated or substituted test results, or the reason for the employee's temporary removal from performing safety-sensitive functions, becomes available, directly or indirectly to others in the district or subsequently to another employer, other than the employee, the MRO and the designated district official;

¹ The district may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for district employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs and alcohol, if required by the district. A district employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all district policies and regulations including the district's Drug-Free Workplace policy.

3. All covered employees in a particular district job category are treated the same way with respect to “stand-down”;
4. A covered employee will be subject to “stand-down” only with respect to the actual performance of safety-sensitive duties;
5. No adverse action affecting the employee’s pay and benefits will be taken pending the completion of the MRO’s verification process. This includes continuing to pay the employee during the period of the stand-down in the same way the district would have paid him/her-they had he/she-they not been stood down;
6. The verification process will commence no later than the time an employee is temporarily removed from the performance of safety-sensitive functions and that the period of “stand down” for any employee will not exceed five days, unless the district is informed in writing by the MRO that a longer period is needed to complete the verification process; and
7. In the event that the MRO verifies the test negative or cancels it:
 - a. The district will return the employee immediately to the performance of safety-sensitive duties;
 - b. The employee suffers no adverse personnel or financial consequences as a result; and
 - c. No individually identifiable record that the employee had a confirmed laboratory positive, adulterated or substituted test result is maintained. (The district will maintain a record of the test only as a negative or cancelled test.)

The district will not “stand down” employees in the absence of a waiver, or inconsistent with the terms of the waiver.

The district will establish a voluntary self-identification program consistent with the OTETA requirements. Accordingly, an employee who admits to alcohol misuse or drug use will not be subject to certain referral, evaluation and treatment requirements, provided:

1. The admission is in accordance with the provisions of this policy;
2. The driver does not self-identify in order to avoid testing as required by the OTETA;
3. The driver makes the admission prior to performing a safety-sensitive function (i.e., prior to reporting for duty);
4. The driver does not perform a safety-sensitive function until the district is satisfied that the employee has been evaluated and has successfully completed education or treatment in accordance with the district’s self-identification program guidelines.

Adverse action on the part of the district against any employee making a voluntary admission of alcohol misuse or drug use consistent with the provisions of this policy is prohibited. The district is committed to providing sufficient opportunity for the employee to seek evaluation, education or treatment to establish control over his/her-their drug or alcohol problem.

Following successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional or qualified drug and alcohol counselor) the employee will be permitted to return to duty. The district will ensure that prior to the employee participating in a safety-sensitive function, he/she the employee shall be required to undergo a return-to-duty testing with a result indicating a breath alcohol content level of less than 0.02 and/or a verified negative test result for drug use, as appropriate. The district may incorporate employee monitoring and include non-OTETA follow-up testing as part of its return-to-duty procedures under the district's self-identification program.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

[ORS 825.415](#)

[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (2019).

Corbett School District 39

Code: GBEDA-AR
Adopted: 3/14/18
Orig. Code: GBEDA-AR

Drug and Alcohol Testing and Record Query - Transportation Personnel *

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

1. Program Coordinator

The transportation supervisor will be designated as the district's drug use and alcohol misuse prevention program coordinator. The transportation supervisor will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The transportation supervisor will:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, postaccident, return-to-duty or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or

continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;

(11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and

(12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse¹:

- (a) A verified positive, adulterated, or substituted drug test result;
- (b) An alcohol confirmation test with a concentration of 0.04 or higher;
- (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
- (d) An employer's report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:

- (i) On duty alcohol use;
- (ii) Pre-duty alcohol use;
- (iii) Alcohol use following an accident;
- (iv) Controlled substance use.

- (e) A SAP's report of the successful completion of the return-to-duty process;
- (f) A negative return-to-duty test; and
- (g) An employer's report of completion of follow-up testing.

- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the ~~Department of Health and Human Services (DHHS)~~ Oregon Health Authority, Public Health Division (OHA) to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;

¹ <https://clearinghouse.fmcsa.dot.gov/>

- j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
 - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
 - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
 - (5) Documentation of training given to employees.
- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;
- m. Ensure compliance with stand-down prohibitions as set forth by the OTETA. "Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the Federal Motor Carrier Safety Administration (FMCSA) below:
 - (1) The district may seek a waiver of the prohibition against standing down an employee;
 - (2) Requests which include all required information will be submitted to FMCSA for approval.

2. Pre-employment and Annual Queries from, and Required Reporting to FMCSA

The district is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the district, as required by the OTETA, will be contingent upon the results of a pre-employment query.

- a. The district will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:
 - (1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
 - (2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
 - (4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:

- (a) On duty alcohol use;
- (b) Pre-duty alcohol use;
- (c) Alcohol use following an accident; or
- (d) Controlled substance use.

The district will conduct annual queries² with the FMCSA on employees subject to such queries as required by law.

b. The district will report³ to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:

- (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
- (2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;
- (3) A SAP's report of the successful completion of the return-to-duty process;
- (4) A negative return-to-duty test; and
- (5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- (1) Reason for the test;
- (2) Driver's name, date of birth, and CDL number and State of issuance;
- (3) Employer name, address, and USDOT number;
- (4) Date of the test;
- (5) Date the result was reported; and
- (6) Test result. The test result must be one of the following:
 - (a) Negative (only required for return-to-duty tests administered in accordance with law);
 - (b) Positive; or
 - (c) Refusal to take a test.
- (7) An employer's report of a driver's refusal to submit⁴ to alcohol or drug testing must include the following information:
 - (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and

² Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

³ The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

⁴ 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

(c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.

(8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):

- (a) On duty alcohol use;
- (b) Pre-duty alcohol use;
- (c) Alcohol use following an accident;
- (d) Controlled substance use.

This report will include the following information:

- (a) Driver's name, date of birth, CDL number and State of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;
- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the district's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug and alcohol test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug and alcohol testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years no later than 14 calendar days after the driver is used for the first time. The district will provide the driver's written permission for release of information to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began.

- e. ⁵Requests received by the district for Release of such information may be by telephone, letters or any other method to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a written, confidential record of each past employer contacted record and summary of information released, the date, and to whom the information was released;
- f. The district will not must ask use a driver, with a and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer in the past two years unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample shall be tested for the presence of alcohol;
- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- i. Pre-employment drug and alcohol testing will be paid for by the employee;
- j. Tests must indicate negative drug test results and a breath alcohol content level below a 0.02. Individuals who fail to meet such drug and alcohol requirements may not be hired or transferred voluntarily or involuntarily to covered positions;
- k. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff;
- l. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
- m. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
- n. The individual may request a screening of the split specimen at his/her their own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.

4. Post-accident Testing

The district shall conduct post-accident testing as follows:

- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district safety-sensitive functions in which there is a fatality or the employee receives a citation for a moving traffic violation in connection with an injury or tow-away accident:

⁵ Pertains to requests received by the district from other employers.

- (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - (2) If alcohol testing has not been administered within two hours, the district ~~will~~ **shall** prepare and maintain on file a record stating the reasons the **alcohol** test was not promptly administered;
 - (3) If alcohol testing is not administered within eight hours, the district ~~will~~ **shall** cease attempts to administer an alcohol test and ~~will prepare~~ **shall state** and maintain on file a record specifying why the test was not administered;
 - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
 - (5) The employee will contact the district official or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;
 - c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
 - d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
 - e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a postaccident alcohol test, whichever occurs first.

5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.

The district will meet minimum testing rates.

- b. The testing rate may be adjusted by FMCSA based on industrywide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Manual system:

- (1) Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used;
 - (2) Cards will be placed into a container from which the required number will be drawn;
 - (3) The individual selected by the district to do the drawing will be unbiased;
 - (4) All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.
- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is “done for the year;”
 - f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
 - g. Each employee selected for testing shall be tested during the selection period;
 - h. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her safety-sensitive functions, during or just after performing such functions;
 - i. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

6. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;

- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or his/her designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by a SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the ~~National Association of Alcoholism and Drug Abuse Counselors (NAADAC)~~ **Association for Addiction Professionals**. This does not include state-certified counselors.

8. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;

- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced⁶;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
 - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if he/she the SAP determines the testing is no longer needed.

10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

- a. Drugs
 - (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
 - (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
 - (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the DHHSOHA certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
 - (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
 - (5) The MRO will verify both negative and positive testing results;
 - (6) The MRO will report the verified negative testing results to the district;
 - (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
 - (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
 - (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
 - (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the employee;
 - (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
 - (12) The MRO will report results of the second screening to the employee and the district;
 - (13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive

⁶ A follow-up test shall not also serve as a random test, and vice versa.

testing results, report to the FMCSA and maintenance of confidentiality requirements as may be applicable;

- (14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by:

A qualified breath alcohol technician using evidential breath testing devices.

Testing may be conducted at an DHHS OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;

- (4) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (5) The employee submits to breath or saliva testing;
- (6) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (7) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (8) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (9) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (10) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

11. Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

12. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

a. Records related to the collection process:

- (1) Documents relating to the random selection process;
- (2) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (3) Documents generated in connection with decisions on postaccident testing;
- (4) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
- (5) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes.

If alcohol testing is provided directly by the district, include the following additional record-keeping requirements.

- (6) Collection logbooks, if used;
- (7) ^{[[7]} Calibration documentation for evidential breath testing devices;
- (8) Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.

b. Records related to each query:

- (1) Documents related to consent of any query;
- (2) Documents related to information received for a pre-employment or annual query;
- (3) Documents related to meeting reporting requirements.

c. Records related to pre-employment verification with a driver's previous employer;

d. Records related to a driver's test results, including:

- (1) The district's copy of the alcohol testing form, including the test results;
- (2) The district's copy of the controlled substance test custody and control form;
- (3) Documents sent by the MRO to the district;
- (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
- (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.

e. Records related to evaluations as follows:

- (1) Records pertaining to a determination by a SAP concerning his/her evaluation of a covered employees' who tested positive for drugs, or failed an alcohol test or refused to test need for assistance;
- (2) Records concerning a driver's compliance with recommendations of the SAP.

⁷ If alcohol testing is provided directly by the district, include the additional record-keeping requirements.

- f. Records related to education and training as follows:
 - (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
 - (2) Driver's signed receipt of education materials;
 - (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
 - (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.

- g. Records related to alcohol and drug testing as follows:
 - (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
 - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
 - (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.

- h. Records will be retained by the district as follows:
 - (1) Five Years:
 - (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
 - (b) Records of verified positive drug testing results;
 - (c) Documentation of refusals to take required drug and/or alcohol tests;
 - ~~(d) Drug testing custody and control forms;~~
 - ~~(e)(d)~~ Employee evaluation and referrals;
 - ~~(f)(e)~~ Testing program records including violations;
 - ~~(g)(f)~~ A copy of each annual calendar year report summary;
 - ~~(h)(g)~~ Equipment calibration documentation as applicable when required (See 4412. a. (6), (7) and (8)).
 - (2) Three Years:
 - (a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
 - (b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.
 - (3) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(4) One Year:

Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.

(5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information⁸ to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413(a)(1))⁹;
- (5) The district will provide access to any drug and alcohol collection and/or testing facility records maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).

⁸ Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

⁹ Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

Corbett School District 39

Code: GBG
Adopted: 5/21/98
Orig. Code: GBG

Staff Participation in Political or Community Activities

District employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any ~~citizen~~ community member in a comparable position in public or private employment and within the law.

All employees of the district are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or the persuasion, however, will not be carried on during the performance of district duties, except open discussion during classroom lessons that center on a consideration of all candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues employees must designate that the viewpoints they represent on the issues are personal viewpoints and are not to be interpreted as the official point of view of the school district.

No employee will use district facilities, equipment or supplies in connection with his or her campaigning; nor will he or she use any time during the working day for campaign purposes.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

OR. CONST., art. XV, § 8.

Corbett School District 39

Code: GBH/JECAC
Adopted: 4/17/19
Orig. Code: GBH/JECAC

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student's education records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the district will adhere to all conditions specified and ordered by the court.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.101](#)
[ORS 107.102](#)

[ORS 107.106](#)
[ORS 107.154](#)

[ORS 109.056](#)
[ORS 163.245 - 163.257](#)

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).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Corbett School District 39

Code: GBHA
Adopted: 5/21/98
Orig. Code: GBHA

Parental/Family Relationship**

(OSBA has removed this policy from its samples)

In determining whether a person is acting in a parental relationship to a student, the district shall examine the facts and circumstances of each case.

Reasonable requests for relevant information from students or persons appearing to be in a supervisory role of a student may be made.

Characteristics that describe a parental relationship would include:

1. Whether the person has physical custody and control of the student;
2. Whether the person supplies the student with food, clothing, shelter or other incidental necessities;
3. Whether the person provides the student with care, education and discipline;
4. Whether the person may authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the student and, in an emergency where the student's safety appears to urgently require it, whether the person may authorize surgery or other extraordinary care.

END OF POLICY

Legal Reference(s):

[ORS 329.145](#)
[ORS 339.133](#)
[ORS 419B.373](#)

Corbett School District 39

Code: GBI
Adopted: 5/21/98
Orig. Code: GBI

Gifts and Solicitations

Students and their parents shall be discouraged from giving gifts to district employees. The Board welcomes, as appropriate, the writing of letters by students to staff members expressing gratitude and appreciation.

Individual employees [will refrain from] [will limit] giving gifts¹ to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or retirement gifts. Staff-initiated “sunshine funds” are exempt from this policy.

No staff member may solicit funds in the name of the school or district through the use of, including but not limited to, internet-based or crowd-funding types of fund raising, without the approval of the [principal] [superintendent].

Individual employees need to be accountable for maintaining integrity and avoid accepting anything of value offered by another for the purpose of influencing his/her professional judgment.

All employees are prohibited from accepting things of material value from companies or organizations doing business with the school district. Material value is defined as \$100~~50~~ from a single source in a single year.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the schools without the approval of the building administrator. Staff members may not be made responsible, or assume responsibility, for the collection of any money or distribution of any fund drive literature within the schools without the building administrator’s approval.

The soliciting of staff by sales representatives, other staff, or agents during on-duty hours is prohibited. Any solicitation should be reported at once to the building principal or supervisor. Advertising is not allowed in the building without approval by the superintendent.

END OF POLICY

Legal Reference(s):

¹ “Gift” means something of economic value given to a public official or the public official’s relative or household member without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or household members of public officials on the same terms and conditions; and something of economic value given to a public official or the public official’s relative for valuable consideration less than that required from others who are not public officials. See ORS Chapter 244 for gift definition exceptions.

[ORS 244](#).010 to -244.400
[ORS 339](#).880

[OAR 584-020](#)-0000 to -0045
[OAR 199-005](#)-0005 to -199-020-0020

Corbett School District 39

Code: GBI-AR
Revised/Reviewed:

Internet-Based, Crowd Funding Solicitation

All district or school internet-based, crowd funding or other similar types of monetary solicitation shall be in compliance with all district fund-raising policies, requiring preapproval from the [principals] [superintendent].

The [principals] [superintendent] shall monitor the internet-based and/or crowd-funding site to ensure that no student information is disclosed improperly and no images are used without permission.

The [principals] [superintendent] shall insure that the internet-based and/or crowd-funding site is legitimate, and that the terms of the site are being followed.

All technology requests for funding shall follow appropriate policies and use guidelines.

All district or school funding will be on the district's system.

All technology purchases or request for purchase will be approved by the [director of technology].

All non-monetary items obtained become property of the district and all inventory procedures apply.

All monetary donations shall be recorded in the proper school or district fund. No school or district banking information shall be given out. A check will be requested to be mailed to the [school] [or district] in the name of the [school] [or district] and not to the individual.

A file will be maintained by the [principal] [superintendent] that documents the [principal] [superintendent] approval, details of the project, a print out of the website, copies of all agreements and permission forms, copies of any checks of monetary donation received as well as the inventory listing non-monetary donations.

Corbett School District 39

Code: GBK/KGC
Adopted: 4/17/19
Orig. Code(s): GBK/KGC

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on district premises, in any building or facility, on district grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the district, school or public charter school and at all district- or school-sponsored activities.

For the purpose of this policy, “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Violation of this policy by staff may result in discipline to up to and including dismissal.

Violation of this policy by the public may result in the individuals removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

This policy shall be enforced at all times

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.227](#)
[ORS 339.883](#)
[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)
[OAR 581-021-0110](#)
[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)
[OAR 581-053-0430\(12\)](#)
[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corbett School District 39

Code: GBL
Adopted: 1/18/06
Orig. Code: GBL

Personnel Records

(Updated with May 2020 Policy Update)

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release ~~or~~ permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing ~~regulations~~ **procedures** regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions ~~to be placed~~ in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee ~~or designee~~ may arrange with the personnel office to inspect the contents of ~~his/her~~ **their** personnel file on any day the personnel office is open for business;
2. Others designated ~~in writing~~ by the employee **in writing** may arrange to inspect the contents of the employee's personnel file in the manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out ~~his/her~~ **their** respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff **designated by the superintendent**;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the district or the district's designated representative on matters of district business.

9. ~~The disciplinary records¹ of a district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and may be released to any person upon request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.~~ Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORE 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1).
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, or the Teachers Standards and Practices Commission, or the Oregon Department of Education, a district shall provide the records of investigations of suspected child abuse by a district employee in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in his/her/their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order listed above, will be in-line with the Board policy KBA – Public Records. [The district will attempt to notify the employee of the request and that the district believes it is legally required to disclose certain records.]

END OF POLICY

Legal Reference(s):

[ORS 339.370 – 339.374](#)
[ORS 339.388\(7\)-\(9\)](#)

[ORS 342.143](#)
[ORS 342.850](#)

[ORS 652.750](#)
[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

Americans with Disabilities Act Amendments Act of 2008.

¹ ~~Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.~~

Corbett School District 39

Code: GBLA
Adopted: 1/18/06
Orig. Code: GBLA

Disclosure of Information

(Version 1)

(see updated version)

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. Disclosure of information is upon request of the prospective employer; or
2. Disclosure of information is upon request of the former employee;
3. The information is related to job performance;
4. The action is presumed to be in good faith.
5. The disciplinary records¹ of a district employee who has been convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or ORS 192.502 and may be released to any person upon request. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.
6. The disclosure is the result of a request from a law enforcement agency, the Department of Human services or the Teachers Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.

Presumption of good faith is rebutted by showing the information disclosed was:

1. Knowingly false;
2. Deliberately misleading;
3. Rendered with malicious purpose;
4. Violated civil rights.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 to -339.374](#)

[ORS 339.378](#)
[ORS 339.388\(7\),\(8\),\(9\)](#)

[ORS Chapter 659](#)
[ORS Chapter 659A](#)

OR. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL.

¹ Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

Corbett School District 39

Code: GBLA
Adopted:
Orig. Code(s):

Disclosure of Information

(Version 2)

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil right of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.
2. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
3. The disclosure is a result of a request from law enforcement, Oregon Department of Human Services, Teacher Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
4. No later than 20 days after receiving a request under ORS 339.374(1)(b), the district, if it has or has had an employment relationship with the applicant shall disclose the information requested.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.374](#)

[ORS 339.378](#)
[ORS 339.388](#)

[ORS Chapter 659](#)
[ORS Chapter 659A](#)

OR. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL.

Corbett School District 39

Code: GBM
Adopted: 10/21/15
Orig. Code: GBM

Staff Complaints *

~~It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.~~

The superintendent or designee will develop a complaint procedure which will be available for all employees who contend they have been subject to ~~is evidence of, and wishes to report~~ a violation, misinterpretation or inappropriate application of district personnel policies and/or administrative regulations; a mismanagement, gross waster of funds or abuse of authority, or believe there is evidence that the district created a substantial and specific danger to public health and safety by its action. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of district personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal or contract nonextension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The district will use the complaint process in administrative regulation GBM-AR – Staff Complaints to address any alleged violations of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 659A.199](#) to -659A.224

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Corbett School District 39

Code: GBM-AR
Revised/Reviewed: 8/26/99
Orig. Code: GBM-AR

Staff Complaints

The purpose of this procedure is to afford every employee, subject to the limits specified in Board policy GBM, - Staff Complaints the means to seek formal discussion of problems arising out of an alleged violation, interpretation or inappropriate application of Board policies and procedures. Problems regarding Board policies are subject to this procedure through Step 4. Administrative rules, regulations and procedures are subject to this procedure only through Step 3. The employee must be present at all proceedings and may be represented by a person of his/her choice at any proceedings. The employee must start the procedure at the appropriate level. All days in the procedure refer to working days of the district. Failure to proceed to the next step within the time limits specified will automatically be construed as acceptance of the decision at the previous step.

Step 1: The employee will submit a letter to his/her/their immediate supervisor indicating the nature of the problem and requesting a conference. The letter must be sent within 20 days of the occurrence or perception of the problem. A conference will be held between the employee and his/her/their immediate supervisor within three days of receipt of the request. Written results of the conference will be sent to the employee within three days of the conference.

Step 2: If the results are unacceptable to the employee, he/she/they may make a written request, within three days of the receipt of the results, for a conference with the appropriate administrator. A conference will be held between the employee, the immediate supervisor and the appropriate administrator within three days of receipt of the request. Written results of this meeting will be sent to the employee and the immediate supervisor within three days of the conference.

For matters outside the jurisdiction of the immediate supervisor, the employee may start the proceedings at Step 2.

Step 3: If the results are unacceptable to the employee, he/she/they may make a written request, within three days of receipt of the results, for a conference with the superintendent. A conference will be held between the employee, the immediate supervisor, the administrator and the superintendent or designee within three days of the request. At this time, the parties may present their cases. Written results of this conference will be sent to the employee, the immediate supervisor and the administrator within three days of the conference.

Step 4: If the results are unacceptable to the employee, he/she/they may make a written request, within three days of receipt of the results, for a conference with the Board. The written request shall be submitted to the superintendent. A conference will be held between all parties involved and the Board within 40 days of receipt of the request. The Board will send its written decision to the employee within 40 days of the conference.

Corbett School District 39

Code:
Adopted:

GBMA

Whistleblower *

When an employee has good faith and reasonable belief the employer has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an employer to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The district will use the complaint process in [¹administrative regulation KL-AR - Public Complaints Procedure] to address any alleged violations of this policy.

The district shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

¹ If the district created and has a GBM-AR - Staff Complaints, it may want to consider inserting that language here.

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Corbett School District 39

Code: GBN/JBA
Adopted: 8/15/18
Orig. Code: GBN/JBA

Sexual Harassment

(Version 1)

(see version updated in May)

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members, or third parties who are on or immediately adjacent to school-district grounds, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop, by other students, staff members, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.

Sexual harassment of students, staff members or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff members;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with a staff member's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, staff members or third parties.

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 sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any students, staff members or third parties who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to the principal, compliance officer or superintendent, who has overall responsibility for all investigations. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Upon receipt of a complaint by a student, student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents, the staff member or the third party who initiated the complaint shall be notified that the investigation has been concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal confidentiality laws.

The initiation of a complaint in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student complainant, any terms or conditions of employment or work environment of the staff member complainant or any terms or conditions of employment or of work or educational environment of a third-party complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all schools. Posted signs shall be at least 8-1/2 inches by 11 inches in size.

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[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](#)
HB 4150 (2018)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

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

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OSBA Model Sample Policy

Code: GBN/JBA
Adopted:

Sexual Harassment

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

The district processes complaints^{1} 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^{2}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ 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} Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "complainant" is defined under federal law.}

^{2} Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

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

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.^{4}

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 action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, ^{5}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):

Name	Position	Phone	Email
_____	_____	_____	_____
[_____]			

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. [This person is also designated as the Title IX Coordinator.]^{6} 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

^{4} The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.

^{5} OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.

^{6} This must be communicated elsewhere, but it is a good reason to specify it here as well.

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.

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.]{⁷}

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;

{⁷ OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a *reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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

No Retaliation

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

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

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

Notice

When a person⁸ 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 include⁹:

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;

⁸ 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.

⁹ Remember confidentiality laws when providing any information.

3. Information about the internal complaint processes available through the school or district that the [student, student's parents, staff member, person or person's parent][person] who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

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

[Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.]

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹⁰;
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.

[Person or position] is designated as the Title IX Coordinator [and can be contacted at [insert phone number]]. 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.^{11}

¹⁰ "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))

^{11} Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

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.¹² The district shall treat complainants and respondents equitably by providing supportive measures¹³ to the complainant and by following a grievance procedure¹⁴ 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.¹⁵

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.¹⁶ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

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

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

¹² (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.

¹³ (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.¹³ 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))

¹⁴ 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).

¹⁵ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁶ 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))

[Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹⁷, or both.]

No Retaliation

Neither the district or any person may retaliate¹⁸ 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] [district] student handbook and on the [school][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 [student, parent of a student, school or district staff member, or third party][person] upon request.

END OF POLICY

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).

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

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

¹⁷ Of the United States Department of Education.

¹⁸ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Corbett School District 39

Code: GBN/JBA-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure (Version 2)

{¹} Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____
_____	_____	_____	_____

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within [30] days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent [or designee]. Such appeal must be filed within [10] working days after receipt of the Step 1 decision. The superintendent [or designee] will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within [5] working days of receipt of the appeal. The superintendent[or designee] shall provide a written decision to the complainant within [10] working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within [10] working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent [or designee]

{¹ Align with same positions identified in policy.}

P in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's[or designee's] decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within [30] working days following receipt of the appeal.

R If the Board chooses not to hear the complaint, the superintendent's[or designee's] decision in Step 2 is final²].

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

O Complaints against the principal may start at Step 2 and may be filed with the superintendent[or designee]. The superintendent[or designee] will cause the required notices to be provided. The superintendent[or designee] will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within [10] working days of receipt by the superintendent[or designee], the complainant may appeal to the Board in Step 3.

P Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

S Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

E Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

D

² [If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

[Name of District]
[Address] | [Phone]

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

[Name of District]
[Address] | [Phone]

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Corbett School District 39

Code:
Adopted:

GBN/JBA-AR(2)

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“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.⁴ 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.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct^{ 7} that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

^{ 7} The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

1. [Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.]¹⁵

Other remedies may include:

1. [Educational programming];[.]

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity¹⁶; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within [15] days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. [Additional bases may be allowed, if made available equally to both parties.]

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility: [90] days;
2. Appeals (from receipt of appeal): [60] days;
3. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.¹⁹

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

¹⁹ If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.

Corbett School District 39

Code: GBN/JBA-AR
Adopted: 8/15/18
Orig. Code: GBN/JBA-AR

Sexual Harassment Complaint Procedures

(see updated version base on new Title IX rules and 2020 OR legislative changes)

Principals, the compliance officer and the superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to district officials, this includes officials such as, the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. Their rights of the student, student's parents, staff member, person or person's parents who filed the complaint;
2. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parents may pursue, including the person designated for the school or district for receiving complainants may pursue;
3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the complainants student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment; and
7. Notice that students who report information 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.

D This written notification must:

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

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was

found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

Corbett School District 39
35800 E Historic Columbia River Hwy, Corbett, OR 97019-9629 | 503-261-4200

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Corbett School District 39
35800 E Historic Columbia River Hwy, Corbett, OR 97019-9629 | 503-261-4200

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Corbett School District 39

Code: GBNA
Adopted: 4/17/19
Orig. Code: GBNA

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff *

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by staff, students, or third parties is strictly prohibited and shall not be tolerated in the district.

Retaliation against the victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a report or complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board. Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to Teacher Standards and Practices Commission if required by Oregon Administrative Rule (OAR) 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure annual notice of this policy is provided to students, staff, and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 163.197](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 174.100](#)
[ORS 332.072](#)

[ORS 332.107](#)
[ORS 339.250](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.103 - 659A.143](#)

[ORS 659A.199 - 659A.224](#)
[OAR 839-003-0000](#)
[OAR 839-005-0021](#)
[OAR 839-005-0030](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019),
<<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.

Corbett School District 39

Code: GBNA-AR
Revised/Reviewed: 4/17/19
Orig. Code(s): GBNA-AR

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises, and nondistrict property if the employee is at any district-sponsored, district-approved, or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation¹, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other’s race, color, religion, national origin, disability, or sexual orientation.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive

¹ “Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

working environment may also be considered cyberbullying. Staff will refrain from using personal electronic devices or district equipment to harass or stalk another person or people.

8. “Menacing” includes, but is not limited to, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

The principals and the superintendent have responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, or cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student shall immediately report concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation, shall immediately report concerns to the designated district official.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to the principal or superintendent. Reports against the principal shall be filed with the superintendent. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the report shall promptly investigate. Parents will be notified of the nature of any report involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The district official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, and parents as appropriate, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within 10 working days.
- Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the Board chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file.

Corbett School District 39

Code:
Adopted:

GBNAA/JHFF

Reporting Requirements for Suspected Sexual Conduct with Students *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is not tolerated. All district employees, contractors, agents, and volunteers are subject to this policy.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating, hostile or offensive educational environment. “Sexual conduct” does not include touching that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

Any district employee [⁴], ~~contractor, agent or volunteer~~ who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the [⁵]designated licensed administrator or the alternate designated licensed administrator for their school building. If the superintendent is the alleged perpetrator the report shall be submitted to the ~~[licensed administrator position title]~~ **Special Services Director** who shall report the suspected sexual conduct to the Board chair.

¹ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

~~[⁴ The following language in brackets, i.e., [contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.]~~

[⁵ Senate Bill 155 (2019) requires the district to designate a licensed administrator to receive reports of suspected sexual conduct, and designate an alternate licensed administrator for each school building.]

{If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.}

When the designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district's administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) as appropriate, for investigation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will post in each school building the names and contact information of the employees^[6] Special Services Director designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

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

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

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

1. A description of conduct that may constitute sexual conduct;

^[6] Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.

2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

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

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Senate Bill 155 (2019)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

Corbett School District 39

Code: GBNAA/JHFF-AR
Revised/Reviewed:

Suspected Sexual Conduct Report Procedures and Form *

When the designee receives a report of suspected sexual conduct that may have been committed by a person licensed¹ through Teacher Standards and Practices Commission (TSPC), the designee shall notify TSPC as soon as possible. When the designee receives a report of suspected sexual conduct that may have been committed by a person who is not licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE) as soon as possible.

The district posts in each school building the names and contact information of the employees [²] in each school building designated to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

If the superintendent is the alleged perpetrator the report shall be submitted to the [licensed administrator position title] who shall refer the report to the Board chair.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC or ODE determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required. The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.

When the designee receives a report of suspected sexual conduct by a contractor [⁴], an agent or a volunteer, the district ~~{may}~~ ~~{shall}~~ prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services. ~~{The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE that the report is unsubstantiated.}~~

¹ "License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

² Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.]

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

~~{⁴ The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}~~

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

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

{An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.}

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

{A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.}

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. {The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.} ~~{The employee may appeal the employment action taken through an appeal process administered by a neutral third party.}~~

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

Training

The district shall provide training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.

Corbett School District

SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Corbett School District

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Corbett School District 39

Code: GC
Adopted: 5/21/98
Orig. Code: GC

Licensed Staff Positions

The superintendent shall establish licensed staff positions necessary to carry out the instructional goals of the district.

Positions so established may include leadership positions which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#) [OAR 581-021-0045](#)

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

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Corbett School District 39

Code: GCA
Adopted: 1/17/18
Orig. Code: GCA

License Requirements

The Board, in adhering to Oregon Revised Statutes (ORS), shall require all applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The district must be able to verify the current license of applicants offered employment before the Board will consider approving their employment.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.
3. Not been employed by the district under this 90 calendar day provision during the previous 12 months with a pending application for the same license.

The district will complete a review of the applicant's employment history and verify through TSPC if there is an ongoing investigation or a substantiated report that may constitute sexual conduct as required by law prior to beginning employment.

The district will verify through TSPC the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the district.

The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the superintendent's office.

END OF POLICY

Legal Reference(s):

[ORS 339.374](#)
[ORS 342.120 - 342.203](#)

[OAR 584-050-0035](#)
[OAR 584-200-0020](#)

Senate Bill 155 (2019)
Senate Bill 216 (2019)

Corbett School District 39

Code: GCAA
Adopted: 5/21/98
Orig. Code: GCAA

Standards for Competent and Ethical Performance of Oregon Educators

Application of Rules

1. Oregon Administrative Rules were adopted by the Teacher Standards and Practices Commission in accordance with Oregon Revised Statutes (ORS).
2. Oregon Administrative Rules (OAR) may be used as criteria by the Teacher Standards and Practices Commission in matters pertaining to the revocation or suspension of licenses issued by the commission under Oregon Revised Statutes or the discipline of any license holder or any person who has held a license at any time within five years prior to issuance of the notice of charges under Oregon Revised Statutes.
3. The commission determines whether an educator's performance is ethical or competent in light of all the facts and circumstances surrounding the educator's performance as a whole.
4. The commission will promptly investigate complaints:
 - a. The commission may at its discretion defer action to charge an educator against whom a complaint has been filed under Oregon Revised Statutes when the investigation report indicates that disciplinary action against the educator is pending at the local district level or when criminal charges are pending or are likely to be filed against the educator. In considering whether to defer action to charge an educator, the commission shall consider all relevant circumstances including the nature and seriousness of the allegations and whether the educator is currently employed as a teacher or school administrator;
 - b. The executive secretary shall regularly inform the commission of the status of any complaints on which the commission has deferred action.

Definitions

The following definitions apply to Oregon Administrative Rules unless otherwise indicated by context:

1. Administrator - Any person-educator who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license;
2. Competent - Discharging required duties as set forth in these rules;
3. Educator - Any licensed or registered person who is authorized to be engaged in the instructional program including teaching, counseling, school psychology, administering and supervising;
4. Ethical - Conforming to the professional standards of conduct set forth in these rules;
5. Sexual contact - any conduct with a student that includes, but is not limited to:

- a. The intentional touching of the breast or sexual or other intimate parts of a student;
- b. Causing, encouraging or permitting a student to touch the breast or sexual or other intimate parts of the educator; or
- c. Sexual advances and verbal or physical conduct of a sexual nature and directed toward a student;
- d. Verbal or physical conduct of a sexual nature when directed toward a student or when such conduct has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment; or
- e. Verbal or physical conduct which has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment.

6. Sexual harassment: Any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

7. Teacher: Any person who holds a teacher's license as provided in Oregon Revised Statutes ORS 342.125.

8. "Student": any individual enrolled in the state's public or private schools from preschool through high school graduation or any individual under the age of 18.

The Competent Educator

The teacher or administrator demonstrates a commitment to:

1. Recognize the worth and dignity of all persons and respect for each individual;
2. Encourage scholarship;
3. Promote democratic and inclusive citizenship;
4. Raise educational standards;
5. Use professional judgment;
6. Promote equitable learning opportunities.

Curriculum and Instruction

The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding and the thoughtful formulation of goals as they are appropriate for each individual.

The competent teacher demonstrates:

1. Use of state and district adopted curriculum and goals;
2. Skill in setting instructional goals and objectives expressed as learning outcomes;
3. Use of current subject matter appropriate to the individual needs of students;
4. Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available;
5. Skill in the selection and use of teaching techniques conducive to student learning.

The competent administrator demonstrates:

1. Skill in assisting individual staff members to become more competent teachers by complying with state law, rules and lawful and reasonable district policy and contracts;
2. Knowledge of curriculum and instruction appropriate to assignment;
3. Skill in implementing instructional programs through adequate communication with staff;
4. Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

Supervision and Evaluation

The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the district's program and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

The competent teacher demonstrates:

1. Multiple ways to assess the academic progress of individual students;
2. Skill in the use-application of assessment data to assist individual student growth;
3. Procedures for evaluating curriculum and instructional goals and practices;
4. Skill in the supervision of students; and
5. Skills in differentiating instruction.

The competent administrator demonstrates:

1. Skill in the use of assessment data to provide effective instructional programs;
2. Skill in the implementation of the district's student evaluation program;

3. Skill in providing equal opportunity for all students and staff; and
4. Skill in the use of employee and leadership techniques appropriate to the assignment and according to well-established standards which insure due process for the staff being evaluated for which the administrator is responsible for evaluating.

Management Skills

The competent educator is a person who understands students and is able to relate to them in constructive and culturally competent ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required and as needed to assist the growth of students.

The competent teacher demonstrates skills in:

1. Establishing and maintaining classroom management that is conducive to learning;
2. Using and maintaining district property, equipment and materials appropriately;
3. Using and maintaining student records as required by federal and state law and district policies and procedures;
4. Using district and school business and financial procedures; and
5. Using district lawful and reasonable rules and regulations.

The competent administrator demonstrates:

1. Leadership Skills in managing the school, its students, staff and programs as required by lawful and reasonable district policies, rules and regulations, state and federal laws and regulations and other programs as assigned and assures that staff is informed of these requirements; and
2. Skills in planning and staff utilization.

Human Relations and Communications

The competent educator works effectively with others—students, staff, parents and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity and judgment about educational matters, the school and the needs of students.

The competent teacher demonstrates:

1. Willingness to be flexible in cooperatively working with others; and
2. Skill in communicating with students, staff, parents and other patrons.

The competent administrator demonstrates:

1. Skill in helping students, staff, parents and other patrons to learn about the school, the district and its program;
2. Skills in communicating district and school goals to staff and the public;
3. Willingness to be flexible in cooperatively working with others; and
4. Skill in reconciling conflict.

The Ethical Educator

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district and the profession.

The ethical educator, in fulfilling obligations to the student, will:

1. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and the student's family;
2. Refrain from exploiting professional relationships with any student for personal gain or in support of persons or issues; and
3. Maintain an appropriate professional student-teacher relationship by:
 - a. Not demonstrating or expressing professionally inappropriate interest in a student's personal life;
 - b. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
 - c. Reporting to the educator's supervisor if the educator has reason to believe a student is, or may be, becoming romantically attached to the educator; and
 - d. Honoring appropriate adult boundaries with students in conduct and conversations at all times.

The ethical educator, in fulfilling obligations to the district, will:

1. Apply for, accept, offer or assign a position of responsibility only on the basis of profession qualifications and will adhere to the conditions of a contract or the terms of the appointment;
2. Conduct professional business, including grievances, through established lawful and reasonable procedures;
3. Strive for continued improvement and professional growth;
4. Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties; and
5. Not use the district's or school's name, property or resources for non-educational benefit without approval of the educator's supervisor or the appointing authority.

The ethical educator, in fulfilling obligations to the profession, will:

1. Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
2. Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities; and
3. Respond to requests for evaluation of colleagues and to keep such information confidential as appropriate.

END OF POLICY

Legal Reference(s):

[OAR 584-020](#)-0000 to -0035

Corbett School District 39

Code:
Adopted:

GCAB

Personal Electronic Devices and Social Media - Staff**

Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent[or designee]. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

[A “personal electronic device” is a device not issued by the district and is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.]

Personal electronic devices shall be silenced during instructional [or class] time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on district property or while a staff member is on duty at district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

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

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business.¹ Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school.

Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff [should] [will] [shall] use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students. Texting a student during work hours is [discouraged] [prohibited]. Texting a student while off duty is strongly discouraged.

¹ Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. [A “disruption”² for purposes of this policy includes, but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment.]

The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

[Licensed staff are subject at all times to the Standards for Competent and Ethical Performance of Oregon Educators. (See Board policy GCAA)]

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

[ORS 163.432](#)
[ORS 163.433](#)
[ORS 163.684](#)
[ORS 163.686](#)
[ORS 163.687](#)
[ORS 163.688](#)
[ORS 163.689](#)

[ORS 163.693](#)
[ORS 163.700](#)
[ORS 167.057](#)
[ORS 326.011](#)
[ORS 326.051](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 336.840](#)
[ORS 339.372](#)

[[OAR 584-020-0000](#) – 020-0035]

Senate Bill 155 (2019)

18 U.S.C. § 1466A (2018).

18 U.S.C. § 1470 (2018).

20 U.S.C. § 7131 (2018).

20 U.S.C. § 7906 (2018).

Copyrights, Title 17, as amended, United States Code (2018); 19 C.F.R. Part 133 (2019).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff’d, 56 Or. App. 197, rev’d and remanded, 294 Or. 357 (1982), order on remand (1983), aff’d, 71 Or. App. 111 (1984), rev’d and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

² Ibid. p. 1

Corbett School District 39

Code: GCBA/GCBB
Adopted: 6/20/01
Orig. Code: GCBA/GCBB

Licensed Salary Schedule/Supplementary Pay Plans

(OSBA does not have this policy, CBA item generally)

All salaries will be in accord with the salary schedule developed during labor negotiations and published as part of the licensed agreement.

Credit for completed course work is to be recorded with transcripts added to personnel file for verification to pay at the appropriate rate on the salary schedule.

A teacher must be on the payroll for 135 days or more in order to be eligible for the step increase in salary provided in the following year's schedule.

Teaching Experience

Teaching experience gained in other school districts or professional settings shall be evaluated at the time a teacher is initially employed in the district. The superintendent shall allow credit for such experience on a year for year basis in relation to its value for the assignment the teacher will have in the district.

Extra Pay for Extended Contracts

Extra pay for days in addition to the school year will be compensated at the per diem rate for the previous school year. All fringes will also be paid at the per diem rate.

Special Contracts

The district may contract with licensed personnel on a project basis instead of the per diem rate. These contracts will specify the task to be done, the amount to be paid and a completion date and not specify the number of hours or days for the task.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corbett School District 39

Code: GCBC/GDBC
Adopted: 5/21/98
Orig. Code: GCBC/GDBC

Continuation Coverage Health Benefits

(If you are a self-insured district, this policy is highly recommended.)

(Health insurer addresses this)

The Board may, at its discretion, pay insurance premiums for district employees. Such insurance will be provided in compliance with the current collective bargaining contract.

When insurance premiums are paid at district expense, the carrier will be selected by the Board. Selection will be made annually with consideration given to service, cost and the program provided.

All licensed personnel contracted for half-time or more hours per day will be eligible for coverage under district-provided insurance programs.

School district employees will cease to be eligible for district-paid insurance programs the last day of the calendar month in which eligible employment is terminated.

Employees eligible at the close of the school year who have been rehired by the district for eligible employment the following school year will be considered eligible during the interim. Employees who have resigned shall lose their eligibility effective at the time of the resignation.

In keeping with federal and state legislation, the district will extend the benefit of "continuation coverage" health insurance to all employees eligible under the law.

Coverage under this policy will be identical to that provided to other employees in like employment positions. Premiums for continuation coverage will normally be paid by the employee. Payment may be no more than 102% of the actual cost of coverage for the first 18 months. For certain employees eligible for coverage from 18 months up to 29 months, payment may be no more than 150% of the actual cost of the coverage. The Board will designate the deadline for payment reaching the business office.

Eligible employees must notify the district within the district within a sixty day period from the date of retirement, termination, reduction in hours or reduction in force that they choose to continue with the district sponsored health plan. Premiums for continuation coverage will be paid by the employee.

Those former employees covered by continuation coverage are responsible for notifying the district when such coverage is no longer needed, or if the necessity of moving to an individual plan occurs, whichever is sooner.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).

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Corbett School District 39

Code: GCBD/GDBD
Adopted: 3/15/17
Orig. Code: GCBD/GDBD

Personal Illness and Injury Leave *

(OSBA has removed this policy)

Sick leave entitlement for personal illness/injury will accrue at the rate of 10 days each year as provided by Oregon Revised Statutes. Twelve-month employees will accrue 1 day per month or 12 days each year. All other employees who work less than 12 months will receive 1 day per month.

In accordance with state law, this leave will accumulate without limit.

The district reserves the right to require proof of personal illness or injury from all employees, including a medical examination by a physician chosen and paid for by the district. Any employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

All medical information will be kept confidential, in a separate file from personnel records, and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Sickness or other unavoidable circumstances that prevent a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the teacher being placed on unpaid leave for the remainder of the school year or until the teacher's disability is removed and he/she is able to return to work. If the teacher is still unable to return to work the following August 1 the Board may terminate the teacher's employment, subject to state and federal laws regarding family illness leave.

All district-paid employee benefits, such as health and dental insurance, will cease on the last day of the month in which employment is terminated, or the staff member is placed on unpaid leave, unless the unpaid leave is in conjunction with state or federal family medical leave. The staff member will be informed of his/her rights to remain a part of the district benefit plan at personal expense.

Any worker who has sustained a compensable personal injury or illness and is disabled and is unable to perform his/her essential job function will be reemployed at such time as a physician issues a certificate stating the type of work that is appropriate for reassignment, assuming such work is both suitable and available. Such rights of reemployment are subject to seniority rights and other restrictions of the collective bargaining agreement between the employer and employee bargaining unit.

END OF POLICY

Legal Reference(s):

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

[ORS 342.610](#)
[ORS 659A.046](#)

Knapp v. North Bend, 304 Or. 34 (1987).

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).

Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

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Corbett School District 39

Code: GCBDA/GDBDA
Adopted: 7/16/03
Orig. Code: GCBDA/GDBDA

Family Medical Leave *

(Version 1)

(see current version)

The district will comply with all provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under federal law, he/she must have been employed by the district for the previous 12 months and have worked at least 1250 hours during the past 12-month period.

In order to be eligible under state law, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. For parental leave purposes, however, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

Federal and state leave entitlements generally run concurrently.

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

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)
[ORS 659A.090](#)

[ORS 659A.093](#)
[ORS 659A.096](#)
[ORS 659A.099](#)

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

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).
Americans with Disabilities Act Amendments Act of 2008.
Escriva v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Corbett School District 39

Code:
Adopted:

GCBDA/GDBDA

Family Medical Leave * (Version 2)

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

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

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

In order for an employee to be eligible for the benefits under FMLA, he/she must have been employed by the district for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, he/she must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

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

Federal and state leave entitlements generally run concurrently.

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

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 659A.090](#)

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

[ORS 659A.099](#)
[ORS 659A.150 to -659A.186](#)

[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act Amendments Act of 2008.

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

Corbett School District 39

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 4/20/16
Orig. Code: GCBDA/GDBDA-AR(1)

Federal Family and Medical Leave/State Family Medical Leave

(see current version)

Coverage

Federal law covers public agencies, including districts. In order for school employees to be eligible, however, they must be employed at a work site with 50 or more employees within 75 miles of the employee's work site for each working day during each of the 20 or more calendar workweeks in the year in which the leave is taken or in the preceding calendar year. State law covers districts that employ 25 or more part-time or full-time employees for each working day during 20 or more calendar workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Eligibility

Federal law applies to employees who have worked for the district for at least 12 months and for at least 1250 hours during the year preceding the start of the leave. State law generally applies to employees who work an average of 25 hours or more per week for the district during the 180 days or more immediately prior to the first day of the start of the requested leave. Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

In determining that an employee has been employed for the preceding 180 calendar days, the employer must count the number of days an employee is maintained on the payroll, including all time paid or unpaid. If an employee continues to be employed by a successor in interest to the original employer, the number of days worked are counted as continuous employment by a single employer.

In determining 25 hours average workweek, the employer must count the actual hours worked using guidelines set out pursuant to the Fair Labor Standards Act.

Definitions

"Child,"¹ for the purpose of taking parental leave under state law, means a biological, adopted, foster child or stepchild of the employee or a child with whom the employee is or was in a relationship of "in loco parentis." A legal or biological relationship is not required. The child must be under 18 years of age, or may be 18 years of age or older if incapable of self-care due to mental or physical disability.

¹ For FMLA, the age of the son or daughter at the onset of a disability is not relevant in determining a parent's entitlement to FMLA leave.

“Contingency operation” is a military operation that:

1. Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are, or may become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force; or
2. Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305 or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

“Covered active duty” means:

1. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code.

“Covered servicemember” means:

1. A 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 retired list for a serious injury or illness; or
2. A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Family member,” for purposes of FMLA and OFLA leave, means a(n):

1. Spouse²;
2. Child of the employee (biological, adopted, foster or step child, a legal ward, or child of the employee standing in loco parentis);
3. Custodial parent;
4. Noncustodial parent;
5. Biological parent;
6. Adoptive parent;

² “Spouse” means individuals in a marriage including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

7. Stepparent or foster parent;
8. Individual who was in loco parentis to the employee when the employee was a child.

Additionally, when defining “family member” under OFLA, this definition includes a:

9. Grandparent;
10. Grandchild; or
11. Parents-in-law or the parents of an employee’s registered domestic partner.

For OFLA purposes, an employee’s child in any of these categories may be either a minor or an adult child at the time serious health condition leave, sick child leave or the death of a family member leave is taken.

“Next of kin” means the nearest blood relative of the eligible employee.

“Serious health condition,” under federal law means an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility;
2. Any period of incapacity requiring absence from work, school or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider;
3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated would likely result in a period of incapacity of more than three calendar days;
4. Illness, disease or condition is terminal, requires constant care and poses an imminent danger of death; or
5. Disability due to pregnancy, childbirth or prenatal care.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee is unable to perform the functions of the position when the health care provider finds that the employee is unable to work at all or is unable to perform any of the essential functions of the employee’s position within the meaning of the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) federal regulations. The district has the option, in requiring medical verification from a health care provider, to provide a statement of the essential functions of the employee’s position for the provider to review.

A “serious health condition” under state law means an illness, injury, impairment or physical or mental condition of an employee or family member that:

1. Requires inpatient care in a hospital, hospice or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
 - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
 - b. Transportation or other assistance required for a family member to obtain care from a physician;
 - c. Serious health conditions as described in items 2-8 below.
2. The treating health care provider judges to pose an imminent danger of death or that is terminal in a prognosis with a reasonable possibility of death in the near future;
3. Requires constant or continuing care such as home care administered by a health care professional;
4. Involves a period of incapacity. “Incapacity” is the inability to perform at least one essential job function, to attend school or to perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
 - a. Two or more treatments by a health care provider;
 - b. One treatment plus a regimen of continuing care.
5. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy;
6. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer’s disease, a severe stroke or terminal stages of a disease;
7. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
8. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

“Serious injury or illness,” for the purpose of caring for a covered servicemember, means:

1. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and

2. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty, on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank or rating; or
 - b. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - c. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Purpose of Leave

Federal and state laws allow eligible employees to take FMLA or OFLA leave for the following purposes, commonly referred to as parental leave, serious health condition leave, pregnancy disability leave, injured servicemember leave, military family leave, leave for the death of a family member or sick child leave (sick child leave and death of a family member leave are OFLA only):

1. Birth of the employee's child and for bonding with a newborn (eligibility expires 12 months after the birth);
2. Placement of a child with the employee for adoption or foster care or for bonding with a newly placed child, when the child is under 18 years of age (eligibility expires 12 months after placement), or when a child is older than 18 years of age if incapable of self-care because of mental or physical disability;
3. Care of a family member with a serious health condition;
4. Employee's own serious health condition;
5. Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter or parent is on covered active duty or called to covered active duty status during the deployment of the member with the Armed Forces to a foreign country." (CFR section 825.126(a)(1 and 2); Federal Register Vol. 78, No. 25, Page 8917);
6. Injured Service Member Leave allows an employee leave to care for a covered servicemember who is the employee's spouse, son, daughter, parent or next of kin who has been injured in the line of duty as a member of the Armed Forces;

7. State law allows employees to take leave for the care of a sick or injured child who requires home care but is not suffering from a serious health condition. The district is not required to grant leave for routine medical or dental appointments;
8. State law allows employees to take leave for the death of a family member³ to attend the funeral or alternative to a funeral of the family member, make arrangements necessitated by the death of the family member or grieve the death of the family member;
9. Military Family Leave allows leave for a spouse of a military personnel per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty or has been deployed or on leave from deployment (OFLA).

Length of Leave

An employee eligible for FMLA leave under federal law is entitled to a total of 12 work weeks of leave during any 12-month period for the purposes specified above. A husband and wife who are eligible and who both work for the district may only take a combined total of 12 workweeks of leave if the leave is taken to care for a parent with a serious health condition or if the leave is for the birth of a child or the placement of a child for adoption or foster care.

There will be occasions where a husband and wife employed by the same district will not have to share the 12-week allotment of leave. This situation arises where an employee is eligible for both FMLA and OFLA or just OFLA leave and the employee is taking leave to care for a newborn with a serious health condition.

An employee eligible for Military Caregiver Leave is entitled to a total of 26 work weeks of leave to care for a covered servicemember during a single 12-month period. The 12-month period begins when the Military Caregiver Leave begins.

An employee eligible for OFLA leave under state law is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. The 14 days of leave provided by the OMFLA and the two weeks of leave provided for the death of a family member are part of the 12 weeks. Two or more family members who are eligible and who both work for the district may not take OFLA leave at the same time unless:

1. One employee needs to care for another employee who is a family member and who is suffering from a serious health condition;
2. One employee needs to care for a child suffering from a serious health condition while another employee, who is a family member, is also suffering from a serious health condition; or
3. Both family members are suffering from a serious health condition; or
4. The employees are taking leave for the death of a family member; or

³ Must be completed within 60 days of the date on which the eligible employee receives notice of the death of the family member.

5. The concurrent leave in such an instance is permitted by the district.

In addition to the 12 workweeks of family leave authorized above, under state law a female eligible employee may take an additional 12 workweeks of leave within any one-year period for an illness, injury or condition related to pregnancy or childbirth that disables the employee from performing her work duties. An employee who takes 12 workweeks of OFLA leave for parental leave may also take up to an additional 12 workweeks of sick child leave within the same leave year. If the employee uses less than 12 weeks of parental leave, however, no additional sick child leave is available, except for the balance of the initial 12 weeks. The employee may also use this balance for any OFLA leave purpose.

A female employee may take up to 36 weeks of OFLA leave in one leave year, but only under the following circumstances:

1. The female employee takes 12 weeks of pregnancy disability leave; followed by
2. Twelve weeks of parental leave; followed by
3. Twelve weeks of sick child leave.

A male employee may take up to 24 weeks of OFLA leave in one year, but only under the following circumstances:

1. The male employee takes 12 weeks of parental leave; followed by
2. Twelve weeks of sick child leave.

Parental leave must be taken in one uninterrupted period – unless the employer approves otherwise – and must be completed within 12 months of the birth, adoption or placement of the child. An exception must be made to allow parental leave to effectuate adoption or foster placement of the child. Such leave need not be taken in one, uninterrupted period with any additional parental leave.

The birth, adoption or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.

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

For the purpose of intermittent leave, leave entitlement is calculated for an employee by multiplying the number of hours the employee normally works per week by 12. (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.) If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek. (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.) 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.

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

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

For situations where time off is covered by OFLA, but not covered by FMLA leave (e.g., the employer has 25 to 49 employees; or the leave taken is for a sick child or for serious health condition of a parents-in-law or the parents of the employee's registered domestic partner, grandparent or grandchild) the employer:

1. May allow an exempt employee with accrued paid leave to take OFLA leave in blocks of less than a full day. For these purposes, an exempt employee is a salaried executive, administrative or professional employee under the federal Fair Labor Standards Act or the state minimum wage and overtime laws;
2. May not reduce the salary of an employee who does not have or has run out of accrued paid leave and takes intermittent leave in blocks of less than a full day. To do so would result in the loss of exemption under state law.

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.

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

Intermittent Leave and Alternate Duty

An employer may transfer an employee on a foreseeable intermittent FMLA/OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate the leave, provided the following exist:

1. The employee accepts the transfer 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 applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825;

4. 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 intermittent or reduced work schedule leave, or to create a hardship for the employee.

An employee transferred, as provided in 1.-5. above, to an alternate position for the purpose of a reduced work schedule, must be returned to the employee's former position.

FMLA/OFLA leave time for an employee on intermittent leave or a reduced work schedule is the difference between the number of hours the employee normally works and the number of hours the employee actually works during the intermittent leave or reduced work schedule. Holidays or days in which the district is not in operation are not counted toward intermittent or reduced work schedule FMLA/OFLA leave unless the employee was scheduled and expected to work on the holiday.

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

1. The employee accepts the 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 applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825; and
4. The transfer is not used to discourage the employee from taking FMLA/OFLA leave for a serious health condition or to create a hardship for the employee.

An employee is not on FMLA/OFLA leave if the employee has been transferred, as provided in section 1.-3. above, 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 own serious health condition, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA/OFLA leave taken in that leave year plus the period of time worked in the alternate position exceed 12 weeks.

An alternate position accommodating an employee's serious health condition may result in the employee working fewer hours than the employee worked in the original position. The employee's FMLA/OFLA leave is 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 alternate position.

Intermittent leave for school teachers is subject to special rules.

The district recognizes that state law will not always reduce the employee's FMLA 12 workweek entitlement (i.e. leave to care for a parent-in-law or sick child leave).

Special Rules for Teachers

Special rules apply if leave is requested to be taken near the end of a semester.

1. Under OFLA leave, if a teacher requests, in advance, leave for a serious health condition and the teacher will be absent more than 20 percent of the total number of working days during the period over which the leave would be taken then the employer may require the teacher to elect one of the following options:
 - a. To take family leave for one uninterrupted period of time as necessary to complete medical treatment. (School holidays and school vacation days are not counted as family leave.);
 - b. To transfer temporarily into an available alternative position which better accommodates periodic absences or recurring periods of leave.
2. Under FMLA leave, if a teacher begins leave more than five weeks before the end of the academic term because of the teacher's own serious health condition, the employer may require the teacher to remain on leave until the end of the term if:
 - a. The family leave is at least three weeks long; and
 - b. The teacher's return to work would occur within three weeks of the end of the term.
3. If a teacher begins FMLA or OFLA leave within five weeks of the end of the academic term because of parental leave, the serious health condition of a family member or to care for a covered servicemember, the employer may require the teacher to remain on family leave through the end of the term if:
 - a. The leave is more than two weeks long; and
 - b. The teacher's return would occur within the last two weeks of the term.
4. If a teacher begins FMLA or OFLA leave within three weeks of the end of the academic term because of parental leave, to care for a family member with a serious health condition or to care for a covered servicemember and the leave is greater than five working days, the employer may require the teacher to remain on family leave until the end of the term.
5. If a teacher takes FMLA/OFLA leave to the end of the school year and continues the leave at the beginning of the next school term, the leave is consecutive rather than intermittent leave.
 - a. The period between the end of the school term and the beginning of the next school term, when a teacher would not have been required to report for duty, is not counted against the teacher's FMLA or OFLA leave entitlements.
 - b. A teacher on FMLA/OFLA leave at the end of the school term must be provided with the same benefits during the period between school terms that the teacher would normally receive if no FMLA/OFLA leave were taken.
6. If a teacher is required by the employer to remain on leave to the end of the academic term, only the period of leave the teacher requested shall be charged against the teacher's FMLA/OFLA leave entitlement.

7. Nothing in FMLA/OFLA rules prohibits the employer from allowing the teacher to work as a substitute or in some other paid capacity during the weeks prior to the end of term under 3. or 4. above.
8. Full-time employees covered by OFLA rules, and who have been maintained on the payroll by a district during 180 consecutive calendar days, are thereafter deemed to have been employed by that district for an average of at least 25 hours per week during the 180 days immediately preceding the date any OFLA leave begins.

Calculating the 12-Month Period for Leave

The district will use the same method for calculating the 12-month period in which the 12 workweek FMLA and OFLA leave entitlement occurs for all employees. The district will use the 12-month period measured forward from the date the employee's leave begins.

Leaves to care for covered servicemembers has its own 12-month year beginning on the first day of leave regardless of the district's method of calculating the 12-month period for leave.

Paid/Unpaid Leave

Family leave under federal and state law is generally unpaid. The district requires the employee to use any accrued sick leave, vacation or personal leave days (or other paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay for the leave period.

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

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

Continuation of Health Insurance Benefits

Under federal and state law, group health insurance benefits and premium payments must be continued on the same basis as coverage would have been provided and premiums paid if the employee had been continuously employed during the leave period. The district will continue to pay the district's contribution toward the employee's premiums. The employee will continue to pay the employee's share of premiums, if any. A 30-day grace period will be allowed for receipt of employee contributions. The district's obligation to maintain the employee's benefits will cease if the employee's contribution is more than 30 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.

In the event the district is required to pay or elects to pay any part of the costs of providing health, disability, life or other insurance coverage for an employee during the period of FMLA or OFLA leave that should have been paid by the employee, the district may deduct, on the employee's return to work, such amounts from the employee's pay as have been advanced.

In no event may the total deducted exceed 10 percent of the employee's gross pay each pay period.

Return to Work

After leave granted under federal and state law, an employee is generally entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment unless otherwise excepted by law.

Fitness-for-Duty Certification

If the leave was required for the employee's own serious health condition, including intermittent leave, the district may require the employee to obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave. The district is responsible for any co-pay or other out-of-pocket costs incurred by the employee in providing certification. Failure to provide the fitness-for-duty certification may result in a delay or denial of reinstatement.

Application

Under federal and state law, an employee requesting FMLA and/or OFLA leave shall provide at least 30 days notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start, duration and reasons for the requested leave. The 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.

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

If advance notice is not possible, for example due to a change in circumstances or a medical emergency, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," under federal law means the employee generally must comply with the employer's normal call-in procedures.

An employee eligible for OFLA leave is required, under state law, to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time.

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

Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave for up to 30 days after the notice is ultimately given.

Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

Medical Certification

When an employee provides 30 or more days notice when applying for FMLA and/or OFLA leave, other than for parental leave, the employer may require the employee to provide medical documentation when appropriate to support the request for leave. The district will provide written notification to employees of this requirement within five working days of employee's request for leave. If the employee provides less than 30 days notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

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

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

Under state law, if an employee requests OFLA leave because of a serious health condition, the district may require a second opinion and designate the health care provider. The provider may not be employed by the district. Should the two opinions conflict, the district may require a third opinion and that the two providers designate the third health care provider. The third opinion will be final. Second and third opinions and the actual travel expenses for the employee to obtain such opinions will be paid for by the district.

An employer may not delay the taking of an OFLA leave in the event that medical certification is not received prior to the commencement of a leave taken subject to the timelines set forth in this regulation. The employer may designate the leave as provisionally approved subject to medical certification. The employer shall provide the employee with written notice of any requirement to provide medical certification of the need for leave and the consequences for failure to do so. The employee must be allowed a minimum of 15 days to provide medical certification.

If the employee elects or the district requires substitution of accrued sick leave, vacation or other paid leave for unpaid leave pursuant to a collective bargaining agreement or other Board policy, the district will

follow the medical documentation requirements of the applicable leave policy or contract provision whenever such requirements are more beneficial to the employee.

If an employee has taken sick child leave on all or any part of three separate days during a leave year, the employer may require medical certification on the fourth day or subsequent occurrence of sick child leave within that leave year. The employer must pay the cost of the medical certification not covered by insurance or other benefit plan. The opinion of the health care provider shall be binding. The employer may not require the employee to obtain a second opinion. The employer is not required to request medical certification for sick child leave exceeding three days and may make such requests at the employer's discretion.

Notification

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

Record Keeping/Posted Notice

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

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

The district will post notice of Federal Family and Medical Leave Act and Oregon Family Leave Act requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law and that state and federal leave entitlements run concurrently. State law requires that federal and state leave run concurrently when possible. For example, due to differences in regulations, an employee who takes leave after 180 days of employment but before one year, is still eligible to take a full 12 workweeks of federal leave after meeting the one-year work requirement. After the first work year, leave will run concurrently.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) 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 retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to

pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

Corbett School District 39

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed:

Federal Family and Medical Leave/State Family Medical Leave * (Version 2)

Coverage

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

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

Employee Eligibility

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

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

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

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

¹ 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.

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

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

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

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

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave² (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.

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

3. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Sick Child Leave: leave for non-serious health conditions of the employee's child.
4. Bereavement Leave: leave related to the death of a covered family member.³
5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

³ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

Definitions

1. Family member:

- a. For the purposes of FMLA, “family member” means:
 - (1) Spouse⁴;
 - (2) Parent;
 - (3) Child; or
 - (4) Persons who are “in loco parentis”.
- b. For the purposes of OFLA, “family member” means:
 - (1) Spouse;
 - (2) Registered, same-gender domestic partner;
 - (3) Parent;
 - (4) Parent-in-law;
 - (5) Parent of employee’s registered, same-gender domestic partner;
 - (6) Child;
 - (7) Child of employee’s registered, same-gender domestic partner;
 - (8) Grandchild;
 - (9) Grandparent; or
 - (10) Persons who are “in loco parentis”.

2. Child:

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

3. In loco parentis:

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

⁴ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- b. For the purposes of OFLA, “in loco parentis” means person in the place of the parent having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

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

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

5. Covered servicemembers:

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

6. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided he or she 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 before the eligible employee first takes FMLA, Military Caregiver Leave.

Leave Period

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

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period⁵. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee's parent's serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the district's designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period. However, a woman is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave she has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁶ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.⁷

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

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

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12⁸. If an employee's schedule varies from week-

⁵ 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.

⁶ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁷ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

⁸ 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.

to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek⁹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

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

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule.

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

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

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

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

Alternate Work Assignment

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

1. The employee accepts the position voluntarily and without coercion;
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 agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and

⁹ 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.

5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

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

1. The employee accepts the transfer position voluntarily and without coercion;
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;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. 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
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

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

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

Special Rules for School Employees

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

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

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

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

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

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

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

servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

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

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, ¹⁰ ~~[an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.]~~ [the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.] ~~[the district requires the eligible employee to use any available accrued paid leave, including personal and sick leave or available accrued vacation leave before taking FMLA and/or OFLA leave without pay during the leave period. The employee may select the order in which the available paid leave is used.]~~

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

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

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

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working. The eligible employee is also subject to layoff to

¹⁰ ~~[The district must choose one of the following from the three available bracketed options to complete this paragraph, and delete the other two.]~~

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 Certification

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

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

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

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

Application

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

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

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

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee’s unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district’s notice procedures.

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

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

Medical Certification

The district ~~[may]~~~~[shall]~~ require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave. The district will provide written notification to an employee of this requirement within five working days of the employee’s request for leave. If the employee provides less than 30 days’ notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district’s notification that medical certification is required.

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

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

Second and Third Opinions

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

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

Notification

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

Record Keeping/Posted Notice

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

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

The district will post notice of FMLA and OFLA leave requirements.

Federal vs. State Law

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

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

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) 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 retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a

chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

Corbett School District 39

Code: GCBDA/GDBDA-AR(2)
Revised/Reviewed: 4/20/16
Orig. Code: GCBDA/GDBDA-AR(2)

Request for Family and Medical Leave

Employee Request for Family and Medical Leave (FMLA)
and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

Name _____ Effective Date of the Leave _____

Department _____ Title _____

Status: ☐ Full-time ☐ Part-time ☐ Temporary

Hire Date _____ Length of Service _____

Have you taken a family leave in the past 12 months? ☐ Yes ☐ No

If yes, how many work days? _____ Reason for leave _____

I request family or medical leave for one or more of the following reasons:¹

1. ☐ Because of the birth of my child and to care for him or her. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Expected date of birth _____
Leave to start _____

Actual date of birth _____
Expected return date _____
2. ☐ Because of the placement of a child with me for adoption or foster care. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Age of child _____
Leave to start _____

Date of placement _____
Expected return date _____
3. ☐ To care for a family member¹ with a serious health condition. (District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)

Leave to start _____

Expected return date _____

¹A physician's certification may be required to support a request for family and medical leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

¹ "Family member," for purposes of FMLA and OFLA leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of "in loco parentis." Additionally, when defining "family member" under OFLA (but not FMLA leave), the definition includes a grandparent, grandchild, parents-in-law or the parents of the employee's registered domestic partner.

Please check one: ☐ Spouse² ☐ Child ☐ Parent ☐ Individual who was in *loco parentis* when the employee was a child ☐ Parent-in-law or the parent of the employee's registered domestic partner (OFLA leave only) ☐ Custodial parent ☐ Noncustodial parent ☐ Adoptive parent ☐ Stepparent ☐ Foster parent ☐ Grandparent (OFLA leave only) ☐ Grandchild (OFLA leave only).

Please state name and address of relation:

Name _____ Address _____

Does the condition render the family member unable to perform daily activities? _____

4. ☐ For a serious health condition which prevents me from performing my job functions. (District: Use GCBDA/ GDBDA-AR(3)(A) Certification Form)

Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: _____

5. ☐ To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).
6. ☐ A qualifying exigency arising from an employee's spouse, son, daughter, or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. (District: Use GCBDA/GDBDA-AR(3)(C) Certification Form)
7. ☐ To care for a spouse, son, daughter, parent, or next of kin³ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed forces. Has leave been taken for the same servicemember and the same injury? ☐ Yes ☐ No (District: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, when was the leave taken and for how many work days? _____
8. ☐ For the death of a family member (OFLA only).

I understand that the district requires me to use any accrued sick leave, vacation, personal leave days or other paid time established by Board policy(ies) and/or collective bargaining agreement in the order specified by the district, and before taking leave without pay, for the family and medical leave period.

² "Spouse" means individuals in a marriage including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

³ "Next of kin" means the nearest blood relative of the eligible employee.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. (A fitness-for-duty statement may be required.)

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the district's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act leave request form.

Signature of Employee: _____ Date: _____

Corbett School District 39

Code: GCBDA/GDBDA-AR(3)(A)
Revised/Reviewed:

Certification of Health Care Provider

Employee's Serious Health Condition

To be Completed by the District:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Discrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee's name: _____
First Middle Last

To be Completed by Health Care Provider:

Your patient has requested leave under the FMLA. Answer fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e) or the manifestation of disease or disorder in the employee's family members, as defined in 29 C.F.R. 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: (____) _____ Fax: (____) _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

☐ Yes ☐ No If yes, dates of admission: _____

List the date(s) you treated the patient for the condition: _____

Was medication, other than over-the-counter medication, prescribed? ☐ Yes ☐ No

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ Yes ☐ No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g. physical therapist)?

☐ Yes ☐ No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ Yes ☐ No

If yes, expected delivery date: _____

3. Use the information provided by the district in the "To be Completed by the District" section to answer this question. If the district fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition? ☐ Yes ☐ No

If yes, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

1. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ☐ Yes ☐ No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ☐ Yes ☐ No

If yes, are the treatments or the reduced number of hours of work medically necessary? ☐ Yes ☐ No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ☐ Yes ☐ No

Is it medically necessary for the employee to be absent from work during the flare-ups? ☐ Yes ☐ No

If yes, explain: _____

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g. one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Additional Information (Identify the question number with your additional answer):

Signature of health care provider

Date

Corbett School District 39

Code: GCBDA/GDBDA-AR(3)(B)
Revised/Reviewed:

Certification of Health Care Provider

Family Member's Serious Health Condition

To be Completed by the District:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications or medical histories of the employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee's name: _____
First Middle Last

Relationship and name of family member for whom employee will provide care: _____
Relationship

First Middle Last

If the family member is your child, please provide his/her date of birth: _____

Describe the care you will provide to your family member and estimate the leave needed to provide such care:

Employee signature _____

_____ Date

To be Completed by Health Care Provider:

The employee listed above has requested leave under the FMLA to care for your patient. Answer fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: _____

Type of practice/medical specialty: _____

Telephone: (____) _____ Fax: (____) _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

☐ Yes ☐ No If yes, dates of admission: _____

List the dates(s) you treated the patient for their condition: _____

Was medication, other than over-the-counter medication, prescribed? ☐ Yes ☐ No

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ Yes ☐ No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g. physical therapist)?

☐ Yes ☐ No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ Yes ☐ No

If yes, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

When answering these questions, keep in mind that your patient's need for care from the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

1. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ☐ Yes ☐ No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? ☐ Yes ☐ No

Explain the care needed by the patient and why such care is medically necessary:

2. Will the patient require follow-up treatments, including any time for recovery? ☐ Yes ☐ No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____

Explain the care needed by the patient, and why such care is medically necessary: _____

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?
☐ Yes ☐ No

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary: _____

4. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ☐ Yes ☐ No

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g. one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? ☐ Yes ☐ No

Explain the care needed by the patient, and why such care is medically necessary: _____

Additional Information (Identify the question number with your additional answer):

Signature of health care provider

Date

Corbett School District 39

Code: GCBDA/GDBDA-AR(3)(C)
Revised/Reviewed:

Military Family Leave

Certification of Qualifying Exigency for Military Family Leave

Section 1: (To be completed by the district)

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provide that a district may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.

District Name and Address: _____

[Superintendent or designee] information: _____

Section 2: (To be completed by the employee)

Complete the information below fully and completely. The FMLA or OMFLA permits the district to require that you submit a timely, complete and sufficient certification to support a request for FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA or OMFLA coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for qualifying leave. The district must give you at least 15 calendar days to return this form to the district.

Employee's name: _____
First Middle Last

Name of covered military member on active duty or call to active duty in support of a contingency operation:

First Middle Last

Relationship of covered military member to you: _____

Period of covered military member's active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or called to covered active duty status:

- ☐ A copy of the covered military member's active duty orders is attached.
- ☐ Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty).
- ☐ I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status.

Part A: Qualifying Reason for Leave

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (include the specific reason you are requesting leave):

2. Describe the reason you are requesting OMFLA leave (include the specific reason below, either a) an impending call or order to active duty, or b) impending leave from deployment):

3. A complete and sufficient certification to support a request for qualifying leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military a document confirming the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, school official or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is available written documentation supporting this request for leave attached? ☐ Yes ☐ No ☐ None available

Part B: Amount of Leave Needed

1. The approximate date the qualifying exigency or deployment commenced or will commence is:
_____.
The probable duration of such exigency or deployment is: _____
2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency or deployment? ☐ Yes ☐ No
If yes, estimate the beginning and ending dates for the period of absence: _____
3. Will you need to be absent from work periodically to address this qualifying exigency or deployment?
☐ Yes ☐ No
If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e. one deployment-related meeting every month lasting four hours) (FMLA only):
Frequency: _____ times per _____ week(s) _____ month(s)
Duration: _____ hours or _____ day(s) per event

Part C: Third Party Certification

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the district to verify that the information contained on this form is accurate (FMLA only).

Name of individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Email: _____

Describe the nature of the meeting: _____

Part D: Employee Signature

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice.)

Signature of employee

Date

Corbett School District 39

Code: GCBDA/GDBDA-AR(3)(D)
Revised/Reviewed:

Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Notice and instructions to the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations 29 C.F.R. § 825.310. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employees or employees' family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Section 1

Part A: Employee Information

Complete the employee and covered servicemember information below before giving this form to your family member or his/her medical provider.

District Name and Address

Name of employee requesting leave to care for covered servicemember:

First

Middle

Last

Name of covered servicemember for whom employee is requesting leave to care for:

First

Middle

Last

Relationship of employee to covered servicemember requesting leave to care for:

☐ Spouse ☐ Parent ☐ Child ☐ Next of kin

Part B: Covered Servicemember Information

1. Is the covered servicemember a current member of the regular Armed Forces, the National Guard or Reserves, or a veteran? ☐ Yes ☐ No

If a current servicemember, please provide the covered servicemember's military branch, rank and unit currently assigned to:

If a qualifying veteran, when was the date of discharge? _____

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? ☐ Yes ☐ No

If yes, provide the name of the medical facility or unit:

2. Is the covered servicemember on the Temporary Disability Retired List (TDRL)? ☐ Yes ☐ No

Part C: Care to be Provided to the Covered Servicemember

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

Section 2:

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: Health Care Provider Information

Health care provider's name and business address:

Type of practice/medical specialty:

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

Telephone: ()

 Fax: ()

 Email:

Part B: Medical Status

1. Covered servicemember's medical condition is classified as (check one of the appropriate boxes):
- ☐ (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - ☐ (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)

- ☐ Other Ill/Injured – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank or rating.
- ☐ None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a “serious health condition”. If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member’s Serious Health Condition*.)

2. Was the condition for which the covered servicemember is being treated incurred in the line of duty on active duty in the Armed Forces? ☐ Yes ☐ No

If no, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty? ☐ Yes ☐ No

3. Appropriate date condition commenced: _____

4. Probable duration of condition and/or need for care: _____

5. Is the covered servicemember undergoing medical treatment, recuperation or therapy? ☐ Yes ☐ No
If yes, please describe medical treatment, recuperation or therapy:

Part C: Covered Servicemember’s Need for Care by Family Member

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? ☐ Yes ☐ No
If yes, estimate the beginning and ending dates for this period of time: _____

2. Will the covered servicemember require periodic follow-up treatment appointments? ☐ Yes ☐ No

If yes, estimate the treatment schedule: _____

3. Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointment?
☐ Yes ☐ No

4. Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g. episodic flare-ups of medical conditions)? ☐ Yes ☐ No
If yes, estimate the frequency and duration of the periodic care.

Signature of health care provider

Date

Corbett School District 39

Code: GCBDA/GDBDA-AR(3)
Adopted: 8/20/03
Orig. Code(s): GCBDA/GDBDA-AR(3)

Sample Letter to Employee - OFLA Letter

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for OFLA leave (either paid or unpaid) that will reduce the employee=s OFLA leave entitlement. This letter should be mailed to the employee within two working days after the employee=s request for the leave along with the OFLA notice form.

Dear Employee:

On _____(date) you advised the district that you were requesting a leave under the Oregon Family Leave Act (OFLA). Under our policy, leaves of absence that qualify for family and medical leave under state law run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave and leave for a workers= compensation injury or illness.

We understand the purpose of your requested leave qualifies as family medical leave under state law. Accordingly, this letter is to notify you that the leave will be counted against your annual OFLA leave entitlement. Also attached is a form entitled OFLA Notice to Employee which contains other information for you regarding state family medical leave rights.

Sincerely,

[Superintendent]

Enclosure (OFLA Notice to Employee form)

Corbett School District 39

Code: GCBDA/GDBDA-AR(4)
Revised/Reviewed: 4/20/16
Orig. Code: GCBDA/GDBDA-AR(4)

FMLA/OFLA Eligibility Notice to Employee

Employee Request for Family and Medical Leave (FMLA)

Date: _____

To: _____
(Employee's name)

From: _____
(Name of appropriate employer representative)

Subject: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

1. _____ The birth of your child, or the placement of a child with you for adoption or foster care;
2. _____ A serious health condition that makes you unable to perform the essential functions of your job;
3. _____ A serious health condition of your ☐ spouse¹, ☐ child² (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), ☐ parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), ☐ grandparent (OFLA leave only), ☐ parent-in-law or the parent of an employee's registered domestic partner (OFLA leave only), ☐ custodial parent, ☐ noncustodial parent, ☐ adoptive parent, ☐ foster parent for which you are needed to provide care;
4. _____ Sick child leave due to the closure of a child's school or child care provider;
5. _____ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only);
6. _____ A qualifying exigency arising from a spouse, son, daughter, child, or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty;
7. _____ Your spouse has been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment;

¹"Spouse" means individuals in a marriage including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

²For FMLA, the age of the son or daughter at the onset of the disability is not relevant in determining a parent's entitlement to FMLA leave.

8. ☐ A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, son, daughter, child, parent or next of kin;
9. ☐ For the death of a family member (OFLA only).

You notified us that you need this leave beginning on (date) and that you expect leave to continue until on or about (date) . The FMLA requires that you notify the district as soon as possible if dates of scheduled leave changes or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.³ The district will use the 12-month period measured forward from the date the employee's leave begins. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period to care for a qualifying service member.

Also, your health benefits under FMLA and OFLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You ~~must will~~ be reinstated to the same position, or in some cases, under state or federal law, to an equivalent job with the same pay, benefits and terms and conditions of employment on your return from leave position. ~~The district is not required to maintain benefits during OFLA unless provided otherwise by Board policy or collective bargaining agreement; however, all such benefits will be restored in full upon your return to the district.~~

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the district for health insurance premiums paid on your behalf during your FMLA/ and/or OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are ☐ eligible ☐ not eligible for leave under the ☐ FMLA, ☐ OFLA or ☐ both FMLA and OFLA.
2. The requested leave may be counted against your annual ☐ FMLA leave entitlement, ☐ OFLA leave entitlement ☐ both FMLA and OFLA leave entitlement.
3. You ☐ will ☐ will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by (date) (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We ☐ will ☐ will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used the following conditions will apply: (*Explain*)
- 5a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA/ and/or OFLA leave. Arrangements for payment have been

³Oregon Military Family Leave Act allows for 14 days of leave per deployment.

discussed with you and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.)*

- ~~5b. The district is not required to maintain benefits while an employee is on OFLA leave unless otherwise provided for by Board policy and/or collective bargaining agreements; however, all benefits must be restored in full upon the employee's return to work. The district ☐ will ☐ will not maintain benefits during OFLA leave.~~
- ~~5c. If the district pays any part of your share of disability, life or other insurance benefits while on OFLA or FMLA leave the district may deduct up to 10 percent of your gross pay each pay period after your return to work until the amount is repaid (OFLA leave only).~~
- 5db. You have a minimum ☐ 30-day ☐ Other: _____ (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled. We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during your FMLA/ and/or OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover these payments from you upon your return to work. We ☐ will ☐ will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.
- 5ec. We ☐ will ☐ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you ☐ will ☐ will not be expected to reimburse us for the payments made on your behalf.
- 5fd. Except as noted above, in the event you do not return to work for the district after your FMLA and/or, OFLA leave and the district has paid your share of benefit premiums, you ☐ will ☐ will not be responsible for reimbursing the district the amount paid on your behalf, with the exceptions noted in C.F.R. Section 104 (c)(2)(B) of the FMLA.
6. ☐ You will be required to present a fitness-for-duty certificate/certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to perform these functions.
- ☐ You will not be required to present a fitness-for-duty certificate/certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided.
- 7a. You ☐ are ☐ are not a "key employee" as described in C.F.R. Section 825.218 of the FMLA regulations. If you are a "key employee," restoration/reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us/the district. (FMLA leave only.)
- 7b. We ☐ have ☐ have not determined that restoring/reinstating you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (Explain (a) and/or (b) below.)

8. While on FMLA and/or OFLA leave, you ☐ will ☐ will not be required to furnish us with periodic reports every _____ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you ☐ will ☐ will not be required to notify us at least two workdays prior to the date you intend to report for work.
9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (Explain below, if necessary, including the interval between certifications as prescribed in C.F.R. Section 825.308 of the FMLA regulations.)
10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

Corbett School District 39

Code: GCBDA/GDBDA-AR(5)
Revised/Reviewed: 8/20/03
Orig. Code: GCBDA/GDBDA-AR(5)

OFLA Medical Certification

(To be completed by health-care provider)

Certification of Health-care Provider (Oregon Family Leave Act of 1995)

1. Employee's Name _____
2. Patient's Name (if different from employee) _____
3. Does the patient's condition qualify as a serious health condition under any of the categories listed on Attachment A? ☐ Yes ☐ No

If yes, please check the applicable category: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7
4. Provide a brief statement as to how the medical facts meet the criteria of the category you checked above. _____

5. What is the common name of the medical condition (e.g., cancer, diabetes, stroke, etc.) _____
6. State the approximate date the condition commenced, _____
and the probable date employee will be able to return to work _____
7. Will it be necessary for the employee to work only intermittently or to work on a less than full schedule as a result of the condition? ☐ Yes ☐ No

If yes, give the probable duration: _____
8. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will miss work intermittently, please indicate dates and intervals of treatment, length of treatment, frequency of treatment, recovery time from treatment.

If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments and the provider if known.
9. If the condition is a chronic condition, or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity: _____

10. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment).

11. Is leave required to care for a family member with a serious health condition?
☐ Yes ☐ No

If the family member will need care only intermittently or on a part-time basis, please indicate the probable duration of this need.

12. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?
☐ Yes ☐ No

If yes, briefly describe assistance required _____

Health-care Provider

Date

Address

Telephone Number

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule.

Employee Signature

Date

ATTACHMENT A

A “serious health condition” means: an illness, injury, impairment or physical or mental condition of an employee or family member that:

1. Requires inpatient care in a hospital, hospice or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
 - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
 - b. Transportation or other assistance required for a family member to obtain care from physician;
 - c. Serious health conditions as described in this regulation.
2. The treating health-care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
3. Requires constant or continuing care such as home care administered by a health-care professional;
4. Involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
 - a. Two or more treatments by a health-care provider;
 - b. One treatment plus a regimen of continuing care; or
 - c. Any period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health-care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy.
5. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer’s disease, a severe stroke or terminal stages of a disease;
6. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
7. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

Corbett School District 39

Code: GCBDA/GDBDA-AR(5)
Revised/Reviewed:

Sample Designation Letter to Employee - FMLA/OFLA Leave

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice – FMLA/OFLA form GCBDA/GDBDA-AR(6) or the FMLA/OFLA Eligibility Notice form GCBDA/ GDBDA-AR(4), should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA or OFLA.

Dear Employee:

On _____ (date) you advised the district that you were requesting a leave that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leave of absence that qualifies for family and medical leave under federal law (FMLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. A leave of absence that qualifies for family and medical leave under state law (OFLA) may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensation injury or illness (unless you refuse a light-duty assignment).

[IF APPROVED: [We have determined the purpose of your requested leave qualifies as family or medical leave under [state] [and/or federal] law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form titled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.]]

[IF NOT APPROVED: [We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.]]

If you have any questions regarding your leave, now or at any time during your leave, please contact, [the personnel office] as soon as possible.

Sincerely,

[Superintendent]

Enclosure (FMLA and/or OFLA Designation Notice form)

Corbett School District 39

Code: GCBDA/GDBDA-AR(6)

Revised/Reviewed:

Designation Notice – FMLA/OFLA

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected, and the district must inform the employee of the amount of leave that will be counted against the employee's FMLA and/or OFLA leave entitlement.

In order to determine whether leave is covered under the FMLA and/or OFLA, the district may request that the leave be supported by a physician's certification. If the certification is incomplete or insufficient, the district will state in writing what additional information is necessary to make the certification complete and sufficient.

Employee Name: _____ Date: _____

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on _____.

Please be advised:

- ☐ Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- ☐ Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- ☐ Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

- ☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement:

- ☐ Because the leave you requested will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- ☐ You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- ☐ We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.

- ☐ You will be required to present a fitness-for-duty certification to be reinstated to your position. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position ☐ is ☐ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions:
-

- ☐ Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.
-

- ☐ The certification you have provided is incomplete and insufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is¹:
-
-

- ☐ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

- ☐ Your FMLA leave request is NOT APPROVED.
- ☐ The FMLA does not apply to your leave request.
- ☐ You have exhausted your FMLA leave entitlement in the applicable 12-month period. (Note: Federal Military Family Leave is on a separate 12-month period.)
- ☐ Your OFLA leave request is NOT APPROVED.
- ☐ The OFLA does not apply to your leave request.
- ☐ You have exhausted your OFLA leave entitlement in the applicable 12-month period.

¹ If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.

Corbett School District 39

Code: GCBDA/GDBDA-AR(7)

Revised/Reviewed:

Fitness-for-Duty Certification

[NOTE: THESE INSTRUCTIONS ARE NOT INTENDED TO BE INCLUDED WITH THE CERTIFICATION TO THE EMPLOYEE – DELETE THIS PARAGRAPH PRIOR TO REVIEW AND POSTING FOR USE. *Instructions for use of this sample form:* In order to condition an employee's return to work for the employee's own serious health condition on a Fitness-for-Duty Certification form, the district must have notified the employee in the Designation Notice that a fitness-for-duty certification would be required before returning to work. If the district did not require a fitness-for-duty certification in the Designation Notice, once an employee comes back, if the district has concerns (based on evidence, not speculation) about the employee's ability to perform the job, the district can get a fitness-for-duty certification based on the Americans with Disabilities Act Amendments Act (ADAAA), rather than FMLA and OFLA. Under OFLA, the district cannot obtain a second opinion for fitness-for-duty certification, and fitness-for-duty certifications must be sought pursuant to uniformly applied policy. The district must pay any out-of-pocket expenses paid to obtain a fitness-for-duty examination. This is a sample fitness-for-duty certification.]

To: _____ Date: _____

From: _____

Subject: Fitness-for-Duty Certification

Family and medical leave for your own serious health condition ends on (date) _____. Prior to returning to work you must provide a Fitness-for-Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this Fitness-for-Duty Certification to your health care provider for completion. The district will use this Fitness-for-Duty Certification to determine if you are able to return to work after your leave.

Return the completed Fitness-for-Duty Certification to the district prior to the end of your Family and Medical Leave or by (date) _____.

Fitness-for-Duty Certification

Health Care Provider Completes this Section

Instructions: Please complete all sections in order for the district to determine if the employee is able to return to duty. The employee's position description or a list of essential duties (district specifies which) is attached to this form.

1. The employee is able to return to work full-time without restrictions: ☐ Yes ☐ No

a. If yes, list the effective date: _____.

b. If no, complete the following:

(1) The employee will be able to return to work with no limitation on (date) _____.

(2) I certify that from (date) _____ to (date) _____ the above named employee will be:

(a) Unable to perform the physical requirements of their work; or

(b) Is medically incapacitated: ☐ Totally ☐ Partially**

****If partially medically incapacitated, complete the following:**

P

(c) Number of hours per day employee is able to work: _____.

(d) Number of days per week employee is able to work: _____.

(3) List any restrictions on the employee's work: _____

R

Printed name of health care provider

Type of practice

Signature of health care provider

Date

Health care provider: Please return the completed form to the employee/patient.

Attached: Position description/description of essential duties (district specifies which).

P

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D

Corbett School District 39

Code: GCBDAAGDBDAA
Adopted: 11/18/2020

COVID-19 Related Leave *

When applicable, the district will comply with the provisions of the Families First Coronavirus Response Act (FFCRA) which includes the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA). The district will also comply with the Oregon Bureau of Labor and Industries' (BOLI) temporary rule BLI 4-2020 that amends Oregon Administrative Rule 839-009-0230 for the purpose of taking leave during the statewide public health emergency. This policy and its accompanying administrative regulation will be in effect until each of the above laws have expired.

Employees are eligible for EFMLEA leave if they have been employed for at least 30 days.

EPSLA applies to all employees no matter how long they have been employed or how many hours they have worked.

The district may exclude from the EPSLA and EFMLEA employees who are health care providers, including anyone employed at any post-secondary educational institution offering health care instruction.

The BOLI rule applies to districts with employees who are eligible for leave under the Oregon Family Leave Act.

The district shall post a notice of FFCRA requirements in conspicuous places at district facilities. The district may meet the notice requirement by emailing the notice to employees or posting notice on an internal or external website made available to employees.

The district is prohibited from retaliating against an employee who takes leave or takes actions to enforce the requirements of these acts.

This policy does not affect employee rights or benefits under any other law, collective bargaining agreement, or district policy. The district is not required to pay an employee for unused emergency paid sick time if an employee resigns, retires, or is terminated.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)
[ORS 659A.090](#)

[ORS 659A.093](#)
[ORS 659A.096](#)
[ORS 659A.099](#)

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

BOLI Temporary Administrative Order BLI 4-2020

Families First Coronavirus Response Act, Public Law No: 116-127, Mar. 18, 2020.

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

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

Corbett School District 39

Code: GCBDAAGDBDAAR(1)
Revised/Reviewed: 11/18/2020

COVID-19 Related Leave *

Emergency Paid Sick Leave Act

The district shall provide paid sick time to employees who are unable to work due to the effects of coronavirus disease 2019 (COVID-19). Full-time employees are entitled to 80 hours of paid sick time, which is available immediately for use if the employee:

1. Is subject to a governmental quarantine or isolation order;
2. Has been advised by a health-care provider to self-quarantine;
3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Is caring for an individual who is subject to quarantine or isolation by governmental order or health care provider advisement;
5. Is caring for their son or daughter whose school or child-care provider is closed; or
6. Is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

Paid sick time may be used before other paid leave that may be available to the employee. A part-time employee is entitled to such paid sick time for the average number of hours the part-time employee works during an average two-week period. Paid sick time shall not carry over from one year to the next.

The district shall pay the regular rate of pay up to \$511 per day, and \$5,110 in the aggregate, for paid sick time used by an employee who experiences symptoms of COVID-19, or is required or advised to self-quarantine due to concerns related to COVID-19.

The district shall pay two-thirds of the regular rate of pay up to \$200 per day, and \$2,000 in aggregate, for paid sick time used by an employee:

1. To care for an individual subject to quarantine or isolation by governmental order or health care provider advisement;
2. To care for their child because the child's school or child-care provider is closed due to COVID-19 related reasons; or
3. Who is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

Emergency Family and Medical Leave Expansion Act

A district employee may take public health emergency leave to care for the employee's child during a COVID-19 public health emergency.

The district is not required to pay an employee for the first 10 days of such public health emergency leave. However, an employee may use accrued paid leave during such time. After the 10 days, the district must pay not less than two-thirds of an employee's regular rate of pay for the number of hours per week the employee normally works. The maximum amount of compensation for such leave is \$200 per day and \$10,000 in aggregate.

The district shall restore the employee's former position following the use of public health emergency leave unless, the district:

1. Has fewer than 25 employees;
2. Has made reasonable efforts to retain the employee's position but such position no longer exists due to economic or operating conditions caused by the public health emergency; and
3. Has made reasonable efforts to restore the employee to an equivalent position.

Corbett School District 39

Code: GCBDAAGDBDAA-AR(2)
Revised/Reviewed: 11/18/2020

COVID-19 Related Leave *

Employee's Name: _____ Date: _____

Dates for which the leave is requested: _____

Qualifying reason for leave:

- ☐ Is subject to governmental-quarantined or isolation order.
- ☐ Has been advised by health-care provider to self-quarantine.
- ☐ Is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- ☐ Is caring for an individual who is subject to a quarantine or isolation by governmental order or health care provider advisement.
- ☐ Is caring for their son or daughter whose school or child-care provider is closed.
- ☐ Is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

The employee is unable to work, including telework due to: _____

Documentation supporting the qualifying reason for requesting leave: _____

For quarantine or isolation orders, provide the name of the health care provider who advised the self-quarantine:

Name of health care provider

Contact information

For emergency Family Medical Leave Act (FMLA) leave and paid sick leave taken for COVID-19 related school or child care closings, provide documentation to support the need for leave, i.e., notice posted on government, school or day care website, published in a newspaper, or an email from an official of the school, place of care, or child care provider.

Corbett School District 39

Code: GCBDB/GDBDB
Adopted: 5/21/98
Orig. Code: GCBDB/GDBDB

Early Return to Work

Efforts will be made on a case by case basis, to return-reinstate ill or injured employees to work. Returns The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the district.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the district will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of job-a position to include modified work days, shift or part time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the district.

If an employee cannot be reasonably accommodated in his/her current jobposition, the district will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the district will provide temporary unpaid leave if recovery is on-going and sick leave is exhausted as an accommodation in accordance with state and federal law. Unpaid leave will be provided in accordance with Oregon law.

The district will maintain current position descriptions for each job category. Physical requirements for appropriate job categories will be established.

The superintendent will develop procedures necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)

[ORS 659A.046](#)

[OAR 436-110-0001 to -0900](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GCBDC/GDBDC
Adopted: 4/17/19
Orig. Code(s): GCBDC/GDBDC

Domestic Violence, Harassment, Sexual Assault, or Stalking Leave *

Definitions

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

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

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

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

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

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

The district may require the employee to provide certification that:

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

Sufficient certification includes:

1. A copy of a report from law enforcement indicating the employee or child or dependent was a victim of domestic violence, harassment, sexual assault, or stalking.
2. A copy of a protective order or other evidence from a court, administrative agency, or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault, or stalking.

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or a victim services provider that the employee, employee's child or dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, or stalking.

All records and information kept by the district regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

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

END OF POLICY

Legal Reference(s):

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

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

Corbett School District 39

Code: GCBDC/GDBDC-AR
Revised/Reviewed: 8/15/18
Orig. Code: GCBDC/GDBDC-AR

Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee _____ Effective Date of the Leave _____

Department _____ Title _____

Status: ☐ Full-time ☐ Part-time ☐ Temporary Hire Date _____ Length of Service _____

The requested leave is for:

- ☐ Myself
- ☐ My minor child or dependent

The leave is for:

- ☐ To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.
- ☐ To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee's minor child or dependent.
- ☐ To obtain or assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.
- ☐ To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- ☐ To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

The following has been provided by the employee to certify the leave:

- ☐ A copy of a report from law enforcement indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.
- ☐ A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent, evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related

to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 120.040 or 163.730 to 163.750.

- ☐ Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee's minor child or dependent is receiving services.

I understand that the district requires me to use any accrued sick leave, vacation, personal leave days or other paid time established by Board policy(ies) and/or collective bargaining agreement in the order specified by the district.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. I understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state law.

Signature of Employee: _____ Date: _____

Corbett School District 39

Code: GCBDD/GDBDD
Adopted: 8/17/16
Orig. Code: GCBDD/GDBDD

Sick Time *

“Employee” means an individual who is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district.

A district employing 10 or more employees 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. Paid sick time of 40 hours shall be front-loaded but only to coaches or other nonrepresented stipend staff.

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

Sick time shall be taken in hourly increments and may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency. Licensed substitutes will be required to take sick time in four hour increments.

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 five consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the district. An employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

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

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 the reason for sick time is a foreseeable absence, the district may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take

¹ “Family member” is defined by the Oregon Family Leave Act (OFLA).

reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district at least 24 hours in advance or as soon as practicable.

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

END OF POLICY

Legal Reference(s):

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

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

[ORS 659A.150 to -659A.186](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GCBF
Adopted: 3/15/06
Orig. Code: GCBF

Break in Service

PERS Break in Service

The Board acknowledges that all active qualified Public Employee Retirement System (PERS) members may continue to accrue service credit and benefits under PERS unless they incur a break in service.

If a break in service has occurred, the employee may retain all PERS service time and contributions as well as contributions to their Individual Account Program (IAP) that were made prior to the break.

Following a break in service any employee who returns to service in a qualifying position will have all future service time and contributions accrued under the Oregon Public Service Retirement Plan (OPSRP).

Definitions:

1. "Break in Service": When an active or inactive PERS member in a qualifying position performs no service hours for a period of six consecutive months or longer a break of service has occurred. There are six exceptions to this rule:
 - a. Members who leave for purposes that would qualify for family medical leave. However, the member must return to work in a qualifying position within 12 months of taking the leave to avoid a break in service.
 - b. Members who leave for approved career development purposes. However, the member must return to work in a qualifying position within 12¹ months of taking the leave to avoid a break in service.
 - c. Members absent from other employment to serve as a legislator;
 - d. Members called to military duty and are later reemployed as provided under USERRA in a qualifying position regardless of the length of time the member is on official military leave. The member must be reemployed within the time limits set by USERRA after completing military service.
 - e. Members absent due to a disability and who qualify for a PERS disability benefit under ORS 238.320.
 - f. Members who leave employment based on the seasonal nature of their employment, as long as the member returns to employment within 12 months.

END OF POLICY

Legal Reference(s):

[ORS 238A.025](#)

[OAR 459-010-0010](#)
[OAR 459-075-0010\(13\)](#)

[OAR 459-070-0010](#)

¹ See OAR 459-075-0010 for employees with less than a 12 month contract.

Corbett School District 39

Code: GCC
Adopted: 5/21/98
Orig. Code: GCC

Recruitment of Licensed Staff

The superintendent will develop and maintain a recruitment program designed to attract ~~highly qualified~~ licensed personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the personnel needs of the district and to locate suitable candidates to recommend for employment by the district. Those factors considered will include, but not be limited to the diverse characteristics of the district.

The search for licensed staff members may extend to a wide variety of educational institutions and geographical areas.

Any present employee may apply for any position for which he or she meets the stated requirements.

END OF POLICY

Legal Reference(s):

ORS 326.051	ORS 659A.029	ORS 659A.236
ORS 332.505	ORS 659A.030	ORS 659A.309
ORS 342.934	ORS 659A.109	ORS 659A.409
ORS 659.805	ORS 659A.142	
ORS 659.850	ORS 659A.145	
ORS 659A.009	ORS 659A.233	OAR 581-021-0045

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Corbett School District 39

Code: GCCA
Adopted: 5/21/98
Orig. Code: GCCA

Posting of Licensed Staff Vacancies *

The district shall attempt to recruit the most suitably qualified applicants for filling any licensed positions. Announced vacancies will be posted in all buildings in an appropriate format to ensure effective communications with all individuals, including those with disabilities.

All postings will notify applicants that equal employment opportunity and treatment shall be practiced by the district. The employers' duties under the Americans with Disabilities Act, including the duty to reasonably accommodate upon request and with appropriate advance notice will be clearly stated.

A copy of the posting will be sent to association representatives. During the summer break such notices will be mailed to the president of the association. All notices will include the following information:

1. Job title;
2. Qualifications: license required;
3. Essential job functions;
4. Special requirements;
5. Terms of employment;
6. Salary range;
7. Posting dates;
8. Closing dates;
9. Other - as may be required/requested by administrator initiating the job order.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.
Section 503 of the Rehabilitation Act of 1973.
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GCDA/GDDA
Adopted: 4/17/19
Orig. Code: GCDA/GDDA

Criminal Records Checks and Fingerprinting

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

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

~~As required by~~ Pursuant to state law, a criminal records check and/or fingerprinting-based criminal records checks shall be required of the following individuals²:

- ~~All~~ All individuals employed as or by a district contractors and their employees, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;
- ~~All district contractors and their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, Child Care Division;~~
- ~~3.2.~~ Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;
- ~~4.3.~~ Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
- ~~5.4.~~ Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

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

The district shall require a nationwide fingerprint-based criminal records check based on fingerprinting for a volunteers¹ with allowed direct, unsupervised contact with students² in the following positions:

- Head coach;

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

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

2. Assistant coach;

The identity of a subject individual requiring fingerprinting will be provided by the district to the authorized fingerprinter for verification. The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

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

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

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

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

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

The service of a volunteer into a position identified by the district as requiring a nationwide fingerprint-based criminal records check including fingerprinting may begin [on a probationary basis pending the return and disposition of the nationwide-a state and national criminal records check including based on fingerprinting.

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

Fees associated with a criminal records check and/or fingerprinting may be charged.

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

Appeals

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

A volunteer required to submit to a fingerprint-based criminal records check may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE under ORS 183.413 – 183.470.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)

[ORS 181A.230](#)

[ORS 326.603](#)

[ORS 326.607](#)

[ORS 332.107](#)

[ORS 336.631](#)

[ORS 342.143](#)

[ORS 342.223](#)

[OAR 414](#)-061-0010 – 061-0030

[OAR 581](#)-021-0510 – 021-0512

[OAR 581](#)-022-2430

[OAR 584](#)-050-0012

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

Corbett School District 39

Code: GCDA/GDDA-AR
Revised/Reviewed: 4/17/19
Orig. Code(s): GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223, such as a teacher, administrator, personnel specialist or school nurse, shall be required to undergo submit to a nationwide criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo submit to a nationwide criminal records check and fingerprinting with TSPC.
4. Any district individual hired as or by a contractor and its employees², whether part-time or full-time, hired into a position having direct, unsupervised contact with students as determined by the district shall be required to undergo submit to a nationwide criminal records check and fingerprinting.

The superintendent will identify district contractors who are present on district property and regularly interact with students and are subject to such requirements.
5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a nationwide criminal records check and fingerprinting.
6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo submit to a nationwide criminal records check and fingerprinting.
7. Any individual authorized A volunteer allowed by the district for volunteer service into a position allowing that has direct, unsupervised contact with students shall be required to undergo an Oregon in-state criminal records check.
8. Any individual authorized by the district for A volunteer service that is not likely to have direct, unsupervised contact with students will when possible be required to undergo submit to an Oregon in-state criminal records check.

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

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

Exceptions

A newly hired employee³ is not subject to fingerprinting if the district has evidence on file that the newly hired employee was previously checked through an Oregon and a FBI successfully completed a state and national criminal records check by for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment.

Evidence of the prior check will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer.
Furthermore:

1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available; and
2. The district shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district.

Notification

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

Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, Anyan individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms or requirements as approved by ODE (information available through the district) authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send

³ Any individual hired within the last three months.

such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

~~2. All individuals subject to fingerprinting pursuant to state law are required to report to an authorized fingerprinter for fingerprinting as directed by the district.~~

3.2. Fingerprints may be collected by one of the following:

- a. Employing district staff;
- b. Contracted agent of employing district; or
- c. Local or state law enforcement agency.

~~The individual subject to fingerprinting, shall be subject only after acceptance of an offer of employment or contract.~~

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

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

6.5. A copy of the fingerprinting results will be kept by the district.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁴ and their employees, shall be paid by the district.
2. Fees associated with required criminal records checks for volunteers shall be paid by the district.
3. ~~Fees associated with a required fingerprinting for volunteers shall be paid by the district.~~

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

1. ~~Any~~ A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent ~~district~~ upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁵ from the Superintendent of Public Instruction or designee that the employee has a conviction of any crime prohibiting employment with the district as specified by law listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

⁴ A person hired as or by a contractor²s and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

⁵ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

2. ~~Any~~ A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law may be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or designee that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. ~~Any~~ A volunteer who will be allowed to have direct, unsupervised contact with students that refuses to submit, when required, to a required criminal records check or a fingerprint-based criminal records check to acquire or maintain such a volunteer status in the district in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. If the district has been notified by the Superintendent of Public Instruction that ~~an individual~~ volunteer knowingly made a false statement or has a conviction ~~of for~~ any crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual may be denied the ability to volunteer.
6. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form [may] ~~[will]~~ be denied the ability to volunteer in the district.

Appeals

~~An~~ A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be notified of such in writing by ODE under ORS 183.413 – 183.470.

A volunteer required to submit to a fingerprint-based criminal records check may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE under ORS 183.413 – 183.470.

Corbett School District 39

Code: GCEA
Adopted: 5/21/98
Orig. Code: GCEA

Substitute Teachers

(OSBA has removed this policy from its samples.)

Substitute teachers will be assigned by the principal to fill a temporary vacancy caused by absence of a regular teacher. The assignment will be made from an approved list of properly licensed and otherwise qualified teachers. The selected substitute will be the best qualified for the specific task available at the time in the opinion of the principal. Substitute teachers will, in so far as possible, be made aware of school rules and regulations and will be required to follow them in a reasonable manner.

Substitute teachers will be paid an amount commensurate with the duties performed. Pay will not be less than the minimum required by law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.420](#)
[ORS 342.610](#)

[ORS 342.815](#)

[OAR 584-020-0000](#) to -0045

[OAR 581-005-0001](#)

Corbett School District 39

Code: GCEC
Adopted: 5/21/98
Orig. Code: GCEC

Job Sharing

(typically language is in CBA)

The district recognizes that in a constantly changing society it is beneficial to develop flexible staffing patterns and position assignments. There are numerous times when it may be in the best interest of the district to fill a position(s) through “Job Sharing” practices. Job sharing shall be defined as the sharing and occupation of a single staff position by two individuals.

The superintendent will provide for “Job Sharing” opportunities that are in compliance with bargaining unit contracts, labor laws and district policies. However, any time two employees share any job the total payroll cost to the district shall not be greater than the total payroll cost of a full time employee in the same position(s).

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Eugene Education Association v. Eugene School District 4J, Case Nos. UP-8-87 and UP-18-87, 9 PECBR 9391 (1987); rev’d, 91 Or. App. 78 (1988); vacated and remanded, 306 Or. 659 (1988).

Corbett School District 39

Code: GCEC-AR
Revised/Reviewed: 1/27/99
Orig. Code: GCEC-AR

Partnership Teaching Agreement

The undersigned do hereby agree to the following conditions of Partnership Teaching:

1. A shared teaching assignment is requested by _____ and _____
_____ (current contract teachers) in _____
_____ (grade or subject)
at _____ (school);
2. This agreement is for the _____ school year. This agreement shall be in effect for one year, with no guarantee of continuing the partnership teaching program beyond the term of this agreement. Partnership teaching may continue, subject to annual review. When this agreement discontinues, the district will place teachers where needed;
3. The superintendent will approve the daily/weekly work schedule for the year;
4. Both teachers will have part-time status, receiving one-half of their salary, including the increment, based on their salary schedule placement;
5. Each teacher's half-time, full-year work will count one year toward contract status and one year toward length of service;
6. PERS benefits will be paid in accordance with the collective bargaining agreement;
7. Each employee will receive holiday pay and leave on a prorated basis;
8. The teachers agree that the district will pay one-half of their fringe benefits package (not to exceed the expense of one employee);
9. Each teacher shall assume responsibility for a cooperative balance of teacher hours, for the required duties of their portion of the school day, and for their scheduled hours on teacher work days. Each teacher shall also assume responsibility for maintaining student education records, inventories and room appearance;
10. Both teachers shall participate in all staff meetings, parent-teacher conferences, school-sponsored evening activities, scheduled in-service days, and out-of-classroom activities such as field trips and excursions, when such activities span both teachers' portion of the instructional day, without additional compensation;
11. Both teachers will report student progress in their areas of instructional responsibility, with a coordinated report for social aspects of grading;
12. Both teachers will plan and implement appropriate room arrangements and will cooperatively develop and maintain consistent classroom management standards;

13. Parents will be contacted by individual teachers as problems arise. A conference between both teachers and the parents will be scheduled when the problem is common to both teachers;
14. Both teachers agree to substitute for the other, whenever possible. Payment will be made at the district substitute rate;
15. Job performance responsibilities will comply with all policy and contractual stipulations;
16. Both teachers acknowledge that the work they will be required to do under this contract, such as dual appearance at meetings, conferences and the like, will not be compensated as extra work;
17. If either employee is unable to complete the partnership teaching assignment, the district retains the right to assign the remaining employee to full-time responsibilities for the duration of the agreement;
18. The district will annually announce partnership teacher application deadlines.

Specific considerations:

Teacher

Date

Teacher

Date

Principal

Date

Superintendent

Date

Association Representative

Date

Corbett School District 39

Code: GCI/GCIA/GDI/GDIA
Adopted: 5/21/98
Orig. Code: GCI/GCIA/GDI/GDIA

Assignments and Transfers *

Initial assignment of employees will be made by the superintendent or his/her designee. Assignment of all licensed and classified personnel employed by the district will be under the direction of the superintendent and subject to the approval of the Board.

The superintendent will follow procedures for voluntary and involuntary transfer of employees within the district as identified in the collective bargaining agreements.

These procedures will be based on filling the personnel needs of the district in the most efficient, effective manner.

END OF POLICY

Legal Reference(s):

[ORS 236.610](#) to -236.630

[OAR 581-022](#)-2405

Corbett School District 39

Code: GCL/GDL
Adopted: 3/15/17
Orig. Code: GCL

Staff Development—Licensed *

In order to strengthen and refine professional skills of district personnel, the superintendent or his/her designee will develop a staff development program for all employees.

District site councils will be encouraged to participate in the development and implementation of the district's staff development program including provisions for the professional growth of staff.

Staff development programs, whether provided directly by the district or through district contracts with third parties, will provide appropriate reasonable accommodations to ensure such programs are available to employees with disabilities.

As part of the district continuous improvement plan, the district will establish a short- and long-term professional development plan for licensed staff in order to enhance professional performance and promote achievement of high standards for all students. The plan shall be developed in writing by district administration.

Professional development activities may include, but are not limited to, college courses, workshops, curriculum planning, research, travel, supervision of teacher trainees and other activities approved by the supervisor. District professional development offerings may be planned to help licensed employees meet the requirements of their licenses. The district will provide appropriate, reasonable accommodations to ensure such training, whether provided by the district or through district contracts with third parties, is made available for qualified employees with disabilities.

Requests for release time for attendance at meetings or conferences may be approved by the superintendent or designee as deemed appropriate by the district and with the stipulation that:

1. Requests are to be submitted sufficiently in advance to permit superintendent or designee consideration; and
2. Where release time is granted, a written report will be submitted to the administration after such meeting or conference. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of teachers, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds.

Meetings or conferences for which district funds are contributed — whether for fees, travel or hiring of substitutes — shall directly relate to improved student learning. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of educators, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds or to approve the activity.

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee’s supervisor or professional development advisor, who will verify that the licensed employee has successfully completed the professional development requirements to the superintendent or designee, on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[ORS 329.125](#)

[ORS 329.704](#)

[ORS 342.138\(3\)](#)

[ORS 342.856](#)

[OAR 581-022-2250](#)

[OAR 581-022-2405](#)

[OAR 584-018-0205](#)

[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).

Eugene Educ. Ass’n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GCL-AR
Revised/Reviewed: 3/15/17
Orig. Code: GCL-AR

Staff Development – Licensed *

The completion of professional development requirements, as set forth in Oregon Administrative Rule (OAR) Chapter 584, Division 255 by the Teacher Standards and Practices Commission (TSPC) for licensing or license renewal, is the sole responsibility of the employee.

1. Each professional licensed staff member employed by the district shall meet the standards as stated in OAR 584-420-0030 for:
 - a. Learner and Learning
 - (1) Learner development;
 - (2) Learning differences;
 - (3) Learning environments.
 - b. Content
 - (1) Content knowledge;
 - (2) Application of content.
 - c. Instructional Practice
 - (1) Assessment;
 - (2) Planning for instruction;
 - (3) Instructional strategies.
 - d. Professional Responsibility
 - (1) Professional learning and ethical practice;
 - (2) Leadership and collaboration.
2. The continuing professional development of each licensed staff member shall conform to the following standards for professional development as stated in OAR 584-255-0020:
 - a. Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility and goal alignment;
 - b. Leadership: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who: develop capacity, advocate and create support systems for professional learning;
 - c. Resources: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring and coordinating resources for educator learning;

- d. Data: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator and system data to plan, assess and evaluate professional learning;
 - e. Learning Designs: Professional learning that increases educator effectiveness and results for all students integrates theories, research and models of human learning to achieve its intended outcomes;
 - f. Implementation: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change;
 - g. Outcomes: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.
3. Each employee is responsible for acquiring the number of continuing professional development units (PDUs) to meet the requirements as stated by the TSPC.
4. The district will attempt to offer as many professional development activities as recognized needs warrant and resources permit.
5. Acceptable professional development activities shall be those reviewed and approved by the employee's supervisor or professional development advisor and for which evidence is submitted to verify completion.
6. Licensed individuals transferring to the district from other districts, including those educators hired without previous district experience, shall submit any PDUs of credit earned to their supervisor or professional development advisor for review.
7. Upon receipt of evidence from an employee, the employee's supervisor or professional development advisor shall verify completion of the required PDUs for license renewal on the TSPC-provided Professional Educational Experience Report (PEER) form, and submit the form to the superintendent or designee.
8. The superintendent shall ensure that the required forms are submitted to the TSPC.
9. Completed TSPC, PEER forms shall be filed in the employee's personnel file.

Corbett School District 39

Code: GCL/GDL
Adopted: 1/15/14
Orig. Code: GCL/GDL

Staff Development

In order to strengthen and refine professional skills of district personnel, the superintendent or his/her designee will develop a staff development program for all employees.

District site councils will be encouraged to participate in the development and implementation of the district's staff development program including provisions for the professional growth of staff.

Staff development programs, whether provided directly by the district or through district contracts with third parties, will provide appropriate reasonable accommodations to ensure such programs are available to employees with disabilities.

Completion of continuing professional development (CPD) requirements, as set forth in OAR Chapter 584, Division 090 by the Teacher Standards and Practices Commission (TSPC) for license renewal, are the sole responsibility of the employee. The selection of the employee's CPD adviser shall be subject to approval by the individual's supervisor.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.125](#)
[ORS 329.704](#)
[ORS 342.138](#)

[ORS 342.856](#)
[OAR 581-022-0606](#)
[OAR 581-022-2405](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).
Eugene Educ. Ass'n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GCN/GDN
Adopted: 1/17/18
Orig. Code: GCN/GDN

Evaluation of Staff *

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract nonextension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

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

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

An evaluation using the core teaching standards must attempt to:

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

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

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

Classified Staff

All classified employees will be formally evaluated by their immediate supervisor at least twice during their first year of employment and at least once each year thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 342.850](#)

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

[OAR 581-022-2410](#)
[OAR 581-022-2415](#)

Corbett School District 39

Code: GCP
Adopted: 5/21/98
Orig. Code: GCP

Termination of Licensed Staff

(OSBA has removed this policy from its samples)

Prior to March 15 each year, the superintendent will recommend, in writing to the Board, the names of all probationary teachers and probationary administrators whose contracts will and will not be renewed. The Board will take action on the recommendations prior to March 15. In cases of contract non-renewal, reasons will be given to the affected employee(s). This does not relieve the superintendent of making dismissal recommendations at any time during the school year when he/she deems it advisable.

Contract status will be offered to teachers who have been recommended and have demonstrated three consecutive years of successful teaching in the district. Administrators will receive non-probationary status after three consecutive years of successful job performance in the district and upon the superintendent's recommendation.

In compliance with Oregon Revised Statutes, the Board will take action at its first regular or special March board meeting to approve the issuance of contracts to eligible probationary and contract teachers and probationary administrators. The Board may take action to issue contracts to non-probationary administrators.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 342.934](#)

Corbett School District 39

Code: GCPA
Adopted: 5/21/98
Orig. Code: GCPA

Layoff - Licensed Staff

When the Board determines, through the budgeting process, that a layoff of staff is necessary, it will discuss the matter at a regular or special Board meeting and will consider such factors and alternatives it deems necessary to arrive at a decision. Layoff may take place under the following conditions:

1. The district's lack of funds to continue its educational program at its anticipated level;
2. Elimination or adjustment of classes due to an administrative decision;
3. Other reasons as determined by the Board.

Using the goals and priorities of the district, the Board shall direct the superintendent to prepare a reduction plan identifying which programs to be reduced or eliminated for Board approval. As a result of the program reductions or elimination, the superintendent shall bring a list of positions to be cut or eliminated to the Board for approval.

Nothing in this policy, however, is intended to interfere with the right of the district to discharge, remove or non-renew the contract of a probationary teacher or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law.

END OF POLICY

Legal Reference(s):

[ORS 342.805 to -342.910](#)

[ORS 342.934](#)

Corbett School District 39

Code: GCPB/GDPB
Adopted: 12/17/98
Orig. Code: GCPB/GDPB

Resignation of Staff *

A licensed staff member who wishes to resign from ~~his or her~~ **their** position with the district must give written notice at least 60 days prior to the date he or she wishes to leave district employment. The superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that ~~he or she~~ **they** must continue teaching for part or all of the 60-day period. The Board, at its next meeting, will ratify the action of the superintendent.

Where less than 60 days' notice is given, the Board may request the Teacher Standards and Practices Commission to suspend the teacher's or administrator's license for the remainder of the school year. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

The superintendent is authorized to accept resignations of classified employees effective the day they are received.

END OF POLICY

Legal Reference(s):

[ORS 342.545](#)
[ORS 342.553](#)

[ORS 652.140](#)

[OAR 581-022-2405](#)
[OAR 584-050-0020](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Corbett School District 39

Code: GCPB/GDPB-AR
Revised/Reviewed: 1/27/99
Orig. Code: GCPB/GDPB-AR

Procedures for Resignation

It is recognized by the district that employees grow and develop as professionals and a part of that development includes new challenges and employment opportunities that cannot always be met within their employment with the district. For this reason and numerous other reasons that may be solely personal in nature, employees from time to time will resign. The purpose of the following procedure is to support those changes and to provide an orderly and timely process that includes the least disruption of the educational process for the students of the district.

Procedures

1. All resignations must be submitted in writing to the individual's immediate supervisor. The letter of resignation should be addressed to the superintendent.
2. All resignation requests must meet the guidelines of the contract governing that individual's employment.
3. If the employee cannot or will not work for the 60 calendar days or such days as may be determined by the superintendent, the superintendent will request TSPC to suspend the employee's license for the remainder of the school year.
4. The district maintains the right to report violations of statutes, policy or contracts to the appropriate licensing agencies.

Corbett School District 39

Code: GCPC/GDPC
Adopted: 5/21/98
Orig. Code: GCPC/GDPC

Retirement of Staff

In order to assist the district in its planning efforts, staff members who are considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS 243.303](#)
[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, 29 U.S.C. 1161-1169.
Tax Reform Act of 1986, 29 U.S.C. Sections 1001-1461.
Oregon Constitution, Article IX, Sections 10-13.

Corbett School District 39

Code: GCPD
Adopted: 5/21/98
Orig. Code: GCPD

Discipline and Dismissal of Licensed Staff *

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)

[ORS 342.835](#)
[ORS 342.865](#) to [-342.910](#)
[ORS 342.934](#)

[ORS 652.140](#)
[OAR 584-020-0040](#)

Corbett School District 39

Code: GCQA/GDQA
Adopted: 5/21/98
Orig. Code: GCQA/GDQA

Nonschool Employment

All employees are expected to devote their time and energy to accomplishing those tasks required by the district.

Employees must avoid outside employment that interferes with the performance of their responsibilities and the maintenance of productive relationships with students, parents and other staff members. If outside employment interferes with job performance, the employee will be required to make a choice between district employment and outside employment.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corbett School District 39

Code: GCQAB
Adopted: 5/21/98
Orig. Code: GCQAB

Tutoring for Pay

It is the policy of the Board that teachers are not to tutor for remuneration any students whom they have in class. No tutoring for which a teacher received a fee will be allowed in a school building or on school time and no district-owned materials or equipment may be used.

Exceptions to this policy are as follows:

1. Private lessons, such as music lessons and other enrichment activities, which are clearly beyond the scope of the regular curriculum, may be given for remuneration outside of the teacher's paid work day and away from school buildings;
2. Teachers may tutor for remuneration outside of normal school hours students eligible for home-bound services, according to procedures established by the superintendent;
3. District authorized and/or sponsored programs.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#)

[ORS 332.505](#)

Corbett School District 39

Code: GCQB
Adopted: 5/21/98
Orig. Code: GCQB

Research

(needed?)

Employees are encouraged to participate in research and experimentation in the interests of the development and improvement of education. If an employee plans to engage in a research project during the work day or use district resources or students, either for study toward advanced work or for use in classroom instruction, approval must be secured from the superintendent. If such a study results in material which would be useful to other employees, it is recommended that it be made available for distribution throughout the district. For the protection of all concerned, privacy rights of students or other individuals involved in research projects must be protected.

Research which is conducted by or for a non-district employee must be approved by the superintendent or designee.

END OF POLICY

Legal Reference(s):

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 (2016).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2016).

Corbett School District 39

Code: GCQBA
Adopted: 5/21/98
Orig. Code: GCQBA

Copyrights and Patents

The Board asserts the district's proprietary rights to publications, instructional materials and other devices prepared by district employees during their paid work time. The Board also recognizes the importance of encouraging its professional staff to engage in professional writing, research and other creative endeavors. Publications, articles, materials, models and other items produced by district personnel for district use with district time, money and facilities as part of their job responsibilities remain the property of the district.

The district will apply for copyrights and patents when deemed appropriate by the superintendent. Employees will be expected to cooperate in the districts efforts.

In the event that an employee produces items described above partly on his or her own time and partly on district time, the district reserves the right to claim full ownership. The employee, however, may petition the district for assignment of copyright or patent rights. Employees will not attempt to copyright or patent such items without the knowledge and consent of the superintendent.

Employees who intend to make application to patent or copyright any items will furnish to the superintendent full, complete and prompt information and disclosure with respect to any such item.

If the district does not take appropriate action to seek a patent or copyright within three months after full disclosure by the employee involved, the district will be deemed to have waived and relinquished any interest in the item.

END OF POLICY

Legal Reference(s):

[ORS 332.745](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2016).
Patents, 35 U.S.C. §§ 1-376 (2012).

Corbett School District 39

Code: GCQC
Adopted: 5/21/98
Orig. Code: GCQC

Exchange Teaching

The Board supports the concept of exchange teaching as a means to provide professional growth opportunities for teachers.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.965](#)

Corbett School District 39

Code: GCQE
Adopted: 5/21/98
Orig. Code: GCQE

Student Teachers

The district may participate as a training site for student teachers and interns completing their training at Oregon colleges and universities when it is determined by the superintendent that such participation will be in the best interest of the district.

Student teachers and interns will be permitted to instruct classes for a portion or an entire school day, but should not be used as substitutes.

All arrangements for the placement of student teachers in the district will be made through direct contact between the principal's and the teacher's training program.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corbett School District 39

Code: GCQF
Adopted: 5/21/98
Orig. Code: GCQF

Sabbaticals

(CBA issue)

Sabbaticals will be granted to district personnel based upon provisions of the current negotiated agreement.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corbett School District 39

Code: GD
Adopted: 12/17/98
Orig. Code: GD

Classified Staff Positions

Classified employee means any district employee who is not required to hold a teaching or administrative license. The superintendent or designee will designate classified employee positions. The essential job functions and titles and examples of work performed are to be prescribed in a written position description for each position classification.

For purposes of classification, classified personnel are identified in one of the following classifications:

1. Office Personnel;
2. Maintenance - Custodial;
3. Cafeteria Personnel;
4. Instructional Personnel;
5. Transportation Personnel.

Probationary Employee

Individual serving the first three months in a position.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.505](#)

[ORS 659.805](#)

[ORS 659.850](#)

[ORS 659A.009](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.142](#)

[ORS 659A.145](#)

[ORS 659A.233](#)

[ORS 659A.236](#)

[ORS 659A.309](#)

[ORS 659A.409](#)

[OAR 581-021-0045](#)

[OAR 581-022-2405](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: GDA
Adopted: 10/21/15
Orig. Code: GDA

Instructional Assistants

Instructional assistants shall be hired by the Board upon recommendation of the superintendent.

All instructional assistants must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years of age or older; and
3. Have standards of moral character as required of teachers.

In addition to the above, instructional assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Instructional assistants¹ who work in Title IA programs and provide instructional support must have:

1. Completed at least two years of study at an institution of higher education; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

The district will require individuals newly hired as Title IA instructional assistants who have met another district's academic assessment ~~as set forth by the No Child Left Behind Act of 2001~~, to meet the district's academic assessment standards.

¹ Instructional assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title IA funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title IA programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

The general responsibilities of an instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor with instruction. The instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent/and family involvement activities and media center or computer laboratory support.

Instructional assistants shall not be used by the district or teacher as substitute teachers. The responsibility for classroom supervision remains with the teacher at all times.

END OF POLICY

Legal Reference(s):

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

[ORS 342.120](#)
[OAR 581-022](#)-2400(2)

[OAR 581-037](#)-0005 to -0025
[OAR 584-005](#)-0005(27),(41)

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.
Section 503 of the Rehabilitation Act of 1973.

Corbett School District 39

Code: GDBA
Adopted: 5/21/98
Orig. Code: GDBA

Classified Salary Schedule

The Board team/professional negotiator shall meet with representatives of the classified bargaining unit in order to discuss matters of wages, vacation and other benefits for all classified personnel.

Any matter not covered in the negotiated agreement shall be left to the best and fair judgment of the superintendent and Board.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corbett School District 39

Code: GDBE
Adopted: 5/21/98
Orig. Code: GDBE

Legal Holidays

The following days are legal holidays: Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Jr. Day, Memorial Day and Independence Day.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)

[ORS 336.010](#)

Corbett School District 39

Code: GDC
Adopted: 5/21/98
Orig. Code: GDC

Recruitment of Classified Staff

The superintendent will develop and maintain a recruitment program designed to attract highly qualified classified personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the personnel needs of the district and to locate suitable candidates to recommend for employment by the district.

The search for classified staff members may extend to a wide variety of educational institutions and geographical areas. It will take into consideration the diverse characteristics of the district.

Any present employee or substitute is encouraged to apply for any position for which he or she meets the stated requirements.

All persons to be given consideration for positions on the classified staff shall have such training and skills as may be required to carry out successfully the essential functions and requirements of the assignment.

~~The superintendent may be authorized by the Board to employ classified personnel to fill vacancies or new positions at his/her discretion. The superintendent shall establish procedures for recruiting, interviewing and selecting classified personnel.~~

~~All classified personnel may be employed for a 90 day period to fill an expressed need, without prior Board approval.~~

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.505](#)

[ORS 659.805](#)

[ORS 659.850](#)

[ORS 659A.009](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.109](#)

[ORS 659A.142](#)

[ORS 659A.145](#)

[ORS 659A.233](#)

[ORS 659A.236](#)

[ORS 659A.309](#)

[ORS 659A.409](#)

[OAR 581-021-0045](#)

[OAR 581-022-2405](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

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

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Corbett School District 39

Code: GDEA
Adopted: 5/21/98
Orig. Code: GDEA

Substitute Classified Employees

Substitute classified employees will be employed at salary rates established by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corbett School District 39

Code: GDI/GDIA
Adopted: 5/21/98
Orig. Code: GDI/GDIA

Classified Staff Assignments and Transfers

Classified staff will be assigned in accordance with the needs of the district. The administration shall determine assignments and transfers.

END OF POLICY

Legal Reference(s):

[ORS 332.554](#)

[OAR 581-022-2405\(4\)](#)

Corbett School District 39

Code: GDKB
Adopted: 5/21/98
Orig. Code: GDKB

Staff Meetings

Classified personnel are expected to attend general staff meetings as requested by the superintendent and other meetings for a specified purpose if requested by the superintendent.

Classified personnel may attend in-service meetings when the nature of the meetings is pertinent to their duties and permission is given by the building principal.

The building principals may call meetings at which attendance by all, or part, of the classified personnel is requested.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corbett School District 39

Code: GDM/GDN
Adopted: 5/21/98
Orig. Code: GDM/GDN

Supervision and Evaluation of Classified Staff

(see GCN/GDN)

Periodically, administrators of the district will provide evaluations and supervision recommendations for classified employees working under their supervision. Reports may be informal or formal, written or oral as specified by the superintendent and shall be made to him/her. At least one formal written evaluation will be conducted annually with a copy maintained in his/her personnel file.

All classified employees are entitled to know of any deficiencies in their work and should accept such discussion as a helpful matter. A report shall be submitted to the employee and superintendent.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)

[ORS 342.850](#)

[OAR 581-022-1720](#)

Corbett School District 39

Code: GDO
Adopted: 5/21/98
Orig. Code: GDO

Promotion of Classified Staff

Any classified employee whose job skills, knowledge and ability would qualify him/her for higher classification may be promoted upon application when any job opening occurs. When more than one employee with equal qualifications apply, seniority will be the determining factor.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Corbett School District 39

Code: GDPB
Adopted: 5/21/98
Orig. Code: GDPB

Resignation of Classified Staff

A classified staff member who wishes to resign from his/her position with the district must file a written notice in the district office prior to the date he/she wishes to leave district employment. The superintendent is authorized to accept the resignation effective the day it is received. The Board, at its next meeting, will ratify the action of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 342.553](#)

[ORS 652.140](#)

[OAR 581-022-1720](#)

Pierce v. Douglas County School District No. 4, 60 Or. App. 285 (1982); rev'd, 197 Or. 363 (1984).

Corbett School District 39

Code: GDPC
Adopted: 5/21/98
Orig. Code: GDPC

Retirement of Classified Staff

In order to assist the district in its planning efforts, classified staff members who are considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

Employees are expected to retire consistent with PERS guidelines.

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS 243.303](#)
[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, 29 U.S.C. 1161-1169.
Tax Reform Act of 1986, 29 U.S.C. Sections 1001-1461.
Oregon Constitution, Article IX, Sections 10-13.

Corbett School District 39

Code: BFC
Adopted: 8/17/16
Orig. Code(s): BFC

Adoption and Revision of Policies

Adopting new policies and changing or repealing existing policies is the Board's responsibility. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of the Board members. Such action will be scheduled on the agenda of a regular or special meeting.

Proposed policies or policy changes and repeal of existing policies will be presented in writing for consideration by the Board.

To permit time for studying all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as a Board agenda item in the following sequence:

1. First reading of a proposed policy (or policies): This is an information item and no action is required by the Board. A first reading announces that a new policy, a revision of an existing policy or consideration to rescind a policy, is being considered by the Board. Comments, questions, concerns and recommended edits should be forwarded to the superintendent for consideration prior to the meeting in which the policy is recommended for a second reading and/or adoption. If a Board member wishes to discuss a proposed policy or administrative regulation listed as an information item, the policy must be moved to the agenda for discussion with a [consensus] [majority vote] of the Board. Any organization which represents employees of the district shall be furnished a copy of personnel policies and revisions as they are made.
2. Second reading/Adoption of a proposed policy (or policies): This is an action by the Board and may be placed on the consent agenda. Any revisions to a policy from the first reading will not require the policy go through an additional reading, except as the Board determines that the revision(s) need(s) further study and an additional reading would be advantageous.

When, in the best interest of the district, immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in the district's board policy manual.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 332.505

ORAR 581-022-2305
ORAR 581-022-2405

Corbett School District 39

Code: IA
Adopted: 1/15/14
Orig. Code: IA

Instructional Goals

In establishing an effective educational program as part of the students' total education, the district recognizes the importance of developing a partnership that promotes the involvement of staff, parents and the community.

The district is committed to a continual process of collaborative decision making and goal setting that supports the physical and cognitive growth and development of students around the following characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, race, sex, sexual orientation, capability or geographic location;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
5. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
6. Provides for rigorous academic content standards and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages;
7. Provides students with an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
8. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
9. Provides students with the knowledge, skills and positive attitude that lead to an active, healthy lifestyle;
10. Provides students with the knowledge and skills to take responsibility for their decisions and choices;
11. Provides opportunities for students to learn through a variety of teaching strategies;
12. Emphasizes involvement of parents and community in the total education of students;

13. Transports students safely to and from school;
14. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;
15. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;
16. Provides for a safe, educational environment;
17. Supports students' academic growth beyond proficiency in academic content standards and encourages their attainment of individual goals.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.125](#)

[ORS 336.067](#)

[OAR 581-022-2030](#)
[OAR 581-022-2315](#)

Corbett School District 39

Code: IB
Adopted: 9/17/98
Orig. Code: IB

Freedom of Expression

(Version 1)

(see current version)

The Board seeks to educate young people in the democratic tradition, to foster recognition of individual freedom and social responsibility, and to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Freedom of expression, as defined by federal and state law and by Board policy, will be guaranteed to teachers to create a classroom atmosphere that allows students to raise questions dealing with critical issues.

The teacher is responsible for exercising judgment in selecting issues of educational value for discussion. All controversial materials shall be presented to the building principal for approval prior to use.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)
[ORS 336.477](#)

[ORS 339.880](#)
[ORS 339.885](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).
U.S. CONST. amend. I; U.S. CONST. amend. XIV.
OR. CONST., art. I, § 8.

Corbett School District 39

Code: IB
Adopted:

Freedom of Expression (Version 2)

Students have a general right to freedom of expression within the school system. The district requires that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status, sex or sexual orientation. Each student organization must have a staff adviser to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

Publications K-8, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be reviewed by the administrator or may be restricted or prohibited pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified even though the material does not use or give names;

6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, e.g., if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district.

High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists; that are distributed or generally made available, either free of charge or for a fee, to members of the student body; and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law; or
6. So incites students as to create a clear and present danger of:
 - a. The commission of unlawful acts on or off school premises;
 - b. The violation of district policies; or
 - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the superintendent. The superintendent shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent. At the superintendent's discretion, the district's legal counsel may also attend the meeting. The superintendent shall make his/her decision within three school days of the meeting. The superintendent's decision shall be final and binding on all parties.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)
[ORS 336.477](#)

[ORS 339.880](#)
[ORS 339.885](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).
U.S. CONST. amend. I; U.S. CONST. amend. XIV.
OR. CONST., art. I, § 8.

Corbett School District 39

Code: IBDJA
Adopted: 4/17/19
Orig. Code: IBDJA

Relations with Home-schooled Students**

The district recognizes the rights of parents to educate students at home and acknowledges the education service district's role in registering and monitoring test results for students who are being taught at home.

Students may, upon parent request, be allowed to participate in district programs such as physical education programs, instrumental and vocal music programs, or other selected options if space and materials are available. Such students must then adhere to regular attendance procedures as established by the school and must avoid disruption of said programs. Parents are responsible for transportation for students attending selected school offerings

The district shall evaluate transcripts and determine the value of prior credits and number of years of school attendance or equivalent for home-schooled students on a case-by-case basis.

Home-schooled students may participate in available interscholastic activities if the following requirements are met:

1. The student can meet the district eligibility requirements, except the district or class attendance requirements;
2. The student need not meet class requirements of the voluntary association administering the interscholastic activities;
3. The student must meet one of the following:
 - a. The student must achieve the minimum score on an examination from the list adopted by the State Board of Education that places the student at or above the 23rd percentile based on national norms. The examination shall be taken at the end of each school year. The parent or guardian shall submit the examination results to the district. The student may participate while awaiting test results; or
 - b. The district may adopt alternative requirements, in consultation with the parent or guardian, that a student must meet to participate in interscholastic activities, including, but not limited to, a requirement that a student submit a portfolio of work samples to the district for review to determine whether a student is eligible to participate in interscholastic activities;.
4. The student must fulfill the same responsibilities and standards of behavior and performance including related class or practice requirements of other students participating in the interscholastic activity. The student must meet the same standards for acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation;
5. The student must reside in the attendance boundaries of the school for which the student participates.

“Interscholastic activities” means athletics, music, speech and other similar or related activities.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 339.030](#)
[ORS 339.035](#)

[ORS 339.450 to -339.460](#)
[OAR 581-021-0026 to -0029](#)
[OAR 581-021-0033](#)

[OAR 581-021-0071](#)
[OAR 581-021-0210](#)
[OAR 581-022-2505](#)

Corbett School District 39

Code: IC/ICA
Adopted: 9/17/98
Orig. Code: IC/ICA

School Year/School Calendar

The Board will ~~ordinarily~~ approve the school year calendar for the following year no later than its March meeting following due consideration of the recommendation of the superintendent and the input from staff, parents and the community. After Board approval, any modification of the calendar will require Board action.

~~The calendar will include the number of student days/hours, number of work days for staff and holidays. It will meet state requirements.~~

~~Days lost will be made up to ensure that the required number of days/hours are met by the district.~~
The superintendent will develop a school calendar that satisfies the requirements of Oregon Administrative Rule 581-022-2320. The calendar will include the number of student hours, number of workdays for staff and holidays. The calendar will meet or exceed state requirements. The starting and ending times for the school day will be established annually by the superintendent.

Any instructional hours lost will be made up to ensure that the state-required number of hours are met by the district.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)

[ORS 243.650](#)

[ORS 332.075\(1\)\(a\)](#)

[ORS 332.107](#)

[ORS 336.010](#)

[OAR 581-022-2320](#)

Corbett School District 39

Code: ID
Adopted: 9/17/98
Orig. Code: ID

School Day

(similar language in IC/ICA)

The number of days of instruction and number of hours of instruction will be recommended by the superintendent and approved by the Board and will be in keeping with state requirements. The district may exceed state requirements. Starting and ending times for the school day will be established annually by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.075 \(2\)](#)

[ORS 332.107](#)

[OAR 581-022-1620](#)

Corbett School District 39

Code: IDA
Adopted: 11/18/99
Orig. Code: IDA

School Week

(policy not needed)

The normal week shall consist of four student contact days beginning in the Fall of 2000. Exceptions as a result of holidays or other district activities shall be noted on the district calendar.

END OF POLICY

Legal Reference(s):

[ORS 332.075 \(2\)](#)
[ORS 332.107](#)

[OAR 581-022-1620](#)

Corbett School District 39

Code: IE
Adopted: 9/17/98
Orig. Code: IE

Organization of Instruction

(OSBA has removed this policy from its samples)

Corbett School District is organized on a K-12 grade level plan.

Multiple-level offerings may be established to meet the needs of continuous progress and individualized instruction of students. Instructional groupings will be organized as heterogeneously as possible to promote the attitudes and skills necessary for democratic citizenship.

Any proposed substantial modification or changes in the organization of instruction as adopted by the Board requires final Board review and approval.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.585](#)
[ORS 332.075 \(2\)](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)

[OAR 581-022-1130](#)
[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)

Corbett School District 39

Code: IF
Adopted: 9/17/98
Orig. Code: IF

Curriculum Development

The Board believes it necessary that the district continually develop and modify its curriculum to meet changing needs in technology and fields of knowledge and to assure the full, rounded and continuing development of our students. While keeping with the requirements of state law, the Board authorizes the superintendent, in consultation with staff, parents and the community, to review the curriculum periodically and to advise the Board on curriculum changes needed.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.075\(1\)](#)
[ORS 336.035](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2000](#)
[OAR 581-022-2030](#)
[OAR 581-022-2250](#)

[OAR 581-022-2300](#)
[OAR 581-022-2305](#)
[OAR 581-022-2310](#)
[OAR 581-022-2315](#)

Corbett School District 39

Code: IFA/IFB
Adopted: 9/17/98
Orig. Code: IFA/IFB

Curriculum Research/Pilot Projects

(OSBA has removed this policy from its samples)

A pilot project is defined as an educational practice conducted in a controlled environment for a period of time sufficient to test the applicability and viability of that practice for fulfilling present and future needs of the district.

Requests for permission to conduct such projects must be submitted to the superintendent and must be approved by the Board subject to compliance with state and federal laws and to Board policy and administrative regulations.

END OF POLICY

Legal Reference(s):

[ORS 329.675](#) - 329.745

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232; 34 CFR Part 99 (2000).
Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Corbett School District 39

Code: IFCA
Adopted: 9/17/98
Orig. Code: IFCA

21st Century Schools Councils

(Version 1)

(see updated version)

The Board directs the superintendent to encourage community involvement in shared decision-making and to foster the collaborative efforts of district personnel, students, parents and community members through 21st Century Schools Councils (school site teams).

The overall purpose of shared decision-making is to enhance student achievement through both improvement of the instructional program and delivery of support services.

Shared decision-making is part of site-based decision-making. It is a process, not an end in itself. Site-based decision-making provides an opportunity for members of a school community to collaborate, where appropriate, in solving problems, defining goals and shaping direction for an individual school or unit.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#) to -192.690
[ORS 243.650](#)
[ORS 243.782](#)

[ORS 329.125](#)
[ORS 329.704](#)

[OAR 581-020-0100](#) to -0115
[OAR 581-020-0125](#)
[OAR 581-020-0130](#)

Corbett School District 39

Code:
Adopted:

IFCA

21st Century Schools Councils**/* (Version 2)

The Board directs the superintendent to encourage community involvement in shared decision making and to foster the collaborative efforts of district personnel, students, parents and community members through 21st Century Schools Councils at each school site.

Additionally, the Board may, as deemed necessary for assisting in the administration of grants or for coordination of districtwide programs, establish a 21st Century Schools Council and/or other special committees at the district level for specific projects or issues.

The establishment and charge of a 21st Century Schools Council shall not interfere with the duties, responsibilities and rights of the duly elected Board.

Site Council Members

A 21st Century Schools Council, i.e., site council, shall be composed of teachers, parents, classified employees and administrators or their designees as follows:

1. Not more than half of the members shall be teachers;
2. Not more than half of the members shall be parents or guardians of students attending that school;
3. At least one member shall be a classified employee;
4. One member shall be an administrator or designee.

Other members may be designated by the site council from district patrons that include but are not limited to, local school committee members, business leaders, students and members of the community-at-large.

Selection

The members of a 21st Century Schools Council shall be selected as follows:

1. Teachers shall be licensed teachers elected by licensed teachers at the school site;
2. Classified employees shall be elected by classified employees at the school site;
3. Parents shall be selected by parents of students attending the school, by a process to be defined by the Board; and
4. Others shall be selected by the council.

Duties

The duties of the 21st Century Schools Council shall include, but not be limited to:

1. The development of plans to improve the professional growth of the school's staff;
2. The improvement of the school's instructional program;
3. The development and coordination of plans for the implementation of programs at the school in accordance with Oregon's Educational Act for the 21st Century;
4. The administration of grants-in-aid for the professional development of teachers and classified employees.

If the Board determines that a school site is unable to fulfill the requirement of the 21st Century Schools Council as outlined in this policy, or if the needs of a school site require a different composition, the Board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district. The 21st Century Schools Council may request a waiver of Board policy. A waiver request must be submitted in writing to the superintendent. The superintendent will submit the waiver request and his/her recommendation to the Board for final approval. A policy waiver request will be considered based on the district's mission statement, philosophy, Board-adopted goals and effective schooling tenets.

All 21st Century Schools Council decisions are subject to superintendent and Board review and approval, respectively. In no case will a 21st Century Schools Council, i.e., site council, abrogate any provision of the district's collective bargaining agreements, district contracts or Board policy.

All 21st Century Schools Council meetings shall follow the notice, meeting and record-keeping requirements of the Public Records and Meetings Law.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#) to -192.690
[ORS 243.650](#)
[ORS 243.782](#)

[ORS 329.125](#)
[ORS 329.704](#)

[OAR 581-020-0100](#) to -0115
[OAR 581-020-0125](#)
[OAR 581-020-0130](#)

Corbett School District 39

Code: IFCA-AR
Revised/Reviewed: 1/27/99
Orig. Code: IFCA-AR

21st Century Schools Councils

The district shall have 21st Century Schools Councils (site councils) at each school. 21st Century Schools Councils (site councils) shall consist of the following:

Membership

Membership shall meet the minimum requirements of law.

Duties

Within the parameters established above, 21st Century Schools Councils (site councils) shall be responsible for the development of plans to improve the professional growth of the school staff, the improvement of the school's instructional program, the development and coordination of plans for the implementation of programs at the school site and the administration of grants-in-aid for the professional development of teachers and classified employees as provided for in Oregon Revised Statutes and Oregon Administrative Rules.

Additional duties shall be set by Board policy.

Limitation of Council Authority

The district mission, beliefs, goals, priorities, strategic plan and policies shall continue to be established at the district level and approved by the Board. These establish the guiding framework within which 21st Century Schools Councils (site councils) will develop school improvement plans.

All 21st Century Schools Council (site councils) decisions are subject to superintendent and Board review and approval, respectively. 21st Century Schools Council (site council) decisions shall not abrogate any provisions of the district's collective bargaining agreements, other Board contracts, Board policy or law, except through the waiver process.

Public Meetings Law

21st Century Schools Councils (site councils), the duties of which include advising the Board or making decisions on behalf of the Board, shall follow the notice, meeting and recordkeeping requirements of the Public Meetings Law.

Corbett School District 39

Code: IFD
Adopted: 9/17/98
Orig. Code: IFD

Curriculum Adoption

A “course,” i.e., Latin America, is defined as a subject/class taught within a program (i.e., Social Studies).

The addition or deletion of courses shall require principal approval with review by the superintendent and shall be consistent with district and course goals.

Recommendations to add or revise courses or programs or to delete existing courses or programs must be approved by the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.075](#)

[ORS 332.107](#)
[ORS 336.035](#)

[OAR 581-022-2000](#)
[OAR 581-022-2030](#)

Corbett School District 39

Code: IFE
Adopted: 9/17/98
Orig. Code: IFE

Curriculum Guides and Course Outlines

Curriculum guides and course outlines will be available for all courses offered in the district. Teachers are expected to adhere closely to the course of study adopted by the district. Academic content standards and Essential Skills as adopted by the State Board of Education will be included. Planned course statements are available for all courses offered at the high school level (9-12). Such statements will contain course title, overview and goals, including curriculum content. Such statements may also include graduation competencies assigned to the course for verification. Information regarding course offerings and course descriptions will be available to all students and interested patrons of the district.

END OF POLICY

Legal Reference(s):

[ORS 332.075\(1\)](#)
[ORS 336.035](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-022-2000](#)
[OAR 581-022-2030](#)
[OAR 581-022-2250](#)

[OAR 581-022-2300](#)
[OAR 581-022-2305](#)
[OAR 581-022-2310](#)
[OAR 581-022-2315](#)

Corbett School District 39

Code: IG/IGA
Adopted: 9/17/98
Orig. Code: IG/IGA

Curriculum Design/Basic Instructional Program

The curriculum of the district is designed to provide students a range of preparation in academic areas as well as in developing values and behaviors in interpersonal relations, exploring leisure time activities, community service, preparing for the world of work and acquiring the broad spectrum of skills necessary for success in life.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.075 \(1\)](#)
[ORS 336.035](#)
[ORS 336.057](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)
[OAR 581-022-1130](#)

[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)

Corbett School District 39

Code: IGABA
Adopted: 9/17/98
Orig. Code: IGABA

Instruction in Ethics and Morality

The district believes:

- Instruction in ethics and morality should permeate the entire instructional program;
- Children develop their sense of ethics and morality by observing adults in their environment;
- Educators exert a tremendous influence on youngsters.

Therefore, instruction in ethics and morality in the district shall give emphasis to:

1. Honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and the Constitution of the State of Oregon; respect for parents and the home, the dignity and necessity of honest labor and other lessons which tend to promote and develop an upright and desirable citizenry;
2. Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex and disabilities. Acknowledgment of the dignity and worth of individuals and groups and their participative roles in society;
3. The effects of tobacco, alcohol and drugs upon the human system;
4. Humane treatment of animals.

END OF POLICY

Legal Reference(s):

[ORS 336.067](#)

Corbett School District 39

Code: IGAC
Adopted: 4/17/19
Orig. Code: IGAC

Teaching about Religion

The public schools are obligated to maintain neutrality in matters of religion.

The importance of religion in history, culture and the arts cannot be ignored and should have a place in education. The distinction must be made, however, between these studies as part of the curriculum and the celebration of religious holidays in a manner that is devotional, doctrinal or both. The distinction rests on whether the purpose or effect of the practice is the advancement of religion.

Since this is a pluralistic society in which a variety of religious beliefs and non-beliefs are held, religious education and activities should promote respect, mutual understanding and sensitivity to the various beliefs held by staff and students. In the spirit of tolerance, students and staff members will be excused from participating in practices which are contrary to their religious beliefs without penalty.

The superintendent shall develop administrative procedures that include guidelines consistent with the philosophy that religion in the schools must be educational in nature and that the schools must be sensitive to all beliefs.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.035](#)

U.S. Const. amend. I.

OR. CONST., art. I.

Kennedy v. Bremerton Sch. Dist., 869 F.3d 813 (9th Cir. 2017).

Corbett School District 39

Code: IGAEA
Adopted: 9/17/98
Orig. Code: IGAEA

HIV, AIDS, HBV and HCV Health Education**

(see policy IGAI)

The Board wants the schools to play an important role in reducing the fears about HIV/AIDS/HBV/HCV¹ and in reducing the risk behaviors that lead to infection by educating students with current, factual information about the disease, i.e., how it attacks the body's system and how it is (and is not) transmitted. AIDS is a deadly disease; there is no known cure. The Board believes the best course of action is to attempt to contain or to reduce the spread of the disease by creating an informed public; one that is aware of the physiological and psychological aspects of the disease.

A curriculum shall be developed cooperatively by parents, teachers, administration, local health department staff and others. The curriculum shall present current, accurate information to help students learn infection control for preventing the spread of the HIV/AIDS/HBV/HCV-causing virus and to assist them in making decisions about protecting their health and the health of others. The curriculum shall stress the value of abstinence. Information about HIV, AIDS and Hepatitis B infections shall be included in the curriculum.

The Board adopted curriculum will be reviewed and updated biennially.

The age-appropriate curriculum shall be taught annually in grades K-12.

The district will designate a staff person to facilitate communication between the Oregon Health Division, Oregon Department of Education and teaching staff regarding this program.

The district shall develop procedures for parent notification, exemption and alternative credit.

Parents of minor students shall be notified in advance that the material regarding HIV/AIDS/HBV/HCV will be taught. Any parent may request his/her student be excused from the class under the provisions set forth in Oregon Revised Statutes and Administrative Rules.

END OF POLICY

Legal Reference(s):

[ORS 336.035 \(2\)](#)
[ORS 336.455 - 336.475](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-022-1910](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus; HCV - Hepatitis C Virus

Corbett School District 39

Code: IGAEB
Adopted: 6/15/16
Orig. Code: IGAEB

Drug, Alcohol and Tobacco Prevention, Health Education**

Students have a right to attend school in an environment conducive to learning. Since student drug, alcohol and tobacco use is illegal and harmful and interferes with both effective learning and the healthy development of students, the school has a fundamental legal and ethical obligation to prevent unlawful drug, alcohol and tobacco use and to maintain a drug-free educational environment.

After consulting with parents, teachers, school administrators, local community agencies and persons from the drug, alcohol or health service community who are knowledgeable of the latest research information, the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

Drug Prevention Program

The district's drug, alcohol and tobacco curriculum will be age-appropriate, reviewed annually and updated as necessary to reflect current research and Oregon's Health Education Academic Content Standards.

Drug, alcohol and tobacco prevention instruction will be integrated in the district's health education courses for grades K-12. Students not enrolled in health education shall receive such instruction through other designated courses. At least annually, all high school students, grades 9-12, shall receive instruction about drug and alcohol prevention. Instruction shall minimally meet the requirements set forth in Oregon Administrative Rules.

The district will include information regarding the district's intervention and referral procedures, including those for drug-related medical emergencies in student/parent and staff handbooks.

“Intervention” is defined as the identification and referral of students whose behavior is interfering with their potential success socially, emotionally, physiologically, and/or legally as a result of prohibited drug, alcohol and/or tobacco use.

Any staff member who has reason to suspect a student is in possession of, or under the influence of unlawful drugs, alcohol, other intoxicants or tobacco on district property, on a school bus or while participating in any district-sponsored activity, whether on district property or at sites off district property, will escort the student to the office or designated area and will report the information to the principal or his/her designated representative.

The principal or designee will:

1. Call law enforcement if deemed appropriate;
2. Call the parents for a meeting;
3. Discuss the incident with student, parents if available and police if contacted;

4. Impose the penalty for violations using due process procedures;
5. Tell parents about resources which offer treatment or assistance for young people suffering from drug-, alcohol- or tobacco-related problems.

Students possessing, using and/or selling unlawful drugs, including drug paraphernalia, alcohol and tobacco on district property, in district vehicles, at district-sponsored activities on or off district grounds shall be subject to discipline up to and including expulsion. When considering disciplinary action for a child with disabilities, the district must follow the requirements of Board policy JGDA/JGEA – Discipline of Students with Disabilities including those involving functional behavioral assessment, change or placement, manifestation determination and an interim alternative educational setting. Students may also be referred to law enforcement officials.

In general, drug-related medical emergencies will be handled like a serious accident or illness. Immediate notification of the community emergency care unit is required. Trained staff members will assist the student in any way possible. Parents shall be contacted immediately. A staff member shall be designated to accompany the student to the hospital or emergency medical facility. Procedures to be taken, including those for students participating in district-sponsored activities off district grounds, shall be included in the district's comprehensive first aid/emergency plan.

The district will actively seek funds from outside sources either independently or through coordinated efforts with other districts, community agencies or the education service district for drug-free schools grants.

A planned staff development program that includes current drug, alcohol and tobacco prevention education, an explanation of the district's plan and staff responsibilities within that plan will be developed by the superintendent. The input of staff, parents and the community is encouraged to ensure a staff development program that best meets the needs of district students.

The district will develop a public information plan for students, staff and parents.

The district's Drug, Alcohol and Tobacco Prevention, Health Education plan, related board policies, rules and procedures will be reviewed annually and updated as needed.

END OF POLICY

Legal Reference(s):

ORS 163.575	OAR 581-015-2060	OAR 581-015-2420
ORS 336.067	OAR 581-015-2070	OAR 581-015-2425
ORS 336.222	OAR 581-015-2075	OAR 581-015-2430
ORS 339.873	OAR 581-015-2205	OAR 581-015-2435
ORS Chapter 475	OAR 581-015-2220	OAR 581-015-2440
	OAR 581-015-2225	OAR 581-015-2600
OAR 581-011-0052	OAR 581-015-2230	OAR 581-015-2605
OAR 581-015-2000	OAR 581-015-2235	OAR 581-021-0050
OAR 581-015-2040	OAR 581-015-2240	OAR 581-021-0055
OAR 581-015-2045	OAR 581-015-2325	OAR 581-022-2030
OAR 581-015-2050	OAR 581-015-2410	OAR 581-022-2045
OAR 581-015-2055	OAR 581-015-2415	

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670; 86.1-86.7 (2017).
Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Corbett School District 39

Code: IGAI
Adopted: 4/16/14
Orig. Code: IGAI

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education**

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects.

Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance a student's understanding of sexuality as a normal and healthy aspect of human development. A part of the comprehensive plan of instruction shall provide age-appropriate child sexual abuse prevention instruction for students in kindergarten through grade 12. The district must provide a minimum of four instructional session annually; on instructional session is equal to one standard class period. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grade 6-8 and at least twice during grades 9-12.

Parents, teachers, school administrators, local health departments staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality or AIDS/HIV instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in ORS 336.035(2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced, accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances;
7. Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;
13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources; and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self-esteem and ability to resist peer pressure;

2. Provides students with the opportunity to learn about and personalize peer, media, technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based or best practice; and
6. Aligns with the Oregon Health Education Content Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted infections and diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear-based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated or witnessed sexual abuse and relationship violence.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.107](#)
[ORS 336.455 - 336.475](#)

[ORS 339.370 - 339.400](#)
[OAR 581-021-0009](#)

[OAR 581-022-2030](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)

Corbett School District 39

Code: IGAJ
Adopted: 2/21/07
Orig. Code: IGAJ

Traffic Safety Education

(policy is only required if district receives funds to implement this program)

If a traffic safety education program is provided by the district, the program will be made available to all eligible resident students. The district will charge a tuition rate as established by the Board.

Eligible nonresident students may enroll in the district's traffic safety education program if resources are available. Nonresident students will be charged tuition.

No resident student shall be denied enrollment in the district's traffic safety education program based solely on the ability to pay tuition.

The district will develop procedures for establishing tuition rates, enrolling nonresident students and reducing or waiving tuition.

END OF POLICY

Legal Reference(s):

[ORS 336.790 - 336.815](#)
[ORS 339.141](#)

[ORS 802.110](#)

[OAR 737-015-0010 - 0100](#)

Corbett School District 39

Code: IGAJ-AR
Revised/Reviewed: 3/14/07
Orig. Code: IGAJ-AR

Traffic Safety Education

The following procedures shall be used in implementing the district's traffic safety education program.

Tuition Rate

Each year prior to the Board's organization meeting, following July 1, the superintendent will provide the Board with data regarding the district's traffic safety education program. The data shall include the number of available "slots," the number of "slots" filled, the number of resident and nonresident students enrolled, the cost of the program, the amount of state reimbursement and other appropriate information. From this data, the superintendent will propose a tuition rate for Board adoption annually.

Nonresident Student Enrollment

Each August the superintendent will identify districts that might benefit from the district's traffic safety education program.

The superintendent will send a letter inviting nonresident student application. Such application shall establish a "waiting list." The waiting list shall be based upon a "first come, first served" basis. When the resident student enrollment is established, the waiting list will be activated.

All students shall be subject to the district's code of conduct, policies and administrative regulations. Violation may result in disciplinary action up to and including removal from the traffic safety education program.

The committee shall only consider students who qualify for free or reduced-price meals under federal child nutrition programs or students whose family believes the tuition is a severe hardship.

Tuition waivers or reductions may result in:

1. Accessing a fund set aside to assist needy students;
2. Setting up a work program with the student;
3. Setting up a "payment plan";
4. Other.

Corbett School District 39

Code: IGBA
Adopted: 8/15/18
Orig. Code: IGBA

Students with Disabilities - Child Identification Procedures

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services

(EI/ECSE). For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency Multnomah ESD is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade-to-grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are enrolled in a public or private school program; or and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of public charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five on or before September 1 of the current school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular high school diploma.

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated and are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a

count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

ORS 332.075	ORS 343.517	OAR 581-015-2190
ORS 338.165	ORS 343.533	OAR 581-015-2195
ORS 339.115 - 339.137		OAR 581-015-2315
ORS 343.151	OAR 581-015-2040	OAR 581-015-2480
ORS 343.157	OAR 581-015-2045	OAR 581-021-0029
ORS 343.193	OAR 581-015-2080	OAR 581-022-2315
ORS 343.221	OAR 581-015-2085	

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(3) (2012).

Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2017).

Corbett School District 39

Code: IGBA-AR
Adopted: 6/19/13
Orig. Code: IGBA-AR

Students with Disabilities - Child Identification Procedures

1. The District's Child Find Efforts Include:
 - a. Public awareness. District child find activities involve local media resources and direct contact activities, such as presentations at community meetings, business group meetings, services agencies or advocacy organizations.
 - (1) The district provides information about special education services in the district and the district's special education referral process to public and private facilities and public charter schools located in the district, including day care centers, homeless shelters, group homes, county jails, hospitals, medical officer and other facilities that serve children birth to 21 years old.
 - (2) The district provides information about special education services and how to make a referral to any migrant education programs operating in the district.
 - b. Notice of confidentiality. Before any major child find activity, the district publishes notice in newspapers or other media, or both, informing parents that confidentiality requirements apply to these activities. Circulation for this notice must be adequate to inform parents within the district's jurisdiction.
 - c. Staff awareness. The district ensures that staff are knowledgeable of the characteristics of disabilities and the referral procedures for students, including preschool children, suspected of having disabilities.
 - d. Communication to parents. District staff shall inform parents about the availability of special education services in the district and provide them with information about initiating referral for special education evaluation, including the information about early intervention/early childhood special education services (EI/ECSE) and the designated referral and evaluation agencies with which the district collaborates.
2. Private School Children with Disabilities:
 - a. The district's child find system applies to children, including those children who are residents of another state, enrolled by their parents in private schools, located within the boundaries of the district.
 - b. The district's child find activities for private school students enrolled by their parents in private schools are similar to, and completed within a comparable time period, as child find activities for students in district public schools.
 - c. The district does not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal IDEA funds on parentally-placed school students with disabilities.
 - d. The district consults with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:

- (1) How private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers and private school officials will be informed of the process.
- e. The district child find process for parentally-placed private school students ensures the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.

3. Home-Schooled Students with Disabilities

- a. The district collaborates with the ESD that serves the district to ensure that the district responds promptly to information about home-schooled students with suspected disabilities.
- b. The district collaborates with home schooling organizations in the district's jurisdiction and provides information about special education services in the district and how to make a referral.
- c. If the district has reason to suspect that a home schooled student has a disability, the district will obtain parent consent for initial evaluation.

Corbett School District 39

Code: IGBAB/JO
Adopted: 10/17/12
Orig. Code: IGBAB/JO

Education Records/Records of Students with Disabilities**

Education records are those records maintained by the district that are directly related to a student.

The district shall maintain confidential education records of students in a manner that conforms with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate, verifiable and should have a direct and significant bearing upon the student's educational development.

The district annually notifies parents or adult students that it forwards educational records requested by an educational agency or institution in which the student seeks to enroll or receive services, including special education evaluation services.

~~The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Records requested by another district to determine a student's appropriate placement may not be withheld. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district. The district may waive fees, fines and charges if the student or parents cannot pay, the payment of the debt could impact the health and safety of the student or if the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.~~

The district shall comply with a request from parents or an adult student to inspect and review records without unnecessary delay. The district provides to parents of a student with a disability or to an adult student with a disability the opportunity at any reasonable time to examine all of the records of the district pertaining to the student's identification, evaluation, educational placement and free appropriate public education. The district provides parents or an adult student, on request, a list of the types and locations of education records collected, maintained and used by the district.

The district annually notifies parents of all students, including adult students, currently in attendance that they have to right to:

1. Inspect and review the student's records;
2. Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student educational record rules authorize disclosure without consent. (See Board policy JOB - Personally Identifiable Information);

4. File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the district's education records policy.

Regarding records to be released to district official within the agency, the district's notice includes criteria for determining legitimate educational interest and the criteria for determining which school officials have legitimate educational interests. The district's notice include criteria for determining legitimate educational interest and the criteria for determining which school officials within the agency have legitimate educational interests. School officials may also include a volunteer or contractor who performs an institutional service on behalf of the school.

The district annually notifies parents and adult students of what it considers to be directory information and the disclosure of such. (See Board policy JOA - Directory Information).

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. Once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulation shall be made available upon request to parents and students 18 years of age or older or emancipated and the general public.

Records request by another district to determine a student's appropriate placement may not be withheld.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 326.580](#)
[ORS 339.270](#)
[ORS 343.177\(3\)](#)

[OAR 166-400-0010 to -166-400-0065](#)
[OAR 581-021-0220 to -0430](#)
[OAR 581-022-2260](#)
[OAR 581-022-2270](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).

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).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2017).

Corbett School District 39

Code: IGBAB/JO-AR
Adopted: 6/19/13
Orig. Code: IGBAB/JO-AR

Education Records/Records of Students with Disabilities Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of his/her status as a student are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the district, and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of the educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Name of parents;
- e. Date of entry in school;

- f. Name of school previously attended;
- g. Courses of study and marks received;
- h. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Confidentiality of Student Records

- a. The district shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each district shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each district shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The district shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an individualized education program (IEP), or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student's education record:

- a. Provide a written, dated request to inspect a student's education record; and
- b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of his/her choice.

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the students educational records. The district may not charge a fee to search for or to retrieve the education records of a student.

The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.501(4) unless authorized by federal law.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

Student's education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the district. The administrator/principal or his/her designee shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a district official employed by the district as an administrator, supervisor, instructor or staff support member; a person serving on a school board who need to review an educational record in order to fulfill his or her professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the district would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;
- c. The disclosure is to authorized representatives of:

The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state supported education programs, or the enforcement of or compliance with federal or state supported education programs, or the enforcement of or compliance with federal or state regulations.

- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
- (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid; or
 - (4) Enforce the terms and condition of the aid.

As used in this section “financial aid” means any payment of funds provided to an individual that is conditioned on the individual’s attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
- (1) Develop, validate or administer predictive tests;
 - (2) Administer student aid programs; or
 - (3) Improve instruction.

The district may disclose information under this section only if disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

- (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
- (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
- (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term “organization” includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the district that:

- (1) Designates the individual or entity as an authorized representative;
- (2) Specifies the personally identifiable information being disclosed;
- (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state supported education programs;

- (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
 - (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with Family Education Rights and Privacy Act (FERPA) and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
 - h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
 - i. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
 - j. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the district determines that there is an articulable and significant threat, the district will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the district may in good faith determine a health or safety emergency;

- k. The disclosure is information the district has designated as "directory information" (See Board policy JOA- Directory Information);
- l. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- m. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term "receives services" includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
- n. The disclosure is to the Board during an executive session pursuant to ORS 332.061.

The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.

6. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record keeping requirements shall include the parent, eligible student, school official or his/her assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student's personally identifiable information:

- a. The parent(s) or eligible student;
- b. The school official or his/her assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record keeping procedures of the district.

7. Request for Amendment of Student's Education Record

If an eligible student or student's parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, he/she may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a

hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or his/her designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the district will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or contested portion is maintained by the district; and
- b. Is disclosed by the district to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

9. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, or detention facility or youth care center in which the student was formerly enrolled and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The district shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement

Required for use in collecting personally identifiable information
related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

“Providing your social security number (SSN) is voluntary. If you provide it, the district will use your SSN for record-keeping, research, and reporting purposes only. The district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described.”

On the back of the same form, or attached to it, the following statement shall appear:

“OAR 581-021-0250 (1)(j) authorizes districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace.”

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.

Corbett School District 39

Code: IGBAC
Adopted: 8/16/17
Orig. Code: IGBAC

Special Education - Personnel

Consistent with Teacher Standards and Practices Commission (TSPC) requirements, the district's personnel are appropriately and adequately prepared to implement special education and related services, and have the content knowledge and skills to serve children with disabilities.

The district takes measurable steps to recruit, hire, train and retain personnel, who are appropriately licensed and endorsed by TSPC or their appropriate licensing body, to provide special education and related services to children with disabilities.

The district's plan for providing personnel development programs in the district is found in Board policy GCL/GDL - Staff Development.

END OF POLICY

Legal Reference(s):

[OAR 584-220-0180](#)

[OAR 584-220-0185](#)

Individuals with Disabilities Education Act 20 U.S.C. § 1412(a)(14)(D) and 20 U.S.C. § 1413(a)(3) (2012).
Assistance to States for the Education of Children with Disabilities 34 C.F.R. § 300.156(d) and 34 C.F.R. § 300.207 (2017).

Corbett School District 39

Code: IGBAE
Adopted: 3/12/08
Orig. Code: IGBAE

Special Education - Participation in Regular Education Programs

The district ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students ~~who are~~ ~~nondisabled~~ without disabilities.

Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

END OF POLICY

Legal Reference(s):

[ORS 343.223](#)

[OAR 581-015](#)-2045

[OAR 581-015](#)-2060

[OAR 581-015](#)-2040

[OAR 581-015](#)-2050

[OAR 581-015](#)-2065

[OAR 581-015](#)-2055

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.114 to -330.118 (2006).

Corbett School District 39

Code: IGBAE-AR
Adopted: 3/12/08
Orig. Code: IGBAE-AR

Special Education - Participation in Regular Education Programs**

1. Placement Decisions of the Student

- a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually, every 365 days;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) As close as possible to the student's home.
- b. The student is educated in the school that he/she would attend if nondisabled unless the services identified in the IEP cannot feasibly be provided in this setting.
- c. The district ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified on the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.
- d. Placement teams, including the parent, select the least restrictive environment for each student, using the following decision-making process:
 - (1) Completion of the IEP, including determining the student's special education and related services, and determining the extent to which these services can be provided to the student in the regular class;
 - (2) If all IEP services cannot be provided in the regular class, identifying those that must be provided outside the regular class; however, the district will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum;
 - (3) For those services that must be provided outside the regular class, identifying where, on the continuum from least to most restrictive, the services can be provided;
 - (4) Placement is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;
 - (5) In selecting the student's placement, the placement team considers and documents:

- (a) All placement options considered, including placement options requested by the parent;
 - (b) Potential benefits of placement options that are considered;
 - (c) Any potential harmful effects on the student or on the quality of services that he or she needs; and
 - (d) Modifications and services considered to maintain the student in the least restrictive placement before concluding that a more restrictive setting is necessary.
- (6) The placement team documents the placement selected, and provides a copy of the determination to the parent;
 - (7) If the selected placement is a change from previous placement, the district provides the parent with prior written notice of the change in placement; and
 - (8) If the parent requests a specific placement that the team rejects, the district provides a prior written notice of refusal.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to FAPE, the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The district takes steps, including providing the supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
 - (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.

Corbett School District 39

Code: IGBAF
Adopted: 10/17/12
Orig. Code: IGBAF

Special Education - Individualized Education Program (IEP)**

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21, including those who attend a public charter school located in the district are placed in or referred to a private school or facility by the district or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls, or individual meetings.

END OF POLICY

Legal Reference(s):

ORS 343.151	OAR 581-015-2200	OAR 581-015-2230
ORS 343.155	OAR 581-015-2205	OAR 581-015-2235
	OAR 581-015-2210	OAR 581-015-2055
OAR 581-015-2000	OAR 581-015-2215	OAR 581-015-2600
OAR 581-015-2190	OAR 581-015-2220	OAR 581-015-2065
OAR 581-015-2195	OAR 581-015-2225	OAR 581-015-2265

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 to -300.6, 300.22 to -300.24, 300.34, 300.43, 300.105 to -106, 300.112, 300.325, 300.328, 300.501 (2012).

Corbett School District 39

Code: IGBAF-AR
Adopted: 4/20/16
Orig. Code: IGBAF-AR

Special Education - Individualized Education Program (IEP)**

1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.

- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.

- c. Participation by other agencies:
 - (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
 - (2) If the district refers or places a student in an education service district, state-operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:
 - (1) The parent and the district consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
 - (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate

achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:

- (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
- (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
- (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
- (6) A statement describing how the district will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

- a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.

- c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes his or her learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
 - (5) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
 - (1) Beginning not later than the IEP in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals.

(2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and

(3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.

8. Incarcerated Youth

a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:

(1) Participation of students with disabilities in state and districtwide assessment; and

(2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.

b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

9. Extended School Year Services

a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.

b. ESY services are:

(1) Provided to a student with a disability in addition to the services provided during the typical school year;

(2) Identified in the student's IEP; and

(3) Provided at no cost to the parent.

c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.

d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.

e. The district's criteria for determining the need for extended school year services include:

(1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or

(2) If no documented evidence, on predictions according to the professional judgment of the team.

f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.

g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

10. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

11. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student's parents) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the district either:

- (1) Adopts the student's IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student's parents, will provide a free appropriate public education to the student, including services comparable to those described in the student's IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

Corbett School District 39

Code: IGBAG
Adopted: 7/17/13
Orig. Code: IGBAG

Special Education - Procedural Safeguards**

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

¹ If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child for further provision of special education or related services.

Procedural Safeguards Notice

1. The district provides to parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
2. The district provides the *Procedural Safeguards Notice* in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

1. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
2. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
4. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
5. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.165](#)

[ORS 343.177](#)

[ORS 343.181](#)

[OAR 581-001-0005](#)

[OAR 581-015-2000](#)

[OAR 581-015-2030](#)

[OAR 581-015-2090](#)

[OAR 581-015-2095](#)

[OAR 581-015-2190](#)

[OAR 581-015-2195](#)

[OAR 581-015-2305](#)

[OAR 581-015-2310](#)

[OAR 581-015-2325](#)

[OAR 581-015-2330](#)

[OAR 581-015-2345](#)

[OAR 581-015-2360](#)

[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.500 to -300.505, 300.515, 300.517 (2008).

Corbett School District 39

Code: IGBAG-AR
Adopted: 8/15/18
Orig. Code: IGBAG-AR

Special Education - Procedural Safeguards**

1. Procedural Safeguards

- a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).
- b. The district gives parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year;
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy; and
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is emancipated.
- c. The *Procedural Safeguards Notice* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.

2. Content of *Procedural Safeguards Notice*

The procedural safeguards notice includes all of the content provided in the *Procedural Safeguards Notice* published by ODE.

3. Parent or Adult Student Meeting Participation

- a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and

- educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.
- b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
 - c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
 - d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
 - e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
 - f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
 - g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

- h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
- i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district will only appoint a surrogate who:
 - (1) Is not an employee of the district or ODE;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
 - (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and

- (4) Represent the student in all matters relating to the provision of FAPE to the student.
- g. A parent may give written consent for a surrogate to be appointed.
 - (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.
 - (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The district may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
- j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).

- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.

6. Prior Written Notice

- a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time, before the district:
 - (1) Proposes to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
- b. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the district;
 - (2) An explanation of why the district proposed or refused to take the action;
 - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
 - (6) A description of other options the IEP team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.
- c. The prior written notice is:
 - (1) Written in language understandable to the general public; and
 - (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;

- (3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ – Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.

9. Consent – Re-evaluation

- a. The district obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
 - (1) The district does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.

¹ "Consent" means that the parent or adult student: a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

- b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.

10. Consent – Other Requirements

- a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
- b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.
- c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

11. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.

12. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
- b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
- e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.

13. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent's right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

14. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or education service district (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

15. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - (4) A description of the factors relevant to the district's proposal or refusal.

16. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.

17. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.

18. Hearing Costs

- a. The district reimburses ODE for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
- b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing
- c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.

19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA/JGEA - Discipline of Students with Disabilities.

Corbett School District 39

Code: IGBAH
Adopted: 8/15/18
Orig. Code: IGBAH

Special Education - Evaluation Procedures**

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school-age children. The district is responsible for evaluating children who may be eligible for early intervention/early childhood special education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related service needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.157](#)

[ORS 343.164](#)
[OAR 581-015-2000](#)

[OAR 581-015-2095](#)
[OAR 581-015-2105 - 2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).

Corbett School District 39

Code: IGBAH-AR
Adopted: 3/12/08
Orig. Code: IGBAH-AR

Special Education - Evaluation and Eligibility Procedures**

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Re-evaluation
 - a. The district conducts re-evaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;

- (2) When the child's parents or teacher request a re-evaluation; and
 - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.
- b. The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

5. Evaluation Planning

- a. ~~The district, or designated referral and evaluation agency for preschool children, ensures that, as part of an initial evaluation (if appropriate), and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals, as appropriate, must review and document their review of existing evaluation data information on the child, including:~~
- (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations; and
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
- (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs or continues to need EI/ECSE or special education and related services; and
 - (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
 - (1) Whether the child has a disability; and

- (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
 - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
 - (3) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Are administered by trained and knowledgeable personnel; and
 - (5) Are administered in accordance with any instructions provided by the producer of the assessments.
- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed to determine whether or not the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.

- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
 - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.

- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities in more than one disability category, but the team needs to find the child eligible in only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.

Corbett School District 39

Code: IGBAI
Adopted: 3/12/08
Orig. Code: IGBAI

Special Education - Private Schools**

Individuals with Disabilities Education Act (IDEA) requires special education services for two different groups of private school students: those referred or placed by the district and those enrolled by parents. The law, rules and requirements for these groups of students are vastly different. It is the policy of the district to implement differentiated procedures and services for these groups.

The district shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district is provided special education and related services at no cost to the parents, is provided an education that meets the standards that apply to education provided by the district and has all of the rights of a student with a disability who is served by the district.

If a student with a disability has a free appropriate public education available to him/her and the parents choose to place the student in a private school, the district is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the district's boundaries will be included in the district's special education private school student count and the private school students for whom the district may provide services.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2265](#)

[OAR 581-015-2270](#)

[OAR 581-015-2280](#)

[OAR 581-015-2450](#)

[OAR 581-015-2455](#)

[OAR 581-015-2460](#)

[OAR 581-015-2470](#)

[OAR 581-015-2480](#)

[OAR 581-015-2515](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380 - 300.382 (2006).

Corbett School District 39

Code: IGBAI-AR
Adopted: 3/12/08
Orig. Code: IGBAI-AR

Special Education - Private Schools

Approved Private Schools

1. Obligations of the district:
 - a. The district ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
 - b. If the district refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the district ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education to provide such education in conformance with an IEP, and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
 - c. Before placing a student with a disability in an approved private school or preschool, the district ensures that the program has current Oregon Department of Education approval to provide special education and related services.
 - d. The district or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/IFSP development and placement when determining whether to place the child in an approved private preschool or school for special education services.
 - e. For each student age three through 21, the district's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the district ensures that school-age students are district residents or preschool-age children are eligible to receive EI/ECSE or special education services.
 - (2) The district initiates and conducts an individualized education program team meeting that includes a representative of the approved private school. If a representative of the approved private school, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the district and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the district initially places a student in an approved private school, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the district or public agency, unless the district or public agency requests by written agreement that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP.
 - (4) The district may, by written agreement, request that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the district remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and

- (b) Ensures the participation of parents and the district or public agency representative.
- (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the district or public agency representative.
- (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
- (7) The district or public agency terminates the placement of students in a private school or preschool if the Oregon Department of Education suspends, revokes or refuses to renew the approval of a private school or preschool.
- (a) The district ensures that every student with a disability who is placed in or referred to a private school or facility by the district as a means of providing special education and related services.
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and
 - (iii) Has all of the rights of a student with a disability who is served by the public agency.
- (b) The district ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
- (c) The district initiates and conducts an IEP meeting at which an IEP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school.

2. Out-of-State Placements for Special Education

- a. The district ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
- b. The district maintains documentation of such approval and makes it available to the Oregon Department of Education (ODE) upon request.
- c. The district makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the district has:
 - (1) Developed an individualized education program;
 - (2) The placement team has determined that no appropriate in-state placement options are available.

3. District Responsibility for Students Enrolled by their Parents in Private Schools
 - a. The district provides equitable services, funded by a proportionate share of federal special education funds, for resident and nonresident students with disabilities enrolled by their parents in private schools located within district boundaries. Nonresident students include children who are residents of another state.
 - b. The district consults with private school officials about procedures and services and provides child find activities, evaluations, reevaluations and eligibility determinations comparable to those provided for the district's public schools.
 - c. The district maintains in its records and provides annually to the Oregon Department of Education, a count of the number of parentally-enrolled private school students evaluated, the number found eligible and the number to whom it provides services.
4. Consultation with Representatives of Private School Students with Disabilities
 - a. The district consults, in a timely and meaningful way with representatives of private schools and parents of parentally placed private school students with disabilities enrolled in private schools located within the district's boundaries.
 - b. Consultation includes:
 - (1) The child find process, including:
 - (a) How parentally-placed private school children with disabilities may participate equitably, as they do not have an individual entitlement to the same level of special education services as children enrolled in public schools; and in the child find process and how parents, teachers and private school officials will be informed of the process;
 - (b) How parents, teachers and private school officials will be informed of the process.
 - (c) How, where and by whom the special education and related services will be provided.
 - (d) The determination of the proportionate amount of federal funds available including how the amount is calculated, the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this is calculated.
 - (e) How services will be apportioned if funds are insufficient, and how and when these decisions will be made.
 - (f) A written explanation of service decisions that the district provides to officials of private schools if the district disagrees with the views of the private school officials about the services to be provided or the methods of providing these services.
 - c. Written affirmation and complaint:
 - (1) The district requests a written affirmation, signed by the administrator of each private school participating in the consultation process that a timely and meaningful consultation occurred;
 - (2) If private school officials do not provide this affirmation within a reasonable period of time, the district forwards its documentation of the consultation process to the Oregon Department of Education (ODE);
 - (3) The district maintains documentation of its consultation process.

- (4) The district acknowledges the right of a private school official to submit a complaint to the Oregon Department of Education (ODE) regarding the district's implementation of these requirements. Should such a complaint occur, the district forwards to ODE appropriate documentation, including documentation of the district's consultation process.
- d. The district makes the final decisions with respect to the services to be provided to eligible private school students.

5. Child Find for Parentally-Placed Private School Children:

- a. The district's child find process includes all resident and nonresident parentally placed students attending private schools located within the district's boundaries.
- b. The district provides child find activities that are similar to, and completed within a comparable time period as child find activities for students in the district's public schools.
- c. The district consults with private school representatives and parents about how to implement the child find activities and how to keep parents and private school personnel informed.
- d. The district ensures the equitable participation of parentally placed private school students in the child find process.
- e. The district does not include the cost of conducting child find activities for private school students, including individual evaluations in determining whether it has spent a proportionate share of its federal IDEA funds on parentally placed private school students with disabilities.
- f. The district ensures an accurate count of these children is made between October 1 and December 1 of each year and uses this count in determining the amount the district spends for services in the subsequent fiscal year.

6. Provisions for serving students placed by their parents in private schools:

- a. District decisions about the services that are provided to private school students with disabilities are made throughout the consultation process and in accordance with the district's plan for service of parentally-placed private school students and their services plans.
- b. The services provided to private school students with disabilities are provided by personnel meeting the same standards as personnel providing service in the district program.
- c. The district may provide private school students with disabilities a different amount of services than students with disabilities attending public schools in the district.
- d. The district may provide services to private school students with disabilities onsite at the student's private school, including a religious school, to the extent that services can be provided in a religiously neutral setting within the private school. These services will be provided during the student's regular school day, unless stated otherwise in the student's service plan.
- e. If a parent of a private school student with a disability requests an **IEP** meeting from the resident district, the resident district will either:
 - (1) Hold an IEP meeting within a reasonable time; or
 - (2) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting.

7. Evaluation, Reevaluation and Eligibility of Private School Students with Disabilities

- a. The district conducts evaluations, reevaluations and eligibility determinations, in accordance with federal and state laws and regulations, for both resident and nonresident students enrolled by their parents in private schools located within district boundaries.
- b. Eligibility for special education and related services will be determined by the district in the same manner as for public school students with disabilities.
- c. The district in which the private school is located reevaluates private school students with disabilities at least every three years to determine whether the student continues to be eligible for special education, whether the student is or is not currently receiving services under a services plan.
- d. If parents who enroll a student in a private school at their own expense do not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district does not use due process procedures to override the lack of consent. The district does not, and is not required to, consider the child as eligible for special education services in these cases.
- e. If a parent refuses a reevaluation that is necessary to determine whether the student continues to be a student with a disability, and as a result the team cannot determine the student's continuing eligibility, the student will no longer be considered "eligible" and shall not be counted as a private school student with a disability for the purposes of the private school student count.
- f. Following an initial determination of eligibility, and upon any subsequent determination of eligibility, the district will notify the parent in writing that the resident district will make a free appropriate public education available to the student if the student is enrolled in a district program, and conducts a meeting to develop, review or revise the student's services plan.
- g. If the parent does not choose to remove the child from private school to enroll in a district public school, the district initiates and conducts a meeting to develop, review or revise the student's services plan, consistent with the procedures for IEP meetings and timeline and in light of the service provision the district has determined through the consultation process.
- h. The district in which the private school is located does not release evaluation and eligibility determination information or other personally identifiable information to the student's resident district without written parental consent, unless parents seek enrollment in the student's resident district and the resident district requests records.

8. Services Plan

- a. If a student with a disability is enrolled by a parent in a private school the district offers a services plan.
- b. The district ensures that the services plan describes the specific special education and related services the district will provide to the student in light of the services that have been determined through the consultation process.
- c. The district convenes individual meetings to develop, review and revise the services plan consistent with procedures for IEP team membership, parent participation and IEP content, to the extent appropriate.
- d. The district ensures that a representative of the private school attends each meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls.

- e. The district is not required to provide transportation from the student's home to the private school. If necessary for the student to benefit from or participate in the services provided by the district the district must provide transportation:

- (1) From the student's school or the student's home to a site other than the private school; and
- (2) From the service site to the private school, or to the student's home, depending on the timing of the services.

9. Property, Equipment and Supplies

- a. The district keeps title to and exercises continuing administrative control of all property, equipment and supplies that the district acquires with IDEA funds for the benefit of private school students with disabilities.
- b. The district may place equipment and supplies in a private school for a period of time needed to implement the service plan of a private school student with disabilities or for child find purposes.
- c. The district ensures that the equipment and supplies placed in a private school:
 - (1) Are used only for implementation of special education activities; and
 - (2) Can be removed from the private school without remodeling the private school facility.
- d. The district removes equipment and supplies from a private school if:
 - (1) The equipment and supplies are no longer needed for special education activities, programs or services; or
 - (2) The district determines removal is necessary to avoid unauthorized use of the equipment and supplies.
- e. The district does not use IDEA funds for repairs, minor remodeling or construction of private school facilities.

10. Separate Classes Prohibited

The district does not use IDEA funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

- a. The classes are at the same site; and
- b. The classes include students enrolled in public school programs and students enrolled in private schools.

11. Funds and Property Not to Benefit Private Schools

- a. The district will not use IDEA funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The district will use IDEA funds to meet the special education needs of students enrolled in private schools, but not for:
 - (1) The needs of a private school; or
 - (2) The general needs of the students enrolled in the private school.

12. Use of School Personnel

- a. The district may use IDEA funds to make public school personnel available in other than public facilities:
 - (1) To the extent necessary to implement any of the requirements related to private school students with disabilities; and
 - (2) If those services are not normally provided by the private school.
- b. The district may use IDEA funds to pay for the services of an employee of a private school to provide services to private school students if:
 - (1) The employee performs the services outside of his/her regular hours of duty; and
 - (2) The employee performs the services under public supervision and control.

13. Federal Funds Available for Services

- a. The district calculates a proportionate share of federal funds available to provide special education and related services to private school students with disabilities using the formula specified in the Individuals with Disabilities Act (IDEA).
- b. If the district does not expend the proportionate share of funds by the end of the fiscal year, the district obligates the remaining funds to be used in the following year.
- c. The district does not include child find expenditures in determining whether the district has met its expenditure requirements for parentally placed private school students, but may include the cost of transportation required for students to access required special education services.
- d. The district does not supplant the proportionate amount of federal funds required to be expended for parentally placed private school students.

Corbett School District 39

Code: IGBAJ
Adopted: 8/15/18
Orig. Code: IGBAJ

Special Education - Free Appropriate Public Education (FAPE)**

1. The district admits all resident school-age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they are advancing from grade-to-grade;
 - b. Who have not graduated with a regular high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)

[ORS 343.085](#)
[ORS 343.224](#)

[OAR 581-015-2020](#)

[OAR 581-015](#)-2035
[OAR 581-015](#)-2040 - 2065
[OAR 581-015](#)-2050

[OAR 581-015](#)-2075
[OAR 581-015](#)-2530
[OAR 581-015](#)-2600

[OAR 581-015](#)-2605
[OAR 581-021](#)-0029

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113, 300.300 (2017).

Corbett School District 39

Code: IGBAJ-AR
Adopted: 8/15/18
Orig. Code: IGBAJ-AR

Special Education - Free Appropriate Public Education (FAPE)**

1. FAPE and Age Ranges

The district provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the district, as provided below:

- a. "School-age children" are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
- b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
- c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
- d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.

2. Nonacademic Services

- a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
- b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
- c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.

3. Graduation

- a. A student graduating with a regular high school diploma is no longer entitled to FAPE.
- b. The district provides prior written notice in a reasonable time before a student with a disability, graduates with a regular high school diploma.
- c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school diploma.
- d. Graduation with an alternative document:
 - (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.

- e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.

4. Incarcerated Youth

- a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.
- b. The district provides FAPE for students with disabilities ages 18 through 21, incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an individualized education program (IEP).
- c. The district's provisions of FAPE do not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.
 - (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
 - (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.

- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves children with disabilities attending public charter schools located in the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with Oregon Administrative Rule (OAR) 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The district provides supplementary and related services onsite at a district public charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide Individuals with Disabilities Education Act (IDEA) funds to those public charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a public charter school, the public charter school is considered the school the child would attend if not disabled. Enrollment in any public charter school is by parent choice. Enrollment in any out-of-district public charter school does not require an interdistrict transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentially provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;
- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
 - (1) The district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 - (2) The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 - (1) That the student no longer is enrolled in the public charter school; and
 - (2) That the district will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the district in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
 - (1) The responsibility of the school district in which the student resides to identify, locate and evaluation students and implement services;
 - (2) The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 - (3) The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the IDEA are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to -2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a FAPE;
- d. Are enrolled in the district.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a child with disabilities under IDEA, a district:

- a. May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. May not use the child's benefits under a public insurance program if that use would:
 - (1) Decrease available lifetime coverage or any other insurance benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the child outside of the time the child is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures; **and**

Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student's parents and must obtain written consent¹ that:

- a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);
- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
- c. Names the agency to which the disclosure may be made (e.g. Medicaid);
- d. Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under IDEA;
- e. Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
- f. Acknowledges the district may not use the student's benefits under a public insurance program, if that use would:
 - (1) Decrease available lifetime coverage of any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

10. Accessible Materials

- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
- b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.

11. Extended School Year (ESY) services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

12. Assistive technology devices or services as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR.

¹ "Consent" means that the parent or adult student a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary of the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

Corbett School District 39

Code: IGBAK
Adopted: 8/16/17
Orig. Code: IGBAK

Special Education - Public Availability of State Application

The superintendent will be responsible for ensuring that all documents relating to the district's eligibility for funds under Part B of the Individuals with Disabilities Education Act (IDEA) are available to parents of children with disabilities and to the general public for inspection, review and comment.

1. In complying with this requirement the district does not release or make public personally identifiable information.
2. Information available for public review includes, but is not limited to:
 - a. How the district implements policies, procedures and programs for special education, consistent with state and federal requirements;
 - b. Performance of students with disabilities on statewide assessments;
 - c. Results of the state's general supervision and monitoring of district programs for special education, including the timeliness and accuracy of required data submissions;
 - d. District achievement of performance targets established in the State Performance Plan (SPP);
 - e. Financial information related to revenue and expenditures for students with disabilities, including but not limited to, district information about:
 - (1) Identifying the excess costs of educating students with disabilities;
 - (2) Maintaining the financial support for programs and services for students with disabilities (Maintenance of Effort (MOE));
 - (3) Describing available schoolwide programs under Title I of the Elementary and Secondary Education Act (ESEA) or the Every Student Succeeds Act of 2015 (ESSA);
 - (4) Documenting the annual district application for IDEA funds; and
 - (5) Reporting of official audits, complaints and due process hearings.
 - f. District dispute resolution information, including the resolution of state complaints and due process hearings.

END OF POLICY

Legal Reference(s):

State-Administered Programs, 34 C.F.R. § 76.304 (2017).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 34 C.F.R. 300.212 (2017).
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 1413, 1418 (2012).

Corbett School District 39

Code: IGBAL
Adopted: 2/14/01
Orig. Code: IGBAL

Special Education - Services for Home-schooled Students with Disabilities**

If the district receives notice that a parent intends to home school a student with a disability, the district will offer an opportunity for an IEP meeting to consider providing special education and related services in conjunction with home schooling and shall will provide written notice to the parent that a free appropriate public education will be provided if the student enrolls in the district. This notice shall be provided annually as long as:

1. The student remains eligible for special education; and
2. The student is exempt from compulsory education as a home-schooled student; and
3. The student is not receiving special education and related services from the district.

END OF POLICY

Legal Reference(s):

[ORS 339.020](#)
[ORS 339.030](#)
[ORS 339.035](#)
[ORS 343.165](#)

[OAR 581-015-2080](#)
[OAR 581-015-2130 to 2190](#)
[OAR 581-015-2210](#)
[OAR 581-015-2310](#)

[OAR 581-015-2315](#)
[OAR 581-021-0026 to -0029](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1427 (2006).

Corbett School District 39

Code: IGBAL-AR
Adopted: 3/12/08
Orig. Code: IGBAL-AR

Special Education - Services for Home-Schooled Students with Disabilities**

1. Home Schooling for Students with Disabilities

- a. As soon as the district learns of the parent's intent to home school or when the district is informed that a resident student with disabilities is home schooled, the district provides written notice to the parent that it stands ready to provide a free appropriate public education if the student enrolls in the district.
- b. The district offers and documents to the parent an individualized education program (IEP) meeting to consider providing special education and related services to the student with a disability in conjunction with home schooling.
- c. ~~This~~ **The** district provides an annual written notice that it stands ready to provide a free appropriate public education if the student enrolls in the district as long as:
 - (1) The student remains eligible for special education;
 - (2) The student is exempt from compulsory education as a home-schooled student; and
 - (3) The student is not receiving special education and related services from the district.
- d. To consider the provision of special education services, the district convenes the IEP team for a student with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with home schooling. Services may be provided in the home only to the extent that special education or related services would be provided in the home if the student was not home schooled.
- e. The district develops an IEP consistent with the requirements for IEP team meetings, IEP team membership and IEP content, with the following exceptions:
 - (1) The student's parent shall be treated as both parent and regular education teacher of the student unless the parent designates another individual as the regular education teacher;
 - (2) Under "extent of nonparticipation in regular education" the IEP shall state that the student is exempt from compulsory school attendance and regular education is provided through home schooling; and
 - (3) The IEP will state how "satisfactory educational progress" will be determined for the student. A parent may use a privately developed plan (PDP) to determine satisfactory progress. If so, the IEP indicates that satisfactory progress will be determined by the PDP team, at parent request. If the student may enroll in a regular education class, pursuant to the district's policy for students who are home schooled, the IEP team includes a regular education teacher.

- f. The district ensures that:
 - (1) Students with disabilities who are home schooled are reevaluated at least every three years unless waived by mutual agreement of the parent and the district, and not more than once a year unless the parent and district agree otherwise;
 - (2) If the team determines a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP, and the parent refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available;
 - (3) If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide prior written notice if the district terminates eligibility or services under these circumstances.

2. Testing and Reporting Requirements

- a. If a student with a disability is receiving IEP services from the district and the IEP includes a provision for IEP team assessment of satisfactory educational progress, the district:
 - (1) Completes the assessment; and
 - (2) Provides the parent with a copy of the results, including a summary statement indicating whether the student has made satisfactory educational progress in light of the student's age and disability.
- b. If a student with a disability is receiving IEP services in a core area of instruction, the district includes the student in statewide assessments, unless an exemption is requested by the parent.

3. Child Find

- a. If the district suspects that a home-schooled student has a disability, the district:
 - (1) Obtains parent consent for initial evaluation; and
 - (2) Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
- b. If the student is eligible, the district notifies the parent and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student with a disability.
- c. If the parent refuses consent, does not respond or refuses to make the student available, the district documents to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.

4. School Enrollment

- a. If the district permits partial enrollment of home-schooled students in its regular education program, the district will permit students with disabilities to participate to the same extent as nondisabled students, if appropriate, whether or not the student is receiving IEP services from the district.

- b. A student who is exempt from compulsory school attendance as a home-schooled student with a disability will continue to be considered an exempt home-schooled student by the district even though the student receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or the district permits partial enrollment of home-schooled students and, pursuant to that policy, the student attends one or more regular education classes, unless partial enrollment is the equivalent of full-time enrollment in the district.

Corbett School District 39

Code: IGBB
Adopted: 8/16/17
Orig. Code: IGBB

Talented and Gifted Program

The district is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

The Board directs the superintendent to develop a written identification process for identifying academically talented and intellectually gifted students in grades K through 12.

A written plan shall be developed that identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students.

END OF POLICY

Legal Reference(s):

[ORS 343.391](#) to -343.401
[ORS 343.407](#) to -343.413

[OAR 581-022](#)-2325
[OAR 581-022](#)-2330

[OAR 581-022](#)-2500

Corbett School District 39

Code: IGBBA
Adopted: 8/16/17
Orig. Code: IGBBA

Identification—Talented and Gifted – Identification**

In order to serve academically talented and intellectually gifted students in grades K through 12, the district directs the superintendent to establish a written identification process.

This process of identification shall include as a minimum:

1. Use of research based best practices to identify talented and gifted students from under-represented populations such as ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse or economically disadvantaged.
2. Behavioral, learning and/or performance information.
3. A nationally standardized mental ability test for assistance in the identification of intellectually gifted students.
4. A nationally standardized academic achievement test of reading or mathematics or a test of total English Language Arts/Literacy or total mathematics on the Smarter Balanced Assessment Consortium for assistance in identifying academically talented students.

Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.

If a parent is dissatisfied with the identification process or placement of their student, they may appeal the decision through the accompanying administrative regulation, IGBBA-AR.

After exhausting the district's appeal procedure and receiving the district's final decision, a parent may appeal the decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

END OF POLICY

Legal Reference(s):

[ORS 343.395](#)
[ORS 343.407](#)
[ORS 343.411](#)

[OAR 581-021-0030](#)
[OAR 581-022-2325](#)
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

Corbett School District 39

Code: IGBBA-AR
Revised/Reviewed: 8/16/17
Orig. Code: IGBBA-AR

Appeals Procedure for Talented and Gifted Identification and Placement**

The Board has established an appeal process for a parent to utilize if they are dissatisfied with the identification process and/or placement of their student in the district program for talented and gifted (TAG) students, and wish to request reconsideration. The district's desire and intent is to reach satisfactory solutions during the informal process:

Informal Process

1. A parent will contact the district's TAG coordinator/teacher to request reconsideration.
2. The TAG coordinator/teacher will confer or meet with the parent, and may include any additional appropriate persons (e.g., principal, counselor, teacher, etc.), within five working school days of the request. At this time, information pertinent to the selection or placement will be shared.
3. If an agreement cannot be reached, the parent may initiate the Formal Process.

Formal Process

1. A parent shall submit a written request for reconsideration of the identification and/or placement to the program supervisor within five working school days of the conference identified above.
2. The program supervisor shall acknowledge in writing the receipt of the request within five working school days and shall forward copies of the request and acknowledgment to the TAG coordinator/teacher.
3. The program supervisor, TAG coordinator/teacher and other appropriate administrator shall review the student's file and earlier decisions within 10 working school days of the original request presented in the previous step. Additional data may be gathered to support or change the earlier decision. The parent may be provided an opportunity to present additional evidence.

If deemed necessary, a formal hearing will be conducted by the district hearings officer utilizing the appropriate procedures.

4. A decision by the program supervisor will be made within 20 working school days after receipt of the written request for reconsideration from the parent. The parent shall be notified of the decision in writing and the decision shall be forwarded to the superintendent.
5. The decision may be appealed to the Board using through procedures found in IGBBC-AR - Complaints Regarding the Talented and Gifted Program.
6. If the parent is still dissatisfied, the parent may file an appeal to the State Deputy Superintendent of Public Instruction following the procedures outlined in the under Oregon Administrative Rules

(OAR) 581-002-0040-0001 – 581-002-0023 may be used. The district shall provide a copy of the appropriate OARs upon request.

Corbett School District 39

Code: IGBBC
Adopted: 8/16/17
Orig. Code: IGBBC

Talented and Gifted – Programs and Services**

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student's access to appropriate services and will develop program and service options. These options may include, but are not limited to, the following:

1. Early Entrance;
2. Grade Skipping;
3. Ungraded/Multi-age Classes;
4. Cluster Grouping in Regular Classes;
5. Continuous Progress;
6. Cross Grade Grouping;
7. Compacted/Fast-Paced Curriculum;
8. Special Full- or Part-Time Classes;
9. Advanced Placement Classes;
10. Honors Classes;
11. Block Classes;
12. Independent Study;
13. Credit by Examination;
14. Concurrent Enrollment;
15. Mentorship/Internship;
16. Academic Competitions;
17. Magnet Programs/Schools.

The Board has established an appeals process for parents to utilize if they are dissatisfied with the programs and services recommended for their identified talented and gifted student that has been identified as talented and gifted, and wish to request consideration. The appeal process is identified in administrative regulation IGBBA-AR – Appeal Procedures for Talented and Gifted Student Identification and Placement.

The Board has established a complaint procedure to utilize if an individual a person who resides in the district or a parent or guardian of a student attending school in the district has a complaint regarding the appropriateness of programs and services provided for identified talented and gifted students. This complaint procedure, IGBBC-AR – Complaints Regarding the Talented and Gifted Program, is available at the district’s administrative office and on the home page of the district’s website. The complainant may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of these OARs upon request.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2325](#)
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

Corbett School District 39

Code: IGBBC-AR
Revised/Reviewed: 8/16/17
Orig. Code: IGBBC-AR

Complaints Regarding Talented and Gifted Program

Since differences of opinion may arise regarding the appropriateness of programs and services provided for identified talented and gifted (TAG) students, the following procedure will be utilized when complaints arise:

1. All complaints will be reported to the superintendent;
2. The complainant will be given the Talented and Gifted Standards Complaint Form which must be filled out before further consideration can be given to the complaint;
3. The superintendent shall arrange for a review committee consisting of the TAG coordinator/teacher, the program supervisor, a counselor and a school psychologist;
4. The review committee shall meet within two working days of receiving the written complaint and review all pertinent information. A recommendation will be submitted to the superintendent within 10 working days of receiving the original complaint;
5. The committee may recommend that:
 - a. The programs or services are appropriate;
 - b. The programs or services are not appropriate.
6. The superintendent shall report immediately the recommendations of the review committee to the Board;
7. ~~The decision of the Board shall be final;~~ After consideration of the recommendations, if any, issued by the review committee the Board will issue a decision within {20} **working** days of the Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. The Board's final decision will be issued in writing or electronic form.

If the complainant, who is a student, a parent or guardian of a student who attends school in the district, or a person who resides in the district, remains dissatisfied, and has exhausted local procedures, ~~or 90 or more days have elapsed since the original filing of a written complaint alleging violation of standards with the district, an may appeal~~¹ the district's final decision to the State Superintendent of Public Instruction ~~can be filed. The district shall provide a copy of the appropriate~~ under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

¹ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Corbett School District 39
35800 East Historic Columbia River Highway, Corbett, Oregon 97019-9629

TALENTED AND GIFTED STANDARDS COMPLAINT FORM

Name _____

Address _____

Phone (Daytime) _____ (Evenings) _____

Date of Complaint _____

1. What is the nature of your complaint? _____

2. What is the district currently doing? _____

3. In your opinion, in what way is this situation a violation of state standards?

4. What do you feel the district should be doing? _____

5. Other pertinent comments _____

Signature: _____

Corbett School District 39

Code: IGBBD
Adopted: 8/16/17
Orig. Code: IGBBD

Parent Notification and Participation**

(OSBA has removed this policy from its samples)

The district shall inform parents of the identification of their student as talented and gifted. The district shall further inform parents of program or service options available and provide them an opportunity to participate in selecting those programs or options most appropriate for their student.

The Board directs the superintendent to develop written procedures for parent notification and participation.

END OF POLICY

Legal Reference(s):

[OAR 581-022](#)-1310 to -1330

Corbett School District 39

Code: IGBC
Adopted: 8/16/17
Orig. Code: IGBC

Title IA/Parental and Family Involvement**

The Board recognizes that parental and family involvement is vital to achieve maximum educational growth for students participating in the district's Title IA program. Therefore, in compliance with federal law and the Oregon Department of Education guidelines, the district shall meet with parents and family to provide information regarding their school's participation in the Title IA program and its requirements.

The superintendent shall ensure equivalence among schools in teachers, administration and other staff, and in the provision of curriculum materials and instructional supplies.

The Board directs the superintendent to ensure that each of the district's schools participating in the Title IA program meets annually. Parents and family of participating students shall be informed of their right to be involved in the development of the district's parental and family engagement policy, overall district Title IA plan and the school-parent compacts.

In cooperation with parents and family, the district's policy, plan and compact shall be reviewed annually and updated periodically to meet the changing needs of parents and the schools, and distributed to parents of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

The superintendent shall develop administrative regulations, as necessary, to implement this policy and meet the requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 343.650](#)

[ORS 343.660](#)

[OAR 581-037-0005 to -0025](#)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6312, 6318 (2012).

Corbett School District 39

Code: IGBC-AR
Adopted: 8/16/17
Orig. Code: IGBC-AR

Title IA/Parental and Family Involvement**

Parental and Family Engagement

A parental and family engagement policy shall be developed jointly, agreed upon with and distributed parents and family of participating students. The district shall ensure:

1. Involvement of parents and family members in the joint development of the district's overall Title IA plan, and the development of support and improvement plans.
2. Coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance.
3. Development of activities that promote the schools' and parents' and family capacity for strong parent involvement.
4. Coordination and integration of parent and family engagement strategies with appropriate programs as provided by law.
5. Involvement of parents and family in the annual evaluation of the content and effectiveness of the policy, in improving the academic quality of schools served under Title IA.
6. Identification of barriers to participation by parents in activities who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority.
7. Findings of annual evaluations are used to design evidence-based strategies for more effective parental involvement and to revise, if necessary, the requirements of this policy.
8. Involvement of parents in the activities of schools served under Title IA.

District Title IA Plan

The district's Title IA plan shall ensure that all children receive a high quality education and to close the achievement gaps between children meeting the challenging state academic standards and those children who are not meeting such standards. As a part of the district's overall Title IA plan, the district shall ensure effective involvement of parents and family by promoting activities that support a partnership among the schools, parents, family and the community, and that promotes the improvement of student achievement. The district Title IA plan shall describe:

1. How the district will monitor progress in meeting state academic content standards.

2. How the district will identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced or out-of-field teachers.
3. How the district will use effective parental involvement practices.
4. The poverty criteria to select school attendance areas for participation.
5. The services provided in both schoolwide and in targeted assisted schools, and educational services outside of those schools as appropriate (e.g., children living in local institutions or a community day school program).
6. The services provided to homeless children and youth.
7. Effective parent and family engagement strategies used by the district.
8. If applicable, how the district will support, coordinate and integrate services with early childhood education programs including transition to local elementary schools.
9. In consultation with parents, administrators, specialized instructional support personnel, how the district will select the most eligible students in need of services in targeted assisted schools.
10. How the district will implement strategies to facilitate effective transitions of students from middle school to high school, and from high school to post-secondary education.
11. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom.
12. If appropriate, how the district supports programs that coordinate and integrate academic and career technical education, including but not limited to, work-based learning opportunities.
13. Any other information on how the district proposes to use funds to meet the purpose of the Title IA program as the district determines appropriate.

Title IA School Plan

Each Title IA school in the district shall jointly develop a plan and distribute the plan to parents and family members of participating children that:

1. Describes the convening of an annual meeting to inform parents and family members of their school's participation in Title IA and explain the requirements of Title IA.
2. Involves parents and family members in the planning, review and improvement of programs under Title IA.
3. Shall provide assistance to parents of students served by the school in understanding such topics as the State's academic standards and student academic achievement standards, Title IA plan requirements, state and local academic assessments and how to monitor a student's progress and work with educators to improve the achievement of their student.

4. Shall provide materials and training to help parents work with their student to improve their student's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement.
5. Shall educate teachers, student services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with and work with parents as equal partners, implement and coordinate parent programs and build ties between parents and the school.
6. Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State and local programs, including public preschool programs, and other programs that encourage and support parents in fully participating in the education of their children.
7. Shall ensure, to the extent practicable, that information related to school and parent programs, meetings and other activities is sent to the parents of participating students in a format and language the parents can understand.
8. May involve parents in the development of training of teachers, principals and other educators to improve the effectiveness of such training.
9. May provide necessary literacy training from Title IA funds received if the district has exhausted all other reasonably available sources of funding for such training.
10. May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child-care costs, to enable parents to participate in school-related activities, (i.e., meetings and training sessions).
11. May train and support parents to enhance the involvement of other parents.
12. May arrange school meetings at a variety of times or conduct in-home conferences between teachers or other educators in order to maximize parental involvement and participation.
13. May establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in Title IA programs.
14. May develop appropriate roles for community-based organizations and businesses in parental-involvement activities.
15. May adopt and implement model approaches to improving parental involvement.
16. Shall provide such other reasonable support for parental involvement activities consistent with Title IA requirements, as parents may request.

School-Parent Compact

A school-parent compact shall be developed for each of the district's Title IA schools. The compact shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables students to meet the State's academic achievement standards.

2. Describe the ways in which each parent will be responsible for supporting their student's learning.
3. Address the importance of ongoing communication between teachers and parents through:
 - a. Annual parent-teacher conferences at the elementary school level; and
 - b. Frequent reporting to parents on their student's progress.

The district shall provide opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of migratory students, to volunteer and participate in their student's class and observe classroom activities. Information and school reports, to the extent practicable, will be provided in a format and language parents can understand.

Corbett School District 39

Code: IGBG
Adopted: 9/17/98
Orig. Code: IGBG

Homebound Instruction

Instruction will be furnished any student who is unable to attend school because of physical disability or health when the student is of school age, is educable and can profit from the service and when the examining physician provides a signed statement that qualifies the student under one of the following provisions:

1. A physical impairment or chronically ill condition that is permanent;
2. A physical impairment or chronically ill condition that has extended continuously for a period of 60 days;
3. A physical disability or illness that has extended continuously for a period of 10 school days if it appears the student can benefit educationally from such instruction.

A home tutor will not normally be furnished those students excluded from school because of a behavior problem.

The amount of instruction service will be in relation to the student's educational needs, physical and mental health.

END OF POLICY

Legal Reference(s):

[ORS 336.615](#) to -336.665
[ORS 339.030](#)

[OAR 581-021-0071](#)
[OAR 581-022-2000](#)

[OAR 581-022-2030](#)
[OAR 581-022-2505](#)

Corbett School District 39

Code: IGBH
Adopted: 9/17/98
Orig. Code: IGBH

Alternative School Programs

(OSBA has removed this policy from its samples)

In addition to the regular curriculum and courses offered, students may obtain credit from the following activities:

1. Attendance at a community college;
2. Correspondence courses;
3. Alternative schools;
4. Outdoor school;
5. Educational travel;
6. Challenge tests;
7. Independent study.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 336.135 - 336.183](#)
[ORS 336.615 - 336.665](#)
[ORS 336.790 - 336.815](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-022-1130](#)

[OAR 581-022-1350](#)
[OAR 581-022-1620](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Corbett School District 39

Code: IGBHA
Adopted: 9/18/02
Orig. Code: IGBHA

Alternative Education Programs**

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents or guardians and the community in recommending alternative education programs for Board approval, and in the development of related Board policy and an administrative regulation. Annual evaluation of alternative education programs will be made in accordance with Oregon Revised Statute (ORS) 336.655 and Oregon Administrative Rule (OAR) 581-022-13502505. The superintendent will develop administrative regulations as necessary to ~~implement this requirement~~ evaluate the district’s alternative education program.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. A private alternative programs shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in ~~ORS 336.625, 336.631 and 336.637~~ state law and rules, and federal law, as applicable.

Students, upon approval from a parent ~~request~~ or guardian, may be placed in an alternative education program if the district determines that the placement serves the student’s educational needs and interests and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student’s resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual cost of an alternative education program ~~cost~~ or an amount equal to 80 percent of the district’s estimated current year’s average per-student net operating expenditure, whichever is less. The district will enter into a written contract with for a district-approved private alternative education programs, as required by law.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.014](#)
[ORS 336.175](#)

[ORS 336.615 to -336.665](#)
[ORS 339.030](#)
[ORS 339.250](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)

[OAR 581-022](#)-2320
[OAR 581-022](#)-2505

[OAR 581-023](#)-0006
[OAR 581-023](#)-0008

Corbett School District 39

Code: IGBHA-AR(1)
Adopted: 9/18/02
Orig. Code: IGBHA-AR

Evaluation of Alternative Education Programs

Date _____

Dear Alternative Education Program Coordinator:

In accordance with Oregon Administrative Rule (OAR) 581-022-1350-2505, the district is required to evaluate alternative education programs annually. Please provide the documentation required below and return to the [] School District office at [] no later than []. Please include the program name, program coordinator and telephone number.

Staff

1. Have criminal records checks requirements been met?
- * Provide list of individuals subject to criminal records checks and copy of Form 2283 from the Oregon Department of Education.

Curriculum

- ~~1. Are students receiving instruction in the state content standards to prepare students to meet appropriate benchmark levels to provide an opportunity to receive the CIM/CAM?~~
- * ~~Attach supportive documentation including such evidence as program overview, curriculum guide, course syllabi or other material that demonstrates that program curriculum is aligned with standards.~~
- ~~2.1. Are students receiving instruction in the state academic content standards and earning diploma credits?~~
- * ~~Attach supportive documentation including such evidence as program overview, curriculum guide, course syllabi or other material that demonstrates that program curriculum is aligned with standards.~~
- ~~3.2. Are Oregon Statewide Assessments administered and the results reported annually to students, parents and the school district?~~
- * ~~Attach copy of summary report and sample of information reported to student, parents and the school district.~~
- ~~4.3. Are students receiving, at least annually, a report of academic progress?~~
- * ~~Attach copy of report used.~~
- ~~5.4. Does the program meet the physical education requirements of Oregon Revised Statute (ORS) 329.496?~~
- * ~~Attach the document that supports the physical education requirements.~~

Discrimination

1. Does the program comply with nondiscrimination requirements of law? - (p) Program does not discriminate based on age, disability, national origin, sexual orientation, race, color, marital status, religion or sex?
- * Attach student enrollment/withdrawal summary based on above criteria.

Registration (Private alternative education programs only)

1. Is the program registered with the Oregon Department of Education?
- * Attach copy of registration application and the approval from ODE (including the institution 'd identification number assigned by ODE).

Site Evaluation

1. Does the program comply with health and safety statutes and rules?
- * Attach copy of appropriate documentation, including first aid and emergency procedures plan, such as staff/student handbooks, in-service agenda, fire marshal's report, safety inspection reports, etc.

Tuition and Fees

1. Does the program comply with Oregon Revised Statutes regarding tuition and fees (ORS 337.150, 339.141, 339.147, 339.155)?
- * Attach list of any fees required and explanation.

Contract

1. The program complies with any statute, rule or school district policy specified in the contract with the [public or] private alternative program.
- * Attach as applicable.
2. Does the contract with the [public or] private alternative education program state that noncompliance with a rule or statute may result in termination of the contract?
- * Contract on file with district and program, as applicable.

Expenditures

1. Does the program comply with Oregon Revised Statutes regarding expenditures (ORS 336.635(4))?
- * Attach annual statement of expenditures.

Advertising

1. Does the program meet the advertising requirements of ORS 339.122?
- * Attach a copy of the program description. Is it a virtual public school and is it advertised as such?

Superintendent

* Compliance indicators are intended as examples only. District may modify as appropriate.

Corbett School District 39

Code: IGBHA-AR(2)
Adopted: 9/18/02
Orig. Code: IGBHA-AR

Evaluation of Alternative Education Programs - District Summary

(for district use only)

[The district's alternative education programs evaluator should complete the following and file with materials submitted by the alternative program coordinator.]

Program Name _____ Date _____

Program Coordinator _____

Staff

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Curriculum

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

2. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

3. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

4. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Discrimination

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Registration

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Site Evaluation

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Tuition and Fees

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Contract

1. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

2. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Expenditures

R7/01/17 | PH

Evaluation of Alternative Education Programs - District Summary – IGBHA-

3. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

Advertising

4. ☐ Meets criteria ☐ Does not meet criteria

Comments: _____

District Evaluator Signature

Corbett School District 39

Code: IGBHB
Adopted: 2/15/06
Orig. Code: IGBHB

Establishment of Alternative Education Programs**

The superintendent will develop alternative education program options in compliance with Oregon Administrative Rules and Oregon Revised Statutes:

1. For students who are unable to succeed in the regular programs because of erratic attendance or behavioral problems;
2. For students who have not met or who have exceeded all of Oregon's academic content standards;
3. When necessary to meet a student's educational needs and interests;
4. To assist students in achieving district and state academic standards;
5. When a public or private alternative program is not readily available or accessible.

Alternative education programs implemented by the district are to maintain learning options that are flexible with regard to environment, time, structure and pedagogy.

Examples of alternative education program options **available** could include:

1. A separate school;
2. Evening classes;
3. Tutorial instruction;
4. Small group instruction;
5. Large group instruction;
6. Personal growth and development instruction;
7. Counseling and guidance;
8. Computer-assisted instruction;
9. Professional technical programs **or Career Technical Education**;
10. Cooperative work experience and/or supervised work experience, in accordance with the student's educational goals;
11. Instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges;

12. Supervised community service activities performed as part of the instructional program;
13. Supervised independent study in accordance with a student's educational goals;
14. The district's Expanded Options Program.

The superintendent will develop an administrative regulations for establishing alternative education programs.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.175](#)
[ORS 336.615 to -336.665](#)
[ORS 339.250](#)

[ORS Chapter 340](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)

[OAR 581-021-0071](#)
[OAR 581-022-2320](#)
[OAR 581-022-2505](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Corbett School District 39

Code: IGBHB-AR
Adopted: 2/15/06
Orig. Code: IGBHB-AR

Establishment of Alternative Education Programs

Proposals from students or parents or students-guardians of students for the establishment of an alternative education program shall be submitted in writing to the superintendent.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic content standards of the district and the state.

Proposals for alternative programs shall include the following:

1. Goals;
2. Criteria for enrollment;
3. Proposed budget;
4. Staffing;
5. Location;
6. Assurance of non-discrimination.

Proposals must be submitted to the superintendent prior to November 1 for programs to be implemented the following school year.

The superintendent will establish an evaluation committee to review proposals based on district criteria. The committee shall provide a written report to the superintendent by January 10 stating why the proposal should be accepted, rejected or modified.

The superintendent’s recommendation to accept, reject or accept with modifications will be presented to the Board for consideration by February 15. The superintendent will provide notification of the Board’s final decision.

Corbett School District 39

Code: IGBHC
Adopted: 9/18/02
Orig. Code: IGBHC

Alternative Education Notification**

General notification of the alternative education program law, and the availability of existing alternative education programs, and the procedures to request the establishment of new alternative education programs shall be contained included in the student/parent handbook distributed each year.

Individual notification to students and parents or guardians regarding the availability of alternative education programs will be given semiannually or when new programs become available under the following situations, as appropriate:

1. When two or more severe disciplinary problems occur within a three-year period (Severe disciplinary problems will be defined in the code of conduct.);
2. When attendance is so erratic the student is not benefitting from the educational program (Erratic attendance will be defined on a case-by-case basis.);
3. When a student's parent or guardian or emancipated student applies for exemption from compulsory attendance on a semiannual basis;
4. When an expulsion is being considered for reasons other than a weapons policy violation;
5. When a student is expelled for reasons other than a weapons policy violation.

Individual A written notification shall be **hand delivered** or sent by certified mail. Parents or guardians shall receive individual notification prior to an actual expulsion.

The written notification shall include, but is not limited to:

1. The student's action which is the basis for consideration of alternative education;
2. A list of the alternative education programs for this student;
3. The program recommendations for the student based upon the student's learning styles and needs;
4. Procedures for enrolling the student in the recommended program.

The notice will be provided in a language the parents or guardians can understand.

The superintendent will develop notification procedures in accordance with Oregon Revised Statutes.

END OF POLICY

Legal Reference(s):

R7/01/17 | PH

[ORS 332.072](#)
[ORS 336.175](#)
[ORS 336.615](#) to -336.665
[ORS 339.250](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-021-0076](#)

[OAR 581-022-2320](#)
[OAR 581-022-2505](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Corbett School District 39

Code: IGBHC-AR
Revised/Reviewed: 11/15/06
Orig. Code: IGBHC-AR

Alternative Education Notification

Date: _____

[District]

[Address]

To the parent of: _____

Re: Notification of Alternative Education

Your student qualifies for alternative education as a result of the following student action: _____

Alternative education programs available for your student at this time consist of: _____

The recommendation of district staff members for your student is: _____

The procedures for enrolling your student in the recommended program are as follows: _____

[Superintendent]

Date

Corbett School District 39

Code: IGBHD
Adopted: 9/17/98
Orig. Code: IGBHD

Program Exemptions

The Board may excuse students from a state-required program or learning activity for reasons of religion, disability or other reasons deemed appropriate by the district.

An alternative education program for credit may be provided.

Public request The procedures for to establish an alternative education program and alternative credit shall be developed by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 336.035\(2\)](#)
[ORS 336.465](#)
[ORS 336.615](#)
[ORS 336.625](#)

[ORS 336.635](#)
[OAR 581-021-0071](#)
[OAR 581-022-1910](#)

[OAR 581-022-1920](#)
[OAR 581-022-2050](#)
[OAR 581-022-2110](#)
[OAR 581-022-2505](#)

Corbett School District 39

Code: IGBHE
Adopted: 4/17/19
Orig. Code(s): IGBHE

Expanded Options Program**

Board is committed to providing additional options to students enrolled in grades 11 and 12 to continue or complete their education, to earn concurrent high school and college credits and to gain early entry into post-secondary education. The district's Expanded Options Program (EOP) will comply with all requirements of Oregon law (ORS 340) and give priority status to "at-risk" students.

Eligible Students

Eligible students may apply to take courses at an eligible post-secondary institution through the Expanded Options Program. A student is eligible for the EOP if he/she:

1. Is 16 years of age or older at the time of enrollment in a course under the EOP;
2. Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits to be in grade 11 or 12, but the district has allowed the student to participate in the program;
3. Has developed an educational learning plan;
4. Has not successfully completed the requirements for a high school diploma. A student who has graduated from high school may not participate; and
5. Is not a foreign exchange student enrolled in a school under a cultural exchange program.

Student Notification

Prior to February 15 of each year, the district shall notify all high school students and the parent or guardian of students of the EOP for the following school year. The district will notify a transfer high school student, or a returning dropout, of the EOP if the student enrolls after the district has issued the February 15 notice. The district will notify a high school student who has officially expressed an intent to participate in the EOP, and the student's parent or guardian, of the student's eligibility status within 20 business days of the expression of intent.

It is a priority for the district to provide information about the EOP to high school students who have dropped out of school. The district shall establish a process to identify and provide those students with information about the program. The district shall send information about the program to the last-known address of the family of the student.

The notice must include the following:

1. Financial arrangements for tuition, textbooks, equipment and materials;
2. Available transportation services;
3. The effect of enrolling in the EOP on the student's ability to complete high school graduation requirements;
4. The consequences of failing or not completing a post-secondary course;

5. Notification that participation in the EOP is contingent on acceptance by an eligible post-secondary institution;
6. District timelines affecting student eligibility and duplicate course determinations;
7. Exclusion of duplicate courses as determined by the district;
8. The process for a student to appeal the district's duplicate course determination to the Superintendent of Public Instruction or the Superintendent's designee under ORS 340.030;
9. Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident high school.

Enrollment Process

Prior to May 15 of each year, a student who is interested in participating in the EOP shall notify the district of his/her intent to enroll in eligible post-secondary courses during the following school year. A high school transfer student or returning dropout has 20 business days from the date of enrollment to indicate interest.

The district shall review with the student and the student's parent or guardian the student's current status toward meeting all state and district graduation requirements and the applicability of the proposed eligible post-secondary course to the remaining graduation requirements.

A student who intends to participate in the EOP shall develop an educational learning plan in cooperation with an advisory support team. An advisory support team may include the student, the student's parent or guardian and a teacher or a counselor. The educational learning plan may include:

1. The student's short-term and long-term learning goals and proposed activities; and
2. The relationship of the eligible post-secondary courses proposed under the EOP and the student's learning goals.

A student who enrolls in the EOP may not enroll in eligible post-secondary courses for more than the equivalent of two academic years. A student who first enrolls in the EOP in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

Duplicate Courses

The district will establish a process to determine duplicate course designations. The district will notify an eligible student and the student's parent or guardian, of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

A student may appeal a duplicate course determination to the Board based on evidence of the scope of the course. The Board will issue a decision on the appeal within 30 business days of receipt of the appeal. If the appeal is denied by the Board, the student may appeal the district's determination to the Superintendent of Public Instruction or designee under ORS 340.030.

Expanded Options Program Annual Credit Hour Cap

The number of quarter credit hours that may be awarded by a high school under the EOP is limited to an amount equal to the number of students in grades 9 through 12 enrolled in the high school multiplied by a

factor of 0.33. For example, the cap for a high school with 450 students in grades 9 through 12 would be 148.5 ($450 \times 0.33 = 148.5$). (The caps must be established separately for each high school.)

At the district's discretion, the district may choose to exceed both the individual high school level cap and the aggregate district level cap. If the district has more eligible students than are allowed under the credit hour cap the district shall establish a process for selecting eligible students for participation in the program. The process will give priority for participation to students who are "at risk." An "at-risk student" means: (1) a student who qualifies for a free or reduced price lunch program; or (2) an at-risk student as defined by rules adopted by the State Board of Education if it has adopted rules to define an at-risk student.

If the district has not exceeded the credit hour cap, the district shall ensure that all eligible at-risk students are allowed to participate in the EOP and may allow eligible students who are not at-risk to participate in the program.

Post-Secondary Institution Credit

Prior to beginning an eligible post-secondary course, the district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the course. If there is a dispute between the district and the student regarding the number or type of credits that the district will or has granted to a student for a particular course, the student may appeal the district's decision to the Board.

Credits granted to a student shall be counted toward high school graduation requirements and subject area requirements of the state and the district. Evidence of successful completion of each course and credits granted shall be included in the student's education record. A student shall provide the district with a copy of the student's grade in each course taken for credit under the EOP. The student's education record shall indicate that the credits were earned at an eligible post-secondary institution.

Financial Agreement

The district shall negotiate in good faith a financial agreement with the eligible post-secondary institution for the payment of actual instructional costs associated with the student's enrollment, including tuition, textbooks, equipment and materials.

Waiver

A district may request a waiver from the Superintendent of Public Instruction if:

1. Compliance would adversely impact the finances of the district; or
2. Accelerated Programs are offered by the district (i.e., Dual Credit, Sponsored-Based Dual Credit, Assessment-Based Dual Credit, Articulated Career Technical Education (CTE) courses, two-plus-two programs, Advanced Placement (AP), International Baccalaureate Programs or other locally developed program that offers Accelerated College Credit to their respective high school student).

Student Reimbursement

Students are not eligible for any state student financial aid for college coursework, but students may apply to the district for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course. All textbooks, fees, equipment and materials provided to a student and paid for by the district are the property of the district.

Transportation Services

The district may provide transportation services to eligible students who attend post-secondary institutions within the education service district boundaries of which the district is a component district.

Special Education Services

The district of an eligible student participating in the EOP shall be responsible for providing any required special education and related services to the student. If a post-secondary institution intends to provide special education and related services to an EOP participant, the institution shall enter into a written contract with the district of the student. The contract shall include the following at a minimum:

1. Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parent or guardian and district agree otherwise;
2. Immediate notification to the district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;
3. Immediate notification to the district if the student engaged in conduct that may lead to suspension or expulsion; and
4. Immediate notification to the district of any complaint made by the parent or guardian of the student regarding the student's participation in the program at the institution.

District Alternative Programs

The EOP does not affect any program, agreement or plan that existed on January 1, 2006 between the district and a post-secondary institution, which has been continued or renewed.

Any new program, agreement or plan that is developed after January 1, 2006 may be initiated at the discretion of the district and the post-secondary institution.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)

[ORS 332.072](#)

[ORS 336.615 - 336.665](#)

[ORS Chapter 340](#)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 1111-1605; §§ 3111-3203 (2012).

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2012).

Corbett School District 39

Code: IGBHE-AR(1)
Revised/Reviewed: 4/17/19
Orig. Code: IGBHE-AR(1)

Annual Expanded Options Program Notification

Corbett School District
35800 E. Historic Columbia River Highway
Corbett, OR 97019
Phone: 503-261-4200

Date: _____

Student/Parent(s) or Guardian(s): _____

Address: _____

Dear _____,
(Student/Parent(s))

This notice is required by law to notify you of potential opportunities under the Expanded Options Program (EOP) for your student. Your student may qualify as an eligible student to participate in the EOP for the following school year if your student meets the criteria below.

Your student may be permitted to participate if he/she is an eligible student applying to an eligible post-secondary institution for an eligible post-secondary course. An “eligible student” means a student enrolled in a public school and who:

1. Is 16 years of age or older at the time of enrollment in a course under the EOP;
2. Is in grade 11 or 12 at the time of enrollment in a course under the EOP or has not yet completed the required credits to be in grade 11 or 12, but the district has allowed the student to participate in the program;
3. Has developed an educational learning plan as described in Board policy IGBHE - Expanded Options Program;
4. Has not successfully completed the requirements for a high school diploma; and
5. Is not a foreign exchange student enrolled in a school under a cultural exchange program.

An “eligible post-secondary institution” means:

1. A community college;
2. A public university listed in ORS 352.002; and
3. The Oregon Health and Science University.

An “eligible post-secondary course” means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree. It includes academic courses, career

and technical education courses and distance education courses. It does not include a duplicate course, which is defined as “a course with a scope that is identical to the scope of another course”.

Purpose

The purpose of this program is to:

1. Allow eligible students who participate in the EOP to enroll full-time or part-time in an eligible post-secondary institution; and
2. Provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the EOP.

Graduation and Course Credit

Participating in the EOP will not adversely affect your student’s ability to graduate because credit received from successfully completing an eligible post-secondary course may be applied toward high school graduation requirements. If, however, your student does not receive a passing grade in the eligible post-secondary course, your student may not receive credit toward high school graduation.

Selection

An eligible student may apply for the EOP, but an eligible student who applies may not be accepted because of space limitations. Enrollment in the EOP may be limited because of caps on total credit hours that will be awarded by the high school. Unless notified otherwise, the total number of credits awarded under the EOP by each high school equals one-third of its enrollment in grades 9 through 12. (For example, if high school enrollment in grades 9 through 12 is 1,000 students, the high school may award no more than 330 credit hours for all students in the EOP.) If qualified applications to the EOP exceed space limitations, the district will establish a process that gives priority to “at-risk students”.

Enrollment and Participation

To be eligible, participation in the EOP depends on your student’s acceptance by an eligible post-secondary institution to take an eligible post-secondary course. Your student will not be eligible for state financial aid. Your student will have all costs paid for by the district in the same manner as if your student was attending the public high school. The district will pay for textbooks, fees, equipment or materials and any other cost associated with enrollment. You will be responsible for providing transportation to the eligible post-secondary institution. The district and the eligible post-secondary institution may be able to arrange transportation services, although this service may not always be available, depending on circumstances. If your student receives special education services, the district will continue to provide special education services under an individualized education program (IEP).

Your student is expected to comply with the same behavior and attendance standards as if the student was attending the public high school. Failure to successfully complete an eligible post-secondary course or make satisfactory progress in the course may result in no credit received toward graduation, removal from the EOP, disciplinary action or referral to law enforcement.

Your student may participate in the EOP for no more than two years. After two years, your student is no longer eligible. If your student is in grade 12 when he or she first enrolls, he/she may participate no more than the equivalent of one academic year in the EOP. If your student is enrolled in high school full-time and he/she is taking a post-secondary course, he/she will not be awarded credit for that course under the EOP. If a student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

If your student intends to enroll in a course that is already offered by the district, *i.e.*, a duplicate course, your student will not be eligible to participate in the EOP. You will be notified within 20 business days after the student has submitted the list of intended courses if a specific course is denied and is considered a duplicate course. A “duplicate course” is one with a scope that is identical to the scope of another course. Your child should consider district-provided, educational alternative programs that offer post-secondary level courses.

If you disagree with the district’s assessment that a course is a duplicate course as determined by the district, you may appeal the decision under the procedures outlined below.

Contested Decisions/Appeal

If you disagree with the district’s determination that a course is a duplicate course, you may appeal to the Board. Your appeal must be in writing and contain at a minimum the following information: (1) name of student; (2) name of post-secondary course; (3) detailed description of post-secondary course; (4) name of duplicate course offered by high school; (5) detailed description of duplicate course offered by high school; and (6) reasons why you believe course is not a duplicate. You must initiate your appeal within five days of receiving notification that the post-secondary course is a duplicate.

The Board will issue a written decision on the appeal within 30 business days of receipt of the appeal.

If dissatisfied with the Board’s decision, you may appeal the decision to the Superintendent of Public Instruction or designee under Oregon Revised Statute (ORS) 340.030.

Student Notification to District

If you have questions, please call the district office. Please respond to this notice before May 15 if your student intends to enroll in an eligible post-secondary course during the following school year. If your student decides to enroll in an eligible post-secondary course, we will schedule a meeting with your advisory support team to develop an educational learning plan that addresses your student’s short-term and long-term academic and career goals. Thank you for your cooperation.

Sincerely,

[Superintendent or designee] [Principal]

Corbett School District 39

Code: IGBI
Adopted: 8/16/17
Orig. Code: IGBI

Bilingual Education

Students whose primary language is a language other than English will be provided appropriate assistance until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal or signed communication in a language they can understand.

END OF POLICY

Legal Reference(s):

[ORS 336.074](#)
[ORS 336.079](#)

[OAR 581-021-0046](#)
[OAR 581-022-2310](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6801-7014 (2012).

Corbett School District 39

Code: IGC
Adopted: 9/17/98
Orig. Code: IGC

Extended Instructional Programs

(OSBA has removed this policy from its samples)

The district may provide extended instructional programs including but not limited to outdoor education, summer school, honors programs and advanced college placement subject to state and federal laws, Board policy and availability of funds.

END OF POLICY

Legal Reference(s):

[ORS 336.010](#)
[ORS 336.012](#)

[ORS 336.183](#)
[ORS 341.315](#)

Corbett School District 39

Code: IGCA
Adopted: 1/17/18
Orig. Code: IGCA

Post-Graduate Scholar Program**

The district will provide a Post-Graduate Scholar program for students in the district. A “post-graduate scholar” means a student who has:

1. Been in grades 9 through 12 for more than a total of four school years; and
2. Satisfied the requirements for a high school diploma or modified diploma as provided by law.

The Post-Graduate Scholar program may allow qualified post-graduate scholars to:

1. Enroll in courses at a community college that are part of an approved course of study in the post-graduate scholar program in the district, in order to gain a certificate or diploma;
2. Enroll in the approved program courses of study for one school year after the post-graduate scholar has satisfied the requirements for a high school diploma or a modified diploma in the district; and
3. Have the district pay the costs for such approved course of study, including tuition, fees and books.

Program Qualifications

A post-graduate scholar qualifies to participate in the program if the post-graduate scholar:

1. Has completed and submitted the Free Application for Federal Student Aid, if eligible to file the application;
2. Is not eligible for a grant under the Oregon Promise Program because of failure to earn the minimum cumulative grade point average, or submitted a complete application for a grant under the Oregon Promise program by the established deadline but did not receive a grant;
3. Is not eligible for a federal aid grant that is equal to or more than the average cost of tuition and fees at a community college, as determined by the U.S. Department of Education after Consultation with the Executive Director of the Office of Student Access and Completion; and
4. Retains a legal residence within the boundaries of the district through which the post-graduate scholar satisfied the requirements for a high school diploma or a modified diploma.

The district establishes the following additional requirements:

1. A minimum high school GPA of 2.00;
2. An 80 percent attendance at community college courses; and
3. Regular in-person meetings with district staff to monitor progress held at least twice each month.

Program Goals

The goals of the program include:

1. Increasing the high school graduation rate for underserved students to 100 percent; and
2. Increasing the percent of students from the district attending a post-secondary education institute.

The district will monitor program information at the end of each grading term and measure results at the end of each year.

The district approves the following courses of study for the program:

1. All courses at Mt. Hood Community College;
2. Associates Degree.

Other District Requirements

The district has entered into a written agreement with the community college that has a service area within which the district is located.

The district will provide dedicated staff to provide support services to post-graduate scholars, including regular in-person meetings to monitor student progress that occur at least twice each month.

The district will ensure that a majority of the students from the district who are enrolled in courses at a community college meet at least one of the following criteria:

1. Is not a post-graduate scholar;
2. Has received an extended diploma or a General Educational Development (GED) certificate;
3. Was enrolled in an alternative high school program within the preceding 12 months;
4. Is, or will be, a first-generational graduate of high schools;
5. Is, or has been, a child in a foster home;
6. Is, or has been, placed in a facility or an education program by a court;
7. Is homeless;
8. Is a parent; or
9. Was identified as eligible for free or reduced price lunches within the preceding 12 months.

A district may receive or expend moneys distributed from the State School fund for post-graduate scholars who enroll in courses at a community college, only if the post-graduate scholars are enrolled in the courses as part of a program established under this section. The post-graduate scholar will not be required to accept or use any federal grant moneys to offset costs of tuition, fees or books incurred by the post-graduate scholar at the community college.

The district will provide transportation service in existing bus routes to post-graduate scholars, and is not required to alter existing bus routes to provide such transportation.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#) to -327.133

[ORS 329.451](#)

[ORS 332.405](#)

[ORS 339.250](#)

[OAR 581-021](#)-0576 to -0579

SB 1537 (2016)

SB 20 (2017)

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2012).

Corbett School District 39

Code: IGD
Adopted: 9/17/98
Orig. Code: IGD

Cocurricular/Extracurricular Activities

~~The Board will maintain a student activity program appropriate to the maturity of students and as varied as staff, facilities and finances permit. The program will be designed to offer to the greatest possible number of students worthwhile athletic and leisure time interests and wholesome recreational and social activity.~~

Supervision

~~Whenever or wherever held, when conducted under the name of the school or district or any class or organization thereof, cocurricular/extracurricular activities will be under the general supervision of the school personnel.~~

Cocurricular/Extracurricular activities will be organized, supervised activities conducted under the sponsorship of the district.

Cocurricular/Extracurricular activities are considered to be any activity such as, but not limited to, student government, contests, athletics and clubs. Participants in these activities will be subject to the basic rules pertaining to cocurricular/extracurricular activities and the district's student code of conduct.

These rules are to be followed and enforced by activity coaches or advisors. Offenses will be handled by district-approved procedures.

Students who represent the school in voluntary activities may be required to conform to dress and grooming standards approved by the superintendent and may be denied the opportunity to participate if those standards are not met.

Activity advisors or coaches who issue any additional rules for individual activities must obtain approval from the superintendent or designee prior to allowing participation.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Havercamp v. Unified Sch. Dist. No. 380, 689 F. Supp. 1055 (D. Kan. 1986)

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

Corbett School District 39

Code: IGDA
Adopted: 9/17/98
Orig. Code: IGDA

Student Organizations

(Prohibits Limited Open Forum)

The district encourages curriculum-related student organizations. District staff will facilitate such organizations and district resources may be used to support them.

The district will not allow student organizations which are not directly curriculum related.

The building principal will develop general guidelines for student organizations. Among other provisions, such guidelines will require the assignment of at least one adviser to each student organization.

END OF POLICY

Legal Reference(s):

[ORS 339.880](#)

[ORS 339.885](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).

Lamb's Chapel v. Center Moriches Unified Sch. Dist., 508 U.S. 384 (1993).

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Corbett School District 39

Code: IGDB
Adopted: 9/17/98
Orig. Code: IGDB

Student Publications

District Sponsored

Students' First Amendment rights to freedom of expression and equal protection of the laws will be observed in regard to district sponsored student publications. In accordance with established law, the observance of these rights must be balanced against the legitimate needs of the educational process.

Some student publications, such as annual yearbooks and school newspapers, may be educational devices developed as part of the curriculum to benefit primarily those who compile, edit and publish them. Staff advisors will be assigned to guide students engaged in these activities. Any commercial advertisements in such publications will conform to Board regulations.

Students may be required to submit publications for approval prior to distribution. When approval is required, school administrators must make available to students the standards which will be used in determining the granting or denial of permission to publish. Such guidelines will be specific and will be directed toward ascertaining which publications will cause substantial disruption of district activities or contain libelous or obscene content. Where possible, every reasonable effort will be made to obtain student concurrence with any proposed changes.

Prior restraints will contain precise criteria spelling out what is prohibited.

All Publications

A definite, brief time limit will be set within which school officials must approve or disapprove distribution. To be valid, these guidelines must prescribe a procedure for appeals from students.

It will be the responsibility of the building principals to develop reasonable and specific regulations setting forth the time, manner and place in which distribution of student publications may occur. Students who become subject to discipline for failure to comply with distribution rules will be granted procedural due process rights.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)

[ORS 339.880](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Corbett School District 39

Code: IGDB-AR
Revised/Reviewed: 1/27/99
Orig. Code: IGDB-AR

Student Publications

Student publications subject to review by school administrators include those which are:

1. School-sponsored (supported by district funds, equipment, etc.);
2. Part of the established curriculum;
3. Of benefit primarily to those who compile, edit and publish them;
4. Not by policy or practice open for indiscriminate use by the general public or students individually or as a group; or
5. Activities which students, parents and members of the public might reasonably perceive to bear the sanction or approval of the district.

Student publications will be reviewed by staff advisers and may be reviewed by other district administrators prior to printing and distribution. Materials may be modified or removed from publications for legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the reading audience;
3. The material is poorly written, inadequately researched or biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified even though the material does not use or give names; or
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts.

Modifications or removal of items may be appealed in writing to the superintendent. The superintendent shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent. At the superintendent's discretion, the district's legal counsel may also attend the meeting. The superintendent shall make his/her decision within three school days of the meeting. The superintendent's decision shall be final and binding on all parties.

Corbett School District 39

Code: IGDD
Adopted: 9/17/98
Orig. Code: IGDD

Student Performances

Instructors are encouraged to arrange for individual students and groups to provide public performances when such performances contribute to educational process objectives. Efforts will be made to limit interference with other scheduled activities or classes within the school, as follows:

1. All performances involving students will be approved by the principal;
2. The extended use of one particular group will be discouraged;
3. Students participating in a performance will conduct themselves in accordance with the student/parent handbook adopted by the district;
4. Performances that are scheduled outside school hours are preferred. Performances during school hours should be limited to the class period during which the activity is usually taught to that particular student or students.

Student groups may participate in the activities of the district and with groups in the community upon the approval of the principal. Proceeds given students for participating or performing will be placed in the associated student body account.

END OF POLICY

Legal Reference(s):

ORS 332.072	OAR 581-021-0050
ORS 332.107	OAR 581-021-0055

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Corbett School District 39

Code: IGDE
Adopted: 9/17/98
Orig. Code: IGDE

Student Activity Fees

(OSBA has removed this policy from its samples)

All necessary fees or assessments are due upon enrollment and payable in the school office. Until such fees are paid, certain restrictions and/or penalties will be imposed.

END OF POLICY

Legal Reference(s):

[ORS 339.260](#)

[ORS 339.270](#)

Corbett School District 39

Code: IGDF
Adopted: 9/17/98
Orig. Code: IGDF

Student Fund-Raising Activities

No individual or school or school-related group is authorized to conduct any type of promotion, sales or solicitation of funds unless that specific activity has been expressly approved and authorized by the building principal.

Activities that include fund raising for charitable or other causes not relating to school activities, must obtain prior approval from {the principal[,]} {and} {the superintendent}.

{A student or staff member may not solicit funds in the name of a school in the district or in the name of the district through the use of internet-based or crowd-funding types of fund raising, without the approval of the {principal} and {superintendent}.}

Fund-raising projects involving the sale of products must also be approved by the activity sponsor and by the principal, before the activity is initiated. Solicitation of funds is expressly prohibited without the superintendent's consent.

If fund raising consists of selling food and beverage items to students during the regular or extended school day, the food and beverage items must comply with state and federal nutrition standards, rules and laws. This does not apply to food and beverage items sold at school-related or nonschool-related events for which parents and other adults are a significant part of the audience.

END OF POLICY

Legal Reference(s):

[ORS 336.423](#)
[ORS 339.880](#)

[OAR 137-025](#)-0020 to -0530
[OAR 581-022](#)-2260(2)

Federal Smart Snacks in School Rules, 7 C.F.R. Part 210.11 (2017).

Corbett School District 39

Code: IGDF-AR
Revised/Reviewed: 1/27/99
Orig. Code: IGDF-AR

(still used?)

Student Fund-Raising Activity Request

Date: From _____ to _____

To Whom it May Concern:

The Corbett School District does hereby authorize:

(Name of Individual Receiving Authorization)

to sell _____
(Name of Product/Item for Sale)

for the purpose of raising funds for

(Funds to be Used For)

(Signature of Person Authorizing Sales)

(Date)

(Signature of Fund Raiser Coordinator)

(Date)

(Signature of Superintendent)

(Date)

Any questions regarding this fund raising activity should be directed to the person authorizing sales.

Corbett School District 39

Code: IGDG
Adopted: 9/17/98
Orig. Code: IGDG

Student Activities Fund Management

Student activity funds shall be defined as those funds which include all moneys raised or collected by and/or for school-approved student groups, excluding those moneys budgeted in the general fund.

Student body accounts in all schools are kept individually, reported to the superintendent on a regular basis and are subject to district audit.

Student activity fund moneys shall be collected and expended for the purpose of supporting school-sponsored activities under the guidance or supervision of qualified adults.

The responsibility for internal accounting for student body funds is delegated to the building principals together with authority commensurate with the delegated responsibility.

Student activity funds shall be defined as those funds which include all moneys raised or collected by and/or for school approved student groups, excluding those moneys budgeted in the general fund.

The student treasurer of the school recognized student government organization may serve as a representative of that organization in partial administration of the building's student activity fund.

1. All student activity fund moneys shall be receipted and deposited according to district policy and acceptable accounting procedures.
2. All student activity fund expenditures must be approved by the building principal.
3. All expenditures from a specific account of student activity funds related to other school recognized student groups must be approved by the members of that organization and their staff advisor.

All expenditures from the general account of student activity funds must also be approved by the school-recognized student government organization if such organization exists.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 328.441 to -328.470](#)

[OAR 581-022-2260\(2\)](#)

Corbett School District 39

Code: IGDH
Adopted: 9/17/98
Orig. Code: IGDH

Contests for Students

The district will cooperate with individuals, community organizations and agencies desiring to sponsor contests in keeping with the purposes and educational aims of the school when such activities can be integrated into the school program without disruption or loss of instructional time for the student and without imposing an unreasonable added work load on the staff. Participation by students in contests must be approved by the principal.

The sponsor of an activity will be responsible for the preparation and circulation of all informational materials and for other administrative work required in the grading, judging or evaluation of the work of the participants.

The following statements will be a guide in determining participation in contest:

1. The primary educational aims of the school and the needs and interests of students must be a consideration at all times;
2. The school must not be used to promote private or commercial interests;
3. The school must not be used for direct sales promotion of individual competitive goods or services;
4. All materials or activities initiated by private sources must be judged on grounds of their direct contribution to educational values, factual accuracy and good taste.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corbett School District 39

Code: IGDJ
Adopted: 4/17/19
Orig. Code: IGDJ

Interscholastic Athletics

The Board recognizes the integral role interscholastic activities play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, student participants, and others associated with the district's high school activities programs and events¹ shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and of the Oregon School Activities Association (OSAA) and the fundamental values of sportsmanship. Each will be held accountable for their actions.

The district shall allow homeschooled students that reside in the district and students attending a public charter school that reside in the district to participate in available interscholastic activities when the requirements found in Oregon law are met.

Interscholastic activities when provided by the district will comply with Title IX and other nondiscrimination laws.

District employees, students, parents, alumni, and activity volunteers are prohibited from inducing or attempting to induce a student to attend a district school for interscholastic activity eligibility or participation. The principal, activities director, and coaches are each responsible for ensuring student participants meet all district and OSAA eligibility requirements. The principal is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors have all required certifications prior to assuming their duties. The principal shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

Volunteers may be approved to assist with district activities with prior approval from the principal.

The principal shall investigate all allegations of district student ineligibility, staff recruitment violations or other student or staff conduct that may violate Board policies, administrative regulations, and/or OSAA rules and regulations. The principal shall notify the superintendent of conduct that violates the terms of this policy and report to the OSAA as required.

An employee determined to have violated rules and regulations of the OSAA may be subject to discipline, up to and including, dismissal. A student in violation of the OSAA rules and regulations will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of the OSAA rules and regulations shall be subject to discipline, up to and including, removal from district programs and activities and such other sanctions as may be deemed appropriate by the district.

¹ This applies to only OSAA-sanctioned activities and events.

Employees, volunteers, or students in violation of OSAA rules and/or regulations may be required to remunerate the district in the event of fines assessed by OSAA as a result of their actions.

The superintendent will develop procedures, as necessary, to implement this policy, including a process to ensure that all district rules governing the conduct of students, staff, and volunteers engaged in district activities are regularly reviewed and updated.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.075\(1\)\(e\)](#)

[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)

[OAR 581-021-0045 - 0049](#)

[OAR 581-026-0005](#)

[OAR 581-026-0700](#)

[OAR 581-026-0705](#)

[OAR 581-026-0710](#)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.

Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).

Corbett School District 39

Code: IHB
Adopted: 3/11/15
Orig. Code: IHB

Class Size

The Board resolves to make every effort to maintain the following class size guidelines. The Board directs that any K-8 class size or high school teacher/student ratio that exceeds the limits will be brought to the Board for review.

An average class size policy is established to provide for an adequate teacher/student ratio. The following ratios are established as goals for average class sizes:

1. Grades K-2 should not exceed an average of 25 students per teacher;
2. Grades 3-5 should not exceed an average of 27 students per teacher;
3. Grades 6-8 should not exceed an average of 29 students per teacher.

High School

Teachers may have six periods of instruction in a seven period day. Teachers may average 160 student-hours per day except in the academic areas of music and physical education.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[OAR 581-022-2335](#)

Tualatin Valley Bargaining Council v. Tigard Sch. Dist., No. UP-120-87, 11 PUB. EMPL. COLL. BARG. REP. 53 (ERB 1988).

Corbett School District 39

Code: IHB-AR
Revised/Reviewed: 6/17/99
Orig. Code: IHB-AR

Class Size

The district administrative procedure for alleviating overloading of classes is based on prudent expenditure of funds, the best interest of all students in the district and effective teaching strategies. Therefore, when overloads occur the following steps will be implemented by the district in the following order:

1. An assessment of the current resources will be made to determine if a solution can be implemented;
2. All other overloads will be dealt with by the classroom teacher. However, to ensure that the students involved are provided an educational experience equal to other students in the district, additional resources may be made available to the teacher.

Corbett School District 39

Code: IHG
Adopted: 9/17/98
Orig. Code: IHG

Independent Study

(OSBA has removed this policy from its samples)

The following criterion will be used in determining pre-specified and recorded educational objectives, staff supervision, maintenance of written agreements and implementing evaluation plans for independent study.

Implementation

To apply for independent study a student will prepare an application documenting:

1. The proposed plans documenting the pre-specified and recorded educational objectives;
2. The timeline applicable;
3. The evaluation process by which the attainment of the educational objectives for the independent study is validated.

Prior to the start of the school project, the student's application must:

1. Receive the endorsement of a qualified teacher who will supervise the proposed activity;
2. Be reviewed by the counselor who may make recommendations;
3. Be submitted to the principal for approval;
4. Receive written agreement between the student, parent or guardian and principal.

Independent study may be conducted on or off the campus.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-023-0008 \(1\)](#)

Corbett School District 39

Code: IHGA
Adopted: 2/15/06
Orig. Code: IHGA

Alternative Instructional Programs

In addition to the regular curriculum and courses offered, it is possible for students, with prior administrative approval, to obtain credit from the following alternative instructional programs and activities:

1. Community college courses;
2. Correspondence courses;
3. Outdoor school;
4. Educational travel;
5. Challenge tests;
6. Independent study;
7. Online courses;
8. The Expanded Options Program;
9. Others approved by the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 336.135 - 336.183](#)
[ORS 336.615 - 336.665](#)
[ORS 336.790 - 336.815](#)
[ORS Chapter 340](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-022-1130](#)

[OAR 581-022-1350](#)
[OAR 581-022-1620](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Corbett School District 39

Code: IIA
Adopted: 9/17/14
Orig. Code: IIA

Instructional Resources/Instructional Materials

The Board believes that proper care and judgment should be exercised in selecting basic instructional materials. While the Board retains the authority to approve district instructional materials adoptions, it authorizes the superintendent to develop and implement administrative procedures governing how selections are determined. Such procedures will provide for administrator, staff, parent, student and community involvement and employ suitable selection criteria to ensure that the recommended instructional materials will meet the needs of the program, students, teachers and community.

The district will review instructional materials in accordance with the State Board of Education adoption cycle. Each instructional program and basic instructional materials will be reviewed on a seven year cycle and recommendations for appropriate instructional materials will be made.

Recommended instructional materials will be free of racial, national origin, religious, disability, age, marital status, sexual bias or sexual orientation; contain appropriate readability levels; support the district's adopted curriculum content; provide ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

The district will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.

All basic instructional materials recommended for adoption need to be approved for use by the Board. Prior to Board approval, parents, students and interested district patrons will have the opportunity to review the recommended instructional materials and be encouraged to provide opinions about them and their use in the classrooms.

All supplementary materials and library media resources will be selected cooperatively by teachers, principals, librarians and sometimes with the assistance of students and parents. Recommended supplementary materials and library media resources will also be free of racial, national origin, religious, disability, age, marital status, sexual orientation or sexual bias; contain appropriate readability levels; support the district's adopted curriculum content; provide for ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

To be in compliance with the requirements of federal law, the Board directs the superintendent to distribute curriculum materials and instructional supplies to district schools in such a manner that ensures all schools receive equivalent materials.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.840](#)
[ORS 337.120](#)
[ORS 337.141](#)
[ORS 337.150](#)
[ORS 337.260](#)

[ORS 337.511](#)
[ORS 339.155](#)

[OAR 581-011](#)-0050 to -0117
[OAR 581-021](#)-0045

[OAR 581-021](#)-0046
[OAR 581-022](#)-2310
[OAR 581-022](#)-2340
[OAR 581-022](#)-2350
[OAR 581-022](#)-2355

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2012).

Corbett School District 39

Code: IIA-AR
Revised/Reviewed : 3/10/10
Orig. Code: IIA-AR

Instructional Materials Selection

1. Selection of Instructional Materials

a. Responsibility for Selection of Materials

- (1) The responsibility for the selection of instructional materials is delegated to the superintendent. For the purposes of this regulation the term “instructional materials” includes print and nonprint materials, including digital content of software in a format such as electronic and Internet or web-based materials or media (not equipment), whether considered classroom materials or media center materials.
- (2) The responsibility for coordinating the distribution of instructional materials to classes will rest with the superintendent. “Instructional materials” includes any organized system which constitutes the major instructional vehicle for a given course of study or any major part of the course.

b. Procedure for Selection

(1) Media

- (a) In purchasing materials for the media center, the librarian under supervision of the principal will evaluate the existing collection and the curriculum needs and will consult reputable, professionally prepared selection aids and other appropriate sources. For the purpose of this procedure, the term “media” includes all materials considered part of the library collection, plus all nonprint instructional materials housed in resource centers and classrooms.
- (b) Recommendations for purchase will be solicited from staff and students.
- (c) Gift materials shall be judged by the district’s instructional materials objectives and selection criteria and shall be accepted or rejected by those criteria.
- (d) Selection is an ongoing process which should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.

(2) Instructional Materials

- (a) Instructional materials committees may be appointed if determined by the administration to be appropriate at the time that adoption areas are determined. Appropriate subject area and instruction level will be included in each committee if that procedure is employed.
- (b) The general criteria for materials selection shall be followed by the committees.
- (c) The committee shall present its recommendation(s) to the superintendent.
- (d) The superintendent shall submit the committee’s recommendation(s) to the Board.

2. Objections to Instructional Materials

Any resident of the district may raise objection to instructional materials used in the district's educational program despite the fact that the individuals selecting such materials were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material.

- a. The district official or staff member receiving a complaint regarding instructional materials shall try to resolve the issue informally. The materials shall remain in use unless removed through the procedure in section 3. f. (3) of this regulation.
 - (1) The district official or staff member initially receiving a complaint shall explain to the complainant the district's selection procedure, criteria and qualifications of those persons selecting the material.

The district official or staff member initially receiving a complaint shall explain to his/her best ability the particular place the objectionable material occupies in the education program and its intended educational usefulness, or refer the complaining party to someone who can identify and explain the use of the material.
 - (2) In the event that the person making an objection to material is not satisfied with the initial explanation, the person raising the questions should be referred to someone designated by the principal. If, after private counseling, the complainant desires to file a formal complaint, the person to whom the complainant has been referred will assist in filling out a Reconsideration Request Form in full.
 - (3) The individual receiving the initial complaint shall advise the principal of the initial contact no later than the end of the following school day, whether or not the complainant has apparently been satisfied by the initial contact. A written record of the contact shall be maintained by the principal.

3. Request for Reconsideration

- a. Any resident or employee of the district may formally challenge the appropriateness of instructional materials used in the district's educational program. This procedure is to provide a forum for those persons in the schools and the community who are not directly involved in the selection process.
- b. All school offices will keep on hand and make available Reconsideration Request Forms. All formal objections to instructional materials must be made on this form.
- c. The Reconsideration Request Form shall be signed by the complainant and filed with the superintendent.
- d. Within five business days of the filing of the form, the superintendent or person so designated by the superintendent shall file the material in question with the reconsideration committee. The committee shall recommend disposition to the superintendent.
- e. Generally, access to challenged material shall not be restricted during the reconsideration process. In unusual circumstances the material may be removed temporarily by following the provisions of Section 3. f. (3) of this regulation.
- f. The Reconsideration Committee.

- (1) The reconsideration committee shall be made up of five members:

- (a) One teacher designated annually by the superintendent;

- (b) One school librarian designated annually by the superintendent;
 - (c) One member of the administrative staff designated annually by the superintendent;
 - (d) Two members from the community appointed annually by the Board.
- (2) The chair of the committee shall not be an employee or officer of the district. The secretary shall be an employee or officer of the district.
- (3) Special meetings may be called by the superintendent to consider temporary removal of materials in unusual circumstances. Temporary removal shall require a three-fourths vote of the committee.
- (4) The committee shall receive all Reconsideration Request Forms from the superintendent or person designated by the superintendent.
- (5) The procedure for the first meeting following receipt of a Reconsideration Request Form is as follows:
 - (a) Distribute copies of written request form;
 - (b) Give complainant or a group spokesman an opportunity to talk about and expand on the request form;
 - (c) Distribute reputable, professionally prepared reviews of the material when available;
 - (d) Distribute copies of challenged material as available.
- (6) The committee may request that individuals with special knowledge be present to provide information.
- (7) The complainant shall be kept informed by the superintendent concerning the status of the complaint throughout the committee reconsideration process. The complainant and known interested parties shall be given appropriate notice of such meetings.
- (8) The committee shall make its decision in either open or closed session. The committee's final decision will be:
 - (a) To take no removal action;
 - (b) To remove all or part of the challenged material from the total school environment;
 - (c) To limit the educational use of the challenged material. The sole criteria for the final decision is the appropriateness of the material for its intended educational use. The vote on the decision shall be by secret ballot. The written decision and its justification shall be forwarded to the superintendent for appropriate action and to the complainant.
- (9) A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection or use of the material.
- (10) Requests to reconsider materials which have previously been before the committee must receive approval of a majority of the committee members before the materials will again be considered. Every Reconsideration Request Form shall be acted upon by the committee.
- (11) Committee members directly associated with the selection of the challenged material shall be excused from the committee during the deliberation on such materials. The superintendent may appoint a temporary replacement for the excused committee member, but such replacement shall be of the same general qualifications as that person excused.

- (12) If the complainant is not satisfied with the decision, a request may be made that the matter be placed on the agenda of the next regularly scheduled meeting of the Board.

RECONSIDERATION REQUEST FORM FOR REEVALUATION OF INSTRUCTIONAL MATERIAL
(Submit to superintendent)

Book or Other Printed Material If Applicable:

Author _____ Hardcover ☐ Paperback ☐ Other ☐
Title _____ Publisher _____ Date of pub. _____

Digital Media If Applicable:

Title _____ Producer (if known) _____
Type of media (video, etc.) _____

Request initiated by _____ Telephone _____
Address _____ City _____ Zip _____

Person making the request represent self _____ group or organization _____
Name of Group _____

1. To what in the item do you object? (Please be specific, cite pages, frames, etc.)

2. In your opinion what harmful effects upon students might result from use of this item?

3. Do you perceive any instructional value in the use of this item? _____
4. Did you review the entire item? If not, what sections did you review? _____
5. Should the opinion of any additional experts in the field be considered?
☐ Yes ☐ No Please list suggestions if any: _____
6. What would you like the school to do about this material?
☐ Do not use it with my student
☐ Withdraw it from use
☐ Send it back to the selector or selectors for evaluation
☐ Other
7. In place of this item would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended? _____
8. Do you wish to make an oral presentation to the Review Committee?
☐ Yes ☐ No If yes, please call the superintendent's office at _____.

Signature: _____ Date: _____

References:

Corbett School District 39

Code: IIAB
Adopted: 9/17/98
Orig. Code: IIAB

Supplementary Materials Selection

(IIA can cover this)

Materials are to be selected by professional personnel, working individually or as committees. Final authority for materials to be acquired within a school rests with the principal, following district policy.

Basic principles that guide the selection of books and other materials for the collections of a school include the following:

1. The instructional materials collections shall be developed systematically so that they are well balanced and well-rounded in coverage of subjects, types of materials and variety of content;
2. The maintenance of qualitative standards for selection of materials is essential, with all materials being carefully evaluated before purchase;
3. The collections are continuously re-evaluated in relation to changing curriculum content, new instructional methods and current needs of teachers and students.

Required or recommended materials not provided by the district shall be selected following the principles and criteria used for district-acquired materials.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 337.120](#)
[ORS 337.141](#)
[ORS 337.150](#)
[ORS 337.260](#)

[ORS 339.155](#)
[OAR 581-011-0050 to -0119](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)

[OAR 581-022-1140](#)
[OAR 581-022-1520](#)
[OAR 581-022-1640](#)

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1120B.

Corbett School District 39

Code: IIAB-AR
Revised/Reviewed: 1/27/99
Orig. Code: IIAB-AR

Supplementary Materials Selection Procedure

Reading and Audio-Visual Lists Compiled by the Teacher

Selection of materials shall be based on the scope and sequence of the subject area involved.

Materials shall be selected by the teacher from approved sources (see following criteria) and review with the school instructional materials specialist (librarian).

The teacher shall note on his/her lists the library and audio-visual collections where each title is available to students.

Lists shall be submitted to, and approved by, the principal before use.

Criteria and Sources of Selection

General criteria to be considered:

1. What is the overall purpose of the material?
2. What contribution does the subject matter make to the curriculum and to the subject interests of the students?
3. What favorable reviews of the title are found in the selection sources?
4. What favorable recommendations based on preview and examination of materials are available from a district specialist?
5. What is the reputation and significance of the author and the standards of the publisher?
6. What is the audio-visual producer's reputation for authenticity of presentation?
7. What is the quality, timeliness and/or permanence of the material?
8. How does the material contribute to breadth of representative viewpoints on controversial issues?
9. Has consideration been given to specific criteria appropriate for each subject area and type of material?
10. Is the price reasonable and format suitable?

Sources to be used include the following:

1. Book selection aids published by the American Library Association;
2. Recommendations of national professional associations, such as:
 - a. National Council of Teachers of Social Studies;
 - b. National Council of Teachers of Mathematics;
 - c. Department of Audio-Visual Instruction;
 - d. National Council of Teachers of English;
 - e. American Association for the Advancement of Science.
3. H.W. Wilson Catalog series;
4. Educational Media Index;
5. Reviews in current periodicals of recognized merit.

Corbett School District 39

Code: IIABB
Adopted: 9/17/98
Orig. Code: IIABB

Use of Feature Films, Videos or Other Media**

The Board recognizes the showing of commercially produced and rated feature films and videos, including but not limited to videos from YouTube and Instagram, may have a legitimate purpose in a school's educational program. However, since the content of these feature films or videos customarily is designed for general audience viewing, the Board feels certain precautions should be taken to ensure the showing of a particular film is consistent with the educational values espoused by the district.

All copyright laws must be followed.

Only films rated G, PG or PG-13 may be shown as part of the school program. The Board directs administrative procedures/regulations be developed to accomplish this objective, including the provision that a parent or guardian have the opportunity to preview a film when practicably possible and that a parent or guardian must give prior consent before his/her student may view a film rated PG or PG-13.

[Any media materials that are not rated are subject to the approval of the principal prior to viewing.]

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corbett School District 39

Code: IIABB-AR
Revised/Reviewed: 1/27/99
Orig. Code: IIABB-AR

Use of Feature Films, Videos or Other Media in the Schools

Prior to showing a feature film, and video or other non-rated media, including but not limited to, YouTube and Instagram, in a school, the instructor must seek the written approval of the building principal. At least five days prior to the showing, the instructor shall submit to the principal (in writing) the following information on the particular film, video or other media:

1. Title and brief description;
2. Purpose for the showing;
3. Match with course objectives;
4. Proposed date of showing;
5. When and how parents or guardians will be notified, or if necessary grant consent;
6. Audience rating (G, PG, PG-13).

Following building principal approval, the showing of all feature films, videos or other media with a G rating requires prior parent notification from the instructor.

For feature films, videos or other media with a PG or PG-13 rating, prior parental or guardian consent will be required before a student views the film.

Instructors are required to preview all film media before showing to students.

Only films, videos or other media rated G, PG or PG-13 may be shown as part of the school program. A parent or guardian may have the opportunity to preview a film when practicably possible and that parent or guardian must give prior consent before his/her student may view a film rated PG or PG-13.

Parental or guardian notification for the showing of G movies at the secondary level will be at the discretion of the building administrator.

Corbett School District 39

Code: IIAC/IIBD
Adopted: 9/17/98
Orig. Code: IIAC/IIBD

Library/Media Center Materials Selection and Adoption

(see IIA)

The Board will maintain a school library in the district to be directed by the licensed school librarian or other personnel.

All types of materials for school libraries will be recommended for purchase by the professional personnel of the library and approved by the superintendent or his/her designee. The Board intends to provide supplies, books, encyclopedias, dictionaries and periodicals as needed in keeping with state standards. The library, in addition to containing written materials, will contain audio-visual materials and equipment, computers and computer software. Consultation will take place with the administration, staff or parents as found desirable.

All materials selected will be consistent with the stated principles of selection which apply to all instructional and library materials.

Additionally, in maintaining and augmenting school library collections, persons responsible for selection of materials will strive:

1. To meet the needs of the school based on knowledge of the curriculum and the stated needs of administrators and teachers;
2. To meet the needs of individual students, according to both the stated needs of students and general understanding of students' interests;
3. To provide materials of high artistic and literary quality;
4. To provide a balanced collection, with a fair proportion of each type of material selected to meet the needs of the curriculum, the students and professional staff at all levels;
5. To provide a wide range of materials with diversity of appeal and different points of view.

In order to maintain a current and highly usable collection of materials, the media specialist and/or librarian will provide for continuing renewal of the collection, not only by addition of up-to-date materials but by the judicious elimination of materials which no longer meet needs or find use. Library services including curriculum, personnel and inventory shall be reviewed annually.

Gifts to the library may be accepted if they meet the criteria established for the selection of all instructional materials.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)

[ORS 337.120](#)

[ORS 337.141](#)

[ORS 337.150](#)

[ORS 337.260](#)

[ORS 339.155](#)

[OAR 581-011](#)-0050 to -0119

[OAR 581-021](#)-0045

[OAR 581-021](#)-0046

[OAR 581-022](#)-1140

[OAR 581-022](#)-1520

[OAR 581-022](#)-1640

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1120B.

Corbett School District 39

Code: IIAD
Adopted: 9/17/98
Orig. Code: IIAD

Special Interest Materials

In general, supplementary printed materials from commercial, political, religious or other non-school sources should have the approval of the superintendent or designee before being used in the schools. This approval may be given to materials that are of obvious educational quality, which supplement and enrich text and reference book materials for definite school courses and which are timely.

Printed materials from non-school sources should not be displayed or distributed in the schools or on the school grounds without approval of the superintendent or designee. Students may not be used as agents for distributing non-school materials to the homes without the approval of the superintendent.

Teachers may use special aids such as models, films, slides, pictures, charts and exhibits for educational purposes with the express approval of the building principal even though these materials may bear the name of a commercial business firm that provided the aid.

Educational films and all video rentals secured from or through commercial sources will be approved by the principal prior to their use in the schools.

All copyright laws regulating the use of such material will be strictly followed.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 339.880](#)

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

Corbett School District 39

Code: IIBG
Adopted: 9/17/98
Orig. Code: IIBG

Computer Technology

(OSBA has removed this policy from its samples)

1. The primary purpose of microcomputers will be for instruction. Included in instructional uses will be CAI (Computer Assisted Instruction), CMI (Computer Managed Instruction), computer literacy and computer programming.
2. Other purposes shall include computer management systems such as library media circulation systems and data base searches.
3. Computer users will recognize and adhere to existing copyright laws.
4. Computer hardware and software will not be removed from school premises without prior permission from the building principal.
5. All hardware purchased must be durable, use a wide range of software, be compatible with other school hardware and be easy to maintain.
6. All software must be previewed by a staff member before purchase.
7. All purchases of software will be coordinated through the supervisor of media technology to avoid unnecessary duplication. A catalog of school software will be available.
8. The district will provide computer training for all staff appropriate to their assignments.
9. A district technology steering committee appointed by the superintendent will annually review and update a priority list for purchase of computers and a plan for computer acquisition and use.
10. The district technology steering committee will annually recommend a proposed budget for computer hardware, software and accessories.

END OF POLICY

Legal Reference(s):

[OAR 581-022](#)-1030

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Corbett School District 39

Code: IIBGA
Adopted: 3/11/15
Orig. Code: IIBGA

Electronic Communications System

The Board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.

The district's system will be used to provide statewide, national and global communications opportunities for staff and students.

The superintendent will establish administrative regulations for the use of the district's system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using e-mail, social media, chat rooms and other forms of direct electronic communication;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors;
8. Installing measures designed to restrict minors' access to materials harmful to minors.

The superintendent will establish administrative regulations for use of the district's system by staff using their own personal electronic devices to download and store district proprietary information including personally recognizable information about the district students or staff. The Regulations shall insure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Oregon Government Ethics Commission and will include a complaint procedure for reporting violations.

The superintendent will also establish administrative regulations for use of the district’s electronic communications system to comply with copyright law.

Failure to abide by district policy and administrative regulations governing use of the district’s system may result in the suspension and/or revocation of system access. Additionally, student violations will result in discipline up to and including expulsion. Staff violations will also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

[ORS 30.765](#)
[ORS 133.739](#)
[ORS 163.435](#)
[ORS 164.345](#)
[ORS 164.365](#)

[ORS 167.060 to -167.100](#)
[ORS Chapter 192](#)
[ORS 332.107](#)
[ORS 339.250](#)
[ORS 339.270](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Children’s Internet Protection Act, 47 U.S.C.§§ 254(h) and (l) (2012); 47 C.F.R. Section 54.520 (2017).
Copyrights, 17, U.S.C. §§ 101-1332 (2012); 19 C.F.R. Part 133 (2017).
Oregon Attorney General’s Public Records and Meetings Manual, Appendix H,(2014).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C.§§ 7101-7117 (2012).
Drug-Free Workplace Act of 1988, 41 U.S.C.§§ 8101-8107 (2012); 34 C.F.R. Part 84, Subpart F (2017).
Controlled Substances Act, 21 U.S.C.§ 812, Schedules I through V (2012); 21 C.F.R. §§ 1308.11-1308.15 (2017).
Americans with Disabilities Act of 1990, 42 U.S.C.§§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Family Educational Rights and Privacy Act, 20 U.S.C.§ 1232g (2012); 34 C.F.R. Part 99 (2017).
Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998).
Every Student Succeeds Act, 20 U.S.C. § 7131 (2012).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: IIBGA-AR
Revised/Reviewed: 3/11/15
Orig. Code: IIBGA-AR

Electronic Communications System

Definitions

1. “Technology protection measure,” as defined by the Children’s Internet Protection Act (CIPA), means a specific technology that blocks or filters Internet access to visual depictions that are:
 - a. “Obscene,” as that term is defined has the meaning given such term in Section 1460 of Title 18, United States Code;
 - b. “Child pornography,” as that term is defined has the meaning given such term in Section 2256 of Title 18, United States Code; or
 - c. Harmful to minors.
2. “Harmful to minors,” as defined by CIPA, means any picture, image, graphic image file or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
 - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. “Sexual act; sexual contact,” as defined by CIPA, have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. “Minor,” as defined by CIPA, means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in district schools.
5. “Inappropriate matter,” as defined by the district, means material that is inconsistent with general public education purposes, the district’s mission and goals.¹
6. “District proprietary information” is defined by the district as any information created, produced or collected by district staff for the business or education purposes of the district including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the district’s business.

¹ As inappropriate matter is not defined in the CIPA or regulations, districts should define the scope of what it will regard as inappropriate matter. The language provided in #5. is intended as a guide only.

7. “District software” is defined by the district as any commercial or staff developed software acquired using district resources.

General District Responsibilities

The district will:

1. Designate staff as necessary to ensure coordination and maintenance of the district’s electronic communications system which includes all district computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the district’s system including copies of district policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Provide a system for authorizing staff use of personal electronic devices to download or access district proprietary information, that insures the protections of said information and insures its removal from the device when its use is no longer authorized;
4. Provide a system for obtaining prior written agreement from staff for the recovery of district proprietary information downloaded to staff personal electronic devices as necessary to accomplish district purposes, obligations or duties, and when the use on the personal electronic device is no longer authorized, to insure verification that information downloaded has been properly removed from the personal electronic device;
5. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the district’s system;
6. Use only properly licensed software, audio or video media purchased by the district or approved for use by the district. The district will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
7. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the principal may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
8. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;
9. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including “hacking” and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, social media, chat rooms and other forms of direct electronic communication;
10. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites and in chat rooms;

11. Determine which users and sites accessible as part of the district's system are most applicable to the curricular needs of the district and may restrict user access, accordingly;
12. Notify appropriate system users that:
 - a. The district retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the district's information system are the district's property and are to be used for authorized purposes only. Use of district equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the district's system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
 - b. Files and other information, including e-mail, sent or received, generated or stored on district servers are not private and may be subject to monitoring. By using the district's system, individuals consent to have that use monitored by authorized district personnel. The district reserves the right to access and disclose, as appropriate, all information and data contained on district computers and district-owned e-mail system;
 - c. Information and data entered or stored on the district's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against the district. "Deleted" or "purged" data from district computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the district;
 - d. Passwords used on the district's system are the property of the district and must be provided to their supervisor or designated district personnel, as appropriate. Passwords that have not been provided to the district are prohibited;
 - e. Transmission of any materials regarding political campaigns is prohibited.
13. Ensure all student and nonschool system users complete and sign an agreement to abide by the district's electronic communications policy and administrative regulations. All such agreements will be maintained on file in the school office;
14. Notify users of known copyright infringing activities and deny access to or remove the material.

System Access

Access to the district's system is authorized to:

Board members, district employees, students in grades K-12, with parent approval and when under the direct supervision of staff, and district volunteers, district contractors or other members of the public as authorized by the system coordinator or district administrators consistent with the district's policy governing use of district equipment and materials.

General Use Prohibitions/Guidelines/Etiquette

Operation of the district's system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of the district's system.

1. Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the district's system for:
 - (1) Unauthorized solicitation of funds;
 - (2) Distribution of chain letters;
 - (3) Unauthorized sale or purchase of merchandise and services;
 - (4) Collection of signatures;
 - (5) Membership drives;
 - (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on the district's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the district's equipment, software, materials or data or those of any other user of the district's system or any of the agencies or other networks connected to the district's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
 - (1) Harmful to minors;
 - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the district;
 - (3) A product or service not permitted to minors by law;
 - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
 - (5) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
 - (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the district's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator or teacher and consistent with applicable Board policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on the district's system, unless authorized by the system coordinator or teacher and with prior parent approval;
- i. Attempts to use the district's name in external communication forums such as chat rooms without prior district authorization;

- j. Attempts to use another individual's account name or password, failure to provide the district with individual passwords or to access restricted information, resources or networks to which the user has not been given access.

2. Guidelines/Etiquette

Appropriate system use etiquette is expected of all users and is explained in district training sessions.

Complaints

Complaints regarding use of the district's Electronic Communications System may be made to the teacher, principal, employee's supervisor or system coordinator. The district's established complaint procedure will be used for complaints concerning violations of the district's Electronic Communications System policy and/or administrative regulation. See Board policy KL - Public Complaints and accompanying administrative regulation.

Violations/Consequences

1. Students

- a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of district system access up to and including permanent loss of privileges.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established district procedures.

2. Staff

- a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by Oregon Administrative Rule (OAR) 584-020-0041.
- d. Violations of Oregon Revised Statute (ORS) 244.040 will be reported to Oregon Government Ethics Commission.

3. Others

- a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
- b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

Telephone/Membership/Other Charges

1. The district assumes no responsibility or liability for any membership, ~~or phone~~ or internet provider charges including, but not limited to, long distance charges, per minute (unit) surcharges, overage charges and/or equipment or line costs incurred by any home usage of the district's system.
2. Any disputes or problems regarding phone services or internet provided for home users of the district's system are strictly between the system user and their local phone company and/or long distance service provider.

Information Content/Third Party Supplied Information

1. System users and parents of student system users are advised that use of the district's system may provide access to materials that may be considered objectionable and inconsistent with the district's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the district's system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the district.
3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through the district's system. These individuals and agencies are not affiliated with the district. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. The district makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. District staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
4. The district does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The district's system is provided on an "as is, as available" basis. The district does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

Sample Parent Letter

Dear Parents:

Your student has requested to participate in the district's electronic communications program and needs your permission to do so. Your student will be able to communicate with other schools, colleges, organizations and individuals around the world through the Internet and other electronic information systems/networks.

The Internet is a system which links networks creating a large and diverse communications network. Internet access allows your student the opportunity to reach out to many other people to share information, learn concepts and research subjects by the sending and receiving of messages using a computer, modem and phone lines.

With this educational opportunity also comes responsibility. It is important that you and your student read the enclosed district policy, administrative regulation and agreement form and discuss these requirements together. Inappropriate system use will result in discipline up to and including expulsion from school, suspension or revocation of your student's access to the district's system and/or referral to law enforcement officials.

Although the district is committed to practices that ensure the safety and welfare of system users, including the use of technology protection measures such as Internet filtering, please be aware that there may still be material or communications on the Internet that district staff, parents and students may find objectionable. While the district neither encourages nor condones access to such material, it is not possible for us to eliminate that access completely.

Attached to this letter are the following important documents:

1. An agreement for your student to read and sign stating his/her agreement to follow the district's Electronic Communications System policy and administrative regulation. This agreement requires your signature. It must be signed and renewed each year and will be kept on file at the school;
2. The district's Electronic Communications System policy and administrative regulation.

Please review these materials carefully with your student and return the attached agreement form to the school office indicating your permission or denial of permission for your student to participate in the district's electronic communications system.

Sincerely,

System Coordinator/Administrator

Student Agreement for an Electronic Communications System Account

Academic Year 2014-2015

Student agreement must be renewed each academic year.

Student Section

Student Name _____ Grade _____

School _____

I have read the district's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in discipline up to and including expulsion from school and/or suspension or revocation of system access and related privileges and/or referral to law enforcement officials.

Student Signature _____ Date _____

Sponsoring Parent

I have read the district's Electronic Communications System policy and administrative regulation. I will monitor my student's use of the system and his/her potential access to the Internet and will accept responsibility for supervision in that regard if and when my student's use is not in a school setting. In consideration for the privilege of using the district's Electronic Communications System and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my, or my student's use, or inability to use, the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

- ☐ I give my permission to issue an account for my student and certify that the information contained on this form is correct.
- ☐ I do not give my permission for my student to participate in the district's communications system.

Signature of Parent _____

Home Address _____

Date _____ Home Phone Number _____

This space reserved for System Coordinator

Assigned Username: _____ Assigned Password: _____

Agreement for an Electronic Communications System Account
(Nonschool System User)

I have read the district's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in suspension or revocation of system access and related privileges and/or referral to law enforcement officials.

In consideration for the privilege of using the district's Electronic Communications System and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use or inability to use the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

Signature _____

Home Address _____

Date _____ Home Phone Number _____

=====

This space reserved for System Coordinator

Assigned Username: _____ Assigned Password: _____

Agreement for an Electronic Communications System Account
(Staff System User)

I have read the district's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in suspension or revocation of system access and related privileges, and may include discipline, up to and including dismissal and/or referral to law enforcement officials.

I understand that I may use my personal electronic device (PED) for education related purposes and that certain district proprietary information may be downloaded to my PED. I agree that any district proprietary information downloaded on my PED will only be as necessary to accomplish district purposes, obligations or duties, and will be properly removed from my PED when the use on my PED is no longer authorized. I insure that the personal electronic device in use is owned by me, and I am in complete control of the device at all times.

In consideration for the privilege of using the district's Electronic Communications System and in consideration for having access to the public networks, I hereby release the district, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use or inability to use the system including, without limitation, the type of damages identified in the district's policy and administrative regulation.

Signature _____

Home Address _____

Date _____ Home Phone Number _____

This space reserved for System Coordinator

Assigned Username: _____ Assigned Password: _____

Corbett School District 39

Code: IIBGB
Adopted: 9/16/99
Orig. Code: IIBGB

Web Pages

The district encourages the publication of web pages **the district's public website** to foster creativity and communication and to provide students a place to demonstrate what they have learned.

All **publicly available** web pages must comply with **Board policy** IIBGB-AR - Web-Page Guidelines.

Failure to comply with this policy and applicable administrative regulations will result in discipline, including suspension of district Internet privileges and/or referral to law enforcement, if appropriate.

District Web-Site

The district's web site provides a resource for obtaining information about the district and for informing patrons about classroom activities and Board policies. Requests for publication of information on the district web site should be directed to the webmaster. District administrators (transportation supervisor, food service director, business manager, etc.) may publish web pages as part of the district's web site. Personal information, not related to education, will not be permitted.

Staff Web Pages

Staff may create web pages to use in class activities or to provide a resource for other staff members. Staff web pages must reflect the educational goals and objectives of the district.

Staff members linking outside sites to the district server are responsible for checking all material and links prior to submission.

Individual Student Web Pages

Students may, with staff sponsorship, create web pages for publication on the district's web site that are primarily academic, educational and research oriented.

Student work may be published, with parent permission, only if related to a class project or other school activity. Such work shall not reveal personally identifiable information or prohibited directory information.

Student-created web pages reflect the individual and do not represent the district. Concerns about the content of any page created by a student should be directed to the building principal.

Student web pages may be removed at the end of the school year unless special arrangements are made.

Clubs and Organizations

Web pages published by clubs and organizations may provide information about extracurricular and other school-authorized activities, as well as general information relating to the district.

Others

The district may allow other organizations, e.g., parent-teacher groups, booster clubs, etc., to publish web pages.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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).

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

Corbett School District 39

Code: IIBGB-AR
Revised/Reviewed: 11/03/00
Orig. Code: IIBGB-AR

Web Page Guidelines

All **publicly available** web pages must follow district guidelines and be approved by the building principal and/or webmaster prior to publication.

Content

All web pages must:

1. Contain name, address and district e-mail address of the author. Student web pages shall use the sponsoring staff member;
2. Be grammatically correct with no spelling errors. Spell checking and proofreading are required;
3. Contain current and accurate information;
4. Include a copyright statement, if appropriate;
5. Use district templates;
6. Contain a created or modified date and the name or initials of the person responsible;
7. Identify district affiliation and contain a link to return to the district's home page.

Links to other than district sites are subject to approval by the webmaster. All links should be checked regularly and revised as necessary.

Use of web pages for financial gain is prohibited.

Standards

Web-page authors shall:

1. Comply with Board policies, administrative regulations, these guidelines and copyright laws;
2. Respect the rights of others;
3. Maintain the privacy of others;
4. Use websites for academic, educational and research purposes only;
5. Use conventions of standard English or other languages.

Web-page authors shall not:

1. Display abusive, harassing, libelous, obscene, offensive, profane, pornographic, threatening, sexually explicit or illegal material;
2. Use website for commercial, purchasing or illegal purposes.

Disclaimer

The following disclaimer will be published on all web pages:

The accuracy and quality of information cannot be guaranteed. The district will not be responsible for any information that may be lost, damaged or unavailable due to technical or other difficulties.

OR

The district has made every reasonable attempt to ensure that the district's web pages are educationally sound and do not contain links to any questionable material or anything that can be deemed in violation of the district's electronic communications policy.

Student Safeguards

1. Web page documents may include only the first name and the initial of the student's last name.
2. Documents may not include a student's phone number, address, names of other family members or names of friends.
3. Published e-mail addresses are restricted to staff members or to a general group e-mail address where mail is forwarded to a staff member.
4. Decisions on publishing student pictures will be made by the supervising teacher, after checking with the school office to determine if the student's parents have objected to such publication.

Maintenance

Maintenance of web pages, including the timely update of information and periodic checks of links, is the responsibility of the author. Web pages not up to date may be removed by the webmaster.

The district reserves the right to remove web pages, and if necessary, access to user accounts, without prior notice, if the content is unacceptable.

Privacy

There shall be no expectation of privacy for information stored on or transmitted with district equipment. The district webmaster may review web pages to maintain system integrity and to monitor appropriate use of district equipment. Illegal activities will be reported to the appropriate authorities.

Permission

- ☐ I give my permission to allow my student to construct and publish an Internet web page or have his/her work included in a web page.
- ☐ I do not give permission for my student's work to be published on the district web page.
- ☐ I do not give permission for my student's photograph to be published on the district web page.

Parent Name (print) _____

Signature _____

Name of Student _____

Date _____

Sponsoring Teacher Name (print) _____

Signature _____ Date _____

Corbett School District 39

Code: IICA
Adopted: 9/17/98
Orig. Code: IICA

Field Trips and Excursions

The district/Board recognizes the value of special activities to the total school program. Further, students need to be allowed to participate in and profit from carefully planned learning experiences which fall outside of the normal school program/day.

Field trips and other curricular/cocurricular activities involving travel may be authorized by the superintendent or his/her designee when such trips and/or activities contribute substantially to the achievement of desirable educational/social/cultural goals.

In planning and authorizing such trips, primary consideration will be given to the educational values to be derived, the safety and welfare of students involved, community standards of conduct and behavior on the part of all participants and the selection of appropriate adult supervision, either from within the school staff or from the parent and community volunteer pool.

Written parental permission must be obtained for each trip. The signed form showing parental approval and acknowledgement of student conduct guidelines will be maintained on file for a period of one academic year.

The administration is directed to develop regulations and guidelines which will ensure that both students and adult supervisors are acquainted with the standards for conduct while representing the district. Such regulations will reinforce district policy in areas such as alcohol, and tobacco and unlawful drug use, procedure to be utilized in case of illness or accident and methods for communicating with administrators/parents in discipline and emergency situations.

All out-of-state travel must have prior Board approval, such approval being predicated on an acceptable plan for travel arrangements, parental involvement, orientation of students and supervisors and support of the appropriate administrator(s) and to resolve issues of liability.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.014](#)

[ORS 339.155](#)
[ORS 339.240](#) to [-339.250](#)

Corbett School District 39

Code: IICB
Adopted: 9/17/98
Orig. Code: IICB

Community Resource Persons

One goal of education is to prepare students to participate constructively in a democratic, pluralistic society, a society in which many differing opinions are held and differing causes are espoused. It is important that students develop an understanding of divergent ideas. It is also important that they develop judgment, a capacity to discern the difference between fact and opinion and to weigh arguments, slogans and appeals. Books, films and other media are valuable for giving students exposure to many differing ideas but for effective learning it is also useful to invite appropriate persons not on the district educational staff to speak to or to meet with groups of students as part of the educational process.

No overall standard can be established which will automatically exclude as a resource the person whose views or manner of presenting them may obstruct the educational process or endanger the health and safety of students or staff. The Board establishes the following guidelines, however, in an effort to uphold student's freedom to learn while also recognizing obligations which the exercise of freedom entails:

1. The teacher, sponsor and school building administrator are expected to exercise judgment and to investigate fully those proposed resource persons about whom questions may arise;
2. ~~Teachers/Sponsors~~ The teacher and sponsor should encourage the use of resource persons representing various approaches or points of view on a given topic in order to afford students a more comprehensive understanding of it;
3. An appropriate record will be made of each resource person utilized and of his/her presentation;
4. The ideas presented and the resource person invited to present them will have a demonstrable relation to the curricular or cocurricular activity in which the participating students are involved;
5. The teacher or sponsor responsible for inviting the resource person, or any member of the school administration, has the right and duty to interrupt or suspend any proceedings if the conduct of the resource person is judged to be in poor taste or endangering the health and safety of students and staff. Examples of inappropriate conduct are include, but are not limited to:
 - a. Profanity, vulgarity and lewd comments are prohibited;
 - b. No smoking is permitted.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2012).
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Corbett School District 39

Code: IICC
Adopted: 1/17/18
Orig. Code: IICC

Volunteers

Community patrons who voluntarily contribute their time and talents to the improvement and enrichment of the public schools' instructional and other programs are valuable assets. The Board encourages constructive participation of groups and individuals in the school to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

¹Any person authorized by the district for volunteer service into a position that will have direct, unsupervised contact with students shall be required to undergo an Oregon criminal records check. Any person authorized by the district for volunteer service that will not have direct, unsupervised contact with students will not be required to undergo an Oregon criminal records check.

Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

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

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

END OF POLICY

Legal Reference(s):

[ORS Chapter 243](#)
[ORS 326.607](#)
[ORS 332.107](#)

[ORS 339.372](#)

[OAR 581-021-0510 – 021-0512](#)

[OAR 839-020-0005](#)

Senate Bill 155 (2019)

Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206-207 (2012).

¹ The district must make a determination on whether volunteers will or will not have direct, unsupervised contact with students. If the district allows volunteers direct, unsupervised contact with students, this language is required.

Corbett School District 39

Code: IJ
Adopted: 9/17/98
Orig. Code: IJ

Guidance Program (Version 1)

The focus of the district's counseling and guidance program is on the developmental needs of all students, grades K through 12, based on the Oregon Department of Education's *Framework for Comprehensive Guidance and Counseling Programs for Pre-kindergarten through Twelfth Grade*. The counseling and guidance program should provide learning experiences for students which develop values and attitudes that enhance interpersonal relationships and responsible individual behavior.

Counselors demonstrate respect for the dignity and worth of each individual and encourage each student to develop individual responsibility and decision making skills. Counselors coordinate the school guidance program and involve all staff members in designing and implementing plans to meet three-four major goals:

1. Educational Development - Students will participate in planning their educational experiences so that their education is consistent with educational requirements develop an education plan and portfolio that utilized education opportunities and alternatives consistent with academic standards and their career aspirations;
2. Personal/Social Development - Students will develop appropriate behaviors for a variety of social settings. Students will develop awareness of self and confidence in their own abilities interpersonal and communication skills for a variety of social and work settings; students will develop self-advocacy and decision-making skill, and confidence in their abilities;
3. Career Development - Students in grades K through 12 will develop career options consistent with their interests, abilities, and values. Career development includes will focus on the four areas of vocation, avocation, family life and citizenship;
4. Community involvement – Student will demonstrate the importance of making an individual contribution to the community.

Within the framework of the counseling and guidance goals, specific student and curricular objectives will be developed.

Districtwide Goals

1. The student is able to make appropriate decisions and use problem solving skills.
2. The student is able to use the skills involved in self-exploration and self-discovery to examine personal feeling, values, interests and aptitudes.
3. The student is able to function-communicate effectively in relationship with others.

4. The student is able to ~~accept increased~~ self-advocate and accept responsibility for his/her their own actions.
5. The student is able to understand and utilize the opportunities and alternatives available in the educational program for meeting academic standards.
6. The student is able to set tentative career goals.
7. The student is able to utilize the resources available in the school and community.
8. Students in grades 7~~6~~ through 12 will create, and annually review, an education plan and education portfolio.
9. The student will demonstrate the ability to use personal qualities, education and training in a work setting.
10. The student will demonstrate the use of personal skills in making contributions in his/her community.

Within the areas of counseling and guidance responsibility, the counselor enters into professional relationships with three segments of the school community: students, school personnel and parents and guardians. Consistent with the rights of the individual and the obligations of the counselor as a professional, the counseling relationship and resulting information is, in most instances, protected as privileged communications by Oregon law. When appropriate, counselors will be responsible for explaining the ramifications of confidentiality to students.

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 336.187](#)

[OAR 581-021-0046\(7\)](#)
[OAR 581-022-1512](#)
[OAR 581-022-2030](#)
[OAR 581-022-2060](#)

[OAR 581-022-2055](#)
[OAR 581-022-2100](#)
[OAR 581-022-2250](#)

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).
 Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Corbett School District 39

Code: IJ
Adopted:

School Counseling Program (Version 2)

The district's coordinated comprehensive school counseling program supports the academic, career, social-emotional, and community involvement development of all students. Each school will have a comprehensive counseling program for students in grades K-12, which will be based on the Oregon Department of Education's *Oregon's Framework for Comprehensive School Counseling Programs*.¹

The district will adopt program goals, which will assist students to:

1. Understand and utilize the educational opportunities and alternatives available to them;
2. Meet academic standards;
3. Establish tentative career and educational goals;
4. Create and maintain an education plan and education portfolio;
5. Demonstrate the ability to utilize personal qualities, education and training, in the world of work;
6. Develop decision-making skills;
7. Obtain information about self;
8. Accept increasing responsibility for their own actions, including the development of self-advocacy skills;
9. Develop skills in interpersonal relations, including the use of effective and receptive communication;
10. Utilize school and community resources;
11. Demonstrate and discuss personal contributions to the larger community; and
12. Know where and how to utilize personal skills in making contributions to the community.

Consistent with individual rights and the counselor's obligations as a professional, the counseling relationship and resulting information may be protected as privileged communications by Oregon law.²

END OF POLICY

¹ Oregon Department of Education - [Comprehensive School Counseling](#)

² See ORS 40.245.

Legal Reference(s):

[ORS 40.245](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 329.603](#)

[ORS 336.187](#)
[OAR 581-021-0013](#)
[OAR 581-021-0046\(7\)](#)

[OAR 581-022-2030](#)
[OAR 581-022-2055](#)
[OAR 581-022-2060](#)
[OAR 581-022-2250](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2019).

Corbett School District 39

Code: IJA
Adopted: 9/17/98
Orig. Code: IJA

Confidentiality in Counseling**

(OSBA has removed this policy from its samples)

The main purpose of confidentiality is to offer students a relationship in which they will be able to deal with concerns without fear of disclosure. Therefore, it will be the professional responsibility of school counselors to respect fully the right of privacy of those with whom they enter counseling relationships.

Confidentiality must not be abridged by the counselor except:

1. Where there is a clear and present danger to the student or to other persons;
2. To consult with other professionally competent persons when this is in the interests of the student or to other persons;
3. When the student verbally or in writing waives this privilege;
4. At the earliest time possible, as determined by the counselor, parents will be informed that their student is in counseling. When students are referred to an outside agency, the laws dealing with that agency's rights will then be enacted.

Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings and other documents are to be considered professional information for use in counseling and they are not part of the public or official records of the institution in which the counselor is employed. Revelation to others of counseling materials should occur only upon the express consent of the student.

Counselors must not discuss confidential matters over the telephone. Counselors should insist that a request for information be made in writing on official stationery.

The school counselor must be provided with adequate physical facilities which help to assure the confidentiality of the counseling relationship.

When a counselor is in doubt about what information to release in a judicial proceeding, the counselor should request, through the superintendent, a conference with the school attorney to explain the situation and receive advice on how to proceed.

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)
[ORS 326.565](#)
[ORS 326.575](#)

[ORS 336.187](#)
[OAR 581-022-0606](#)
[OAR 581-022-0610](#)

[OAR 581-022-1510](#)

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).
Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Corbett School District 39

Code: IK
Adopted: 10/15/14
Orig. Code: IK

Academic Achievement**

The Board believes it is important that teachers have as much accurate knowledge of student achievement as possible to assess students' needs and growth; thus, a sharing of information among parent, teacher and student is essential.

The district shall ensure that all students have the opportunity to demonstrate progress toward mastery of the knowledge and skills of the student's current grade level or course content level. Students who have not yet met or who exceed all of the standards at any grade level, will be offered additional services or alternative educational or public school options.

The Board directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students may be informed of their student's progress toward achieving the academic content standards, including but not limited to:
 - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
 - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
 - c. Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district;
 - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the district or the individual and time periods for the waiver; and
 - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade;
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;
5. When no grades are given but the student is evaluated in terms of progress, the school staff will also provide a realistic appraisal of the student's standing in relation to his/her peers;

6. The staff will take particular care to explain to parents the meaning of marks and symbols used to reflect student performance.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)
[ORS 329.485](#)

[ORS 343.295](#)
[OAR 581-021-0022](#)

[OAR 581-022-2260](#)
[OAR 581-022-2270](#)

Corbett School District 39

Code: IKA
Adopted: 9/18/13
Orig. Code: IKA

Grading System**

The district's grading system shall be based on Board-adopted course content and is designed to enable the student and parent to clearly know how well the student is achieving course requirements at the student's current grade level or course content level; and be based on the student's progress toward becoming proficient in a mastery of a continuum of academic knowledge and skills; and may be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grades. Behavioral performance shall be reported separately.

Grading will be conducted on a 12-week basis. The 12-week grade will be based on many factors, such as: basic assignments, both oral and written; class participation; special assignments; research; activities of various types and kinds; and special contributions.

At the beginning of the grading period students and parents will be informed regarding the basis of the grades and the methods to be used in determining them.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)

[OAR 581-021-0022](#)

[OAR 581-022-2270](#)

Corbett School District 39

Code: IKA-AR
Revised/Reviewed: 1/21/04
Orig. Code: IKA-AR

Student Progress Reports

(current?)

Student Progress Reports to Parents

Reports of each student's academic achievement (K-6) will be sent to the parents and/or guardian on a trimester basis. A mid-quarter report (7-8) will be sent to the parents/guardian or when a notable change in progress has been observed. Students 9-12 receive grades every 9 weeks with progress reports mid-quarter and, if failing, within the final two weeks of the semester. The report will be clear, concise and accurate and will provide a basis of understanding among teachers, parents and students for the benefit of the individual student.

If, within a grading period, a student's work is not noted as satisfactory or showing significant improvement, the parents will be sent a deficiency/progress notice stating the class in which the student's work is unsatisfactory/significantly improved, the probable reason(s) for such an evaluation by the teacher and the suggestions for improvement/encouragement about improved progress. Parents or guardian are encouraged to ask for a conference with the teacher in whose class the student is doing unsatisfactory work.

In an effort to promote effective communications with individuals with disabilities, the school will provide progress reports in an alternative format upon request and with appropriate advance notice.

Full consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services.

Efforts must be made to ensure that a student's academic grade reflects his/her academic achievement.

Grading System for Students 9th - 12th

The following grading scale is to be used:

- A - Consistently exceeded course expectations
- B - Met and occasionally exceeded expectations
- C - Met course expectations
- I - Incomplete, has not yet met course expectations

Parents or guardians of students in grades 1-8 will receive, on a trimester basis, a progress report reflecting student achievement as well as information regarding curriculum.

Corbett School District 39

Code: IKAD
Adopted: 9/17/98
Orig. Code: IKAD

Grade Reduction/Credit Denial

Grade reduction or credit denial determinations may include student attendance. Student attendance may not be a sole criterion. However, if attendance is a factor, prior to a grade reduction or credit denial, the following shall occur:

1. The teacher will identify **and inform parents and students** how the attendance and class participation is related to the instructional goals of the subject or course;
2. ~~Parents and students will be informed;~~
- 3.2. ~~The district's procedures in~~ **will include** due process ~~are available to for~~ the student when the grade is reduced or credit denied for attendance rather than academic reasons;
- 4.3. ~~The R~~ Reasons for non-attendance are considered and the grade is not reduced or credit denied based upon absences due to:
 - a. Religious reasons;
 - b. A student's disability; or
 - c. An excused absence, as determined by the district's policy.

END OF POLICY

Legal Reference(s):

[ORS 339.280](#)

Corbett School District 39

Code: IKC
Adopted: 10/17/07
Orig. Code: IKC

Class Rankings

In the interest of encouraging and recognizing outstanding academic achievement, a valedictorian(s) will be selected for each graduating class. The valedictorian(s) will be selected according to the following procedure:

1. The valedictorian(s) will be the student(s) with a 4.0 or higher grade point average as computed at the end of 12 trimesters of high school work;
2. In case of a tie for valedictorian, co-valedictorians will be honored;
3. Foreign exchange students will not be considered in computing class rank and, therefore, will not be eligible for any academic honors;
4. To be eligible for valedictorian honors, a student must be enrolled at Corbett High School during the junior and senior year.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.179](#)

Shorb v. Grotting and Powers Sch. Dist., Case No. 00 CV-0255 (Coos County Circuit Ct.) (2000).

Corbett School District 39

Code: IKC-AR
Revised/Reviewed: 8/16/00
Orig. Code: IKC-AR

Class Rankings

Student grade point averages will be calculated on a 5 point scale as follows:

- 0 - F
- 1 - D
- 2 - C
- 3 - B (C Honors or AP courses)
- 4 - A (B Honors or AP courses)
- 5 - A (Honors or AP courses)

College courses taken for high school credit do not count toward class ranking.

Corbett School District 39

Code: IKE
Adopted: 9/17/98
Orig. Code: IKE

Promotion and Retention of Students**

The Board is dedicated to total and continuous development of each student enrolled. The professional staff is expected to place students at the grade level best suited to them academically, socially and emotionally.

Students will normally progress annually from grade to grade. ~~Exceptions may be made when, in the judgment of the professional staff, such exceptions are in the best educational interest of the students involved. Exceptions will always be made after prior notification and explanation to the student's parents.~~

Students who cannot demonstrate proficiency in each subject area or who are not making adequate progress towards demonstrating proficiency at their grade levels, will be considered for retention. Teachers must notify the principal (who will arrange the appropriate next steps) of these students and make a recommendation to the principal concerning their promotion/retention. The principal may convene a screening committee to assess the teacher's recommendation for retention. Parents or guardians will be notified of any committee recommendations.

~~Parental decisions will be final but when the parents' decision is not in agreement with the school's recommendation, parents must sign a "release from responsibility" form to be placed in the student's file.~~

END OF POLICY

Legal Reference(s):

[OAR 581-022-2000](#)

[OAR 581-022-2270](#)

Corbett School District 39

Code: IKF
Adopted: 4/17/19
Orig. Code: IKF

Graduation Requirements**

The Board will establish graduation requirements for the awarding of a high school diploma, a modified diploma, an extended diploma and an alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child¹;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that other district or public charter school.

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, a modified diploma, an extended diploma or an alternative certificate at each high school. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in ~~the all required~~ Essential Skills of ~~apply mathematics in a variety of settings, in the student's language of origin for those ELL students who by the end of high school:~~

1. ~~Are on track to meet all other graduation requirements; and~~
2. ~~Are unable to demonstrate proficiency in the Essential Skills in English.~~

~~The district will allow ELL students to demonstrate proficiency in Essential Skills other than Apply Mathematics in a variety of settings, in the student's language of origin for those ELL students who by the end of high school:~~

¹ As defined in ORS 30.297.

1. ~~Are on track to meet all other graduation requirements;~~
2. ~~Are unable to demonstrate proficiency in the Essential Skills in English;~~
3. ~~Have been enrolled in a U.S. school for five years or less; and~~
- 4.7. Have demonstrated sufficient English language skills using the English Language Proficiency Assessment for the 21st Century (ELPA21)².

The district may not deny a student the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history listed under the modified diploma or extended diploma requirements.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is emancipated or has reached the age of 18 at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

Beginning in grade five or after a documented history to qualify for a modified diploma, an extended diploma, or an alternative certificate has been established, the district will annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma, and an alternative certificate.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, extended diploma or an alternative certificate shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet unique needs of the student and when added together provide a total number of hours of instruction or services that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

² ~~This criteria does not apply to students seeking a diploma in 2017-2018 or 2018-2019.~~

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate is contingent on the IEP team determining the student’s continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted-out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option.

The district will issue a high school diploma pursuant to Oregon law (ORS 332.114), to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 339.115](#)
[ORS 339.505](#)

[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-2000](#)
[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)

[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

Corbett School District 39

Code: IKF-AR
Adopted: 3/14/18
Orig. Code(s): IKF-AR

Graduation Requirements

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Four credits of English language arts (shall include the equivalent of one unit in written composition);
2. Four credits of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
3. Four credits of science*;
4. Four credits of social sciences (including history, civics, geography and economics (including personal finance))*;
5. One credit in health education;
6. One credit in physical education;
7. One credit in career technical education;
8. Two credits in fine arts;
9. Two credits of world language.

* A student may earn five credits in science and three in social sciences, or vice-versa to satisfy requirements in items 3 and 4 above.

The district shall offer students credit options provided the method for obtaining such credit is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements as outlined in OAR 581-022-2000, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and Applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence;

4. Participate in career-related learning experiences outlined in the education plan; and
5. Students must prepare a post-secondary education transition plan that includes application and admittance to either a college, community college, trade school, an apprenticeship, the military or other plan approved by the district in order to graduate.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a high school diploma even with reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria listed below:

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in English language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finances));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or a world languages (units may be earned in any one or a combination).

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan.

Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.

2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working towards a modified diploma should work towards one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;
 - f. One credit of physical education;
 - g. One credit of the arts or a world language.
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma or an extended diploma if the students meet minimum credit requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

Assessment

Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form¹ and submitting the form to the district.

¹ www.ode.state.or.us: Educator Resources > Student Assessment > Test administration > Forms > 2018-2019 30-day notice and opt-out form

Corbett School District 39

Code: IKFA
Adopted: 9/17/98
Orig. Code: IKFA

Early/Delayed Graduation**

(OSBA has removed this policy from its samples)

A student who, for sound educational and vocational reasons, wishes to graduate from high school in less time than the ordinary grade 9 - 12 sequence may request permission to complete graduation requirements on an altered schedule. The student and his/her parents will consult with high school guidance personnel in order to develop a graduation plan. Their intention to accomplish this plan will be stated in writing to the high school principal. The plan must be submitted to the high school principal by the beginning of the junior year.

Students who have successfully completed the junior year with fewer than the required credits for graduation and are then accepted at accredited colleges may receive their high school diplomas if, at the completion of the first semester, they are in good scholastic standing at the college.

Delayed graduation may be considered for the following reasons:

1. The student has not met the minimum requirements as prescribed by the Board;
2. To provide for re-entry following interrupted schooling;
3. The desire and ability to demonstrate further development in breadth or depth.

END OF POLICY

Legal Reference(s):

[ORS 329.465](#)
[ORS 339.030](#)

[OAR 581-022-0102 \(17\)\(c\)](#)
[OAR 581-022-1130](#)
[OAR 581-022-1210](#)

[OAR 581-022-1350](#)

Corbett School District 39

Code: IKFAA
Adopted: 1/17/01
Orig. Code: IKFAA

Modified Diploma

(Include in IKF-AR)

The Corbett School District will issue a modified diploma to a student who has met the following requirements:

1. Attendance;
2. Total credit requirements (22 credits) with some of the credits being earned through an individual student plan.

With the completion of the requirements for a modified diploma, the student is eligible to participate in all graduation activities.

END OF POLICY

Legal Reference(s):

[ORS 329.465](#)
[ORS 339.030](#)

[OAR 581-022-0102 \(17\)\(c\)](#)
[OAR 581-022-1130](#)
[OAR 581-022-1210](#)

[OAR 581-022-1350](#)

Corbett School District 39

Code: IKFAA-AR(1)
Revised/Reviewed: 1/17/01
Orig. Code: IKFAA-AR(1)

Modified Diploma

1. A parent, student or staff member may refer a student to the principal for consideration of a modified diploma.
2. Consideration for a modified diploma is based on the probability that a student is unable to qualify for a regular diploma. Students with disabilities or students with English as Second Language will not and cannot be automatically referred for a modified diploma. Foreign exchange students will receive a modified diploma.
3. The multidisciplinary team (MDT) receives the referral as it was presented to the principal. The MDT processes the referral. Then a careful study of the student's records is made. Included will be standardized district-wide test scores and/or individual test results, teacher observations, grades and discipline and attendance referrals. These materials and the referral form should be ready for a staffing with the MDT. After careful consideration of this information, the Team will make a recommendation regarding student placement. The referral must be made within the first four weeks of the semester for the student to be eligible that semester.
4. A parent/student conference will be held to review student progress, potential to learn and the team recommendation for parent approval or denial.
5. The parent and student will sign the contract and, when appropriate, the IEP.
6. Parents and students will sign a statement reflecting their knowledge, understanding and agreement to complete a modified diploma.
7. The school principal will create an appropriate schedule for the student based on information from the student, parents, records and MDT. The team must list modifications and adaptations that apply to the curriculum and to the student.
8. The high school secretary will be notified and the modified diploma will be entered on the transcript.
9. Modified diploma students will earn 22 credits, classes to be determined by the principal.
10. The modified diploma process should occur, but may not always, prior to the end of a student's sophomore year.
11. Requirements may be met in regular classrooms, in resource rooms or other alternative learning environments. Most students will be able to complete some but not all of the course goals of a particular class in the regular classroom setting. When these students are enrolled in such a class, a pass/no pass (P/U) grading system will be used. A passing grade will require a minimum of 45% academic achievement and fulfillment of school attendance requirements. These students may qualify for the Modified Diploma if the procedures as outlined on the referral form are followed.

12. A student earning a modified diploma may not be able to meet the minimum standards of performance.
13. The student must meet district's attendance policies.

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Corbett School District 39

Code: IKFAA-AR(2)
Revised/Reviewed: 1/17/01
Orig. Code: IKFAA-AR(2)

Alternative Diploma

Students attending the Springdale Academy, located at the Springdale Job Corps Center, may earn a standard Springdale Academy diploma from the Corbett School District after meeting the following requirements consistent with State of Oregon minimum requirements for high school graduation:

Requirements	Hours	Evidence of Completion
Language Arts	4	Transcripts, GED, Challenge and Portfolio**
Mathematics	2	Transcripts, GED, Challenge and Portfolio**
Science	2	Transcripts, GED, Challenge and Portfolio
Social Sciences	3	Transcripts, GED, Challenge and Portfolio
Health	1	Transcripts or JC Wellness Class
P.E.	1	Transcripts, JC Wellness Lab or Independent Study
Applied Arts	1	Transcripts, 135 hrs. vocational training or JC Craft Class
Career Ed	1	Transcripts, JC Workplace Readiness and Social Skills
Senior Project	1	Portfolio, Exhibition
Electives	6	Transcripts, 21 Weeks (540 hours) vocational training or TAR

TOTAL 22 CREDIT HOURS

**equivalent

Corbett School District 39

Code: IKFAA-AR(3)
 Revised/Reviewed: 5/18/05
 Orig. Code: IKFAA-AR(3)

Corbett High School Diploma Levels

Diploma	Diploma w/CIM	Honors Diploma
4 credits Language Arts 3 credits Social Studies 3 credits Math 3 credits Science	4 credits Language Arts 3 credits Social Studies 3 credits Math 3 credits Science	4 credits Language Arts 3/4 credits Social Studies 3/4 credits Math Minimum of Algebra 2 3/4 credits Lab Sciences <i>(Must complete 11 credits in Social Studies, Math and Science w/ a minimum of 3 in each discipline.)</i>
1 credit P.E. 1 credit Health (.5 in MS & .5 in HS)	1 credit P.E. 1 credit Health (.5 in MS & .5 in HS)	1 credit P.E. 1 credit Health (.5 in MS & .5 in HS)
1 credit Fine Arts 1 credit Foreign Language 1 credit Career Related Learning	2 Fine Arts 2 credits Foreign Language 1 credit Career Related Learning	2 credits Fine Arts 3 credits Foreign Language 1 credit Career Related Learning
1 credit Extended Application	1 credit Extended Application	1 credit Extended Application
1 credit Service Learning 3.5 credits of Electives .5 credits of Advisory	1 credit Service Learning 3.5 credits of Electives .5 credits of Advisory Students Must Earn a CIM	1 credit Service Learning 2.5 credits of Electives .5 credits of Advisory Students Must Earn a CIM Students Must Earn 4 AP credits Students Must Complete 2 AP Exams
Total 24 credits	Total 26 credits	Total 28 credits

Corbett School District 39

Code: IKFB
Adopted: 1/17/18
Orig. Code: IKFB

Graduation Exercises

The Board believes that completion of the requirements for a diploma, a modified diploma, an extended diploma or an alternative certificate from public schools is an achievement that improves the community as well as the individual. The Board wishes to recognize this achievement in a publicly, celebrated graduation exercise.

Accordingly, appropriate graduation programs may be planned by the school on the date selected by the administration.

The district's valedictorian(s), salutarian(s) or others, at the discretion of the principal or designee, may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the building principal or designee.

All students in good standing who have successfully completed the requirements for a high school diploma, **or** qualifies to receive or receives a modified diploma, an extended diploma or an alternative certificate, **including a student with disabilities receiving a document certifying successful completion of program requirements, may shall have the option to** participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by the branch of the U.S. Armed Forces if the student:

- 1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an alternative certificate; and**
- 2. Has complete basic training for, and is an active member of, a branch of the U.S. Armed Forces.**

END OF POLICY

Legal Reference(s):

[ORS 329.451](#)
[ORS 332.105](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 339.115](#)

[ORS 339.505](#)
[ORS 343.295](#)
[OAR 581-021-0071](#)
[OAR 581-022-2000](#)

[OAR 581-022-2015](#)
[OAR 581-022-2010](#)
[OAR 581-022-2020](#)
[OAR 581-022-2505](#)

31 OR. ATTY. GEN. OP. 428 (1964)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

Kay v. David Douglas Sch. Dist. No. 40, 1987; cert. den., 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Corbett School District 39

Code: IKFB-AR
Revised/Reviewed: 6/24/99
Orig. Code: IKFB-AR

Graduation Participation Regulations

All students, regardless of academic standing, will be informed that diplomas will be awarded only to students who have successfully completed all the Board adopted academic requirements, ~~paid all school fees and fines and maintained good standing.~~

At the end of each school year, all students will receive a written summary of their progress toward successful completion of the courses required for graduation. Parents/Students will be notified of the graduation requirements.

Furthermore, seniors and parents/guardians will be notified at the end of their first semester as to their credit standing as pertains to the traditional academic diploma.

1. All students who have accumulated at least 21 credits will be informed in writing that they will be allowed to participate in the graduation. It is expected they will earn the remaining 4 credits by the completion of their eighth semester.
2. All students who have accumulated fewer than 21.0 credits will be informed that they will not be allowed to participate in the graduation ceremony until they have completed all the remaining requirements for graduation and made the appropriate arrangements. A diploma may be earned upon the completion of all course requirements.
3. Transfer students must meet all graduation requirements as provided by Oregon Administrative Rules (OAR).
4. Exceptions to the required 21 credits may be made due to an extreme family emergency.
5. Qualified students who are entitled to receive a modified diploma or a certificate of attendance or an honorary diploma may participate in the graduation exercise.
6. Foreign exchange students and adults who are being recognized to receive an honorary diploma are permitted to participate in the graduation exercise.
7. Students must have paid all monies owed to the district to be considered to be in good standing.

Corbett School District 39

Code: IKGA
Adopted: 2/21/07
Orig. Code: IKFA

Certificate of Initial Mastery (CIM) Proficiency Standards

A Certificate of Initial Mastery (CIM) will be awarded to students who meet or exceed all grade 10 state performance standards in the academic content areas of English, mathematics, science and social science or other areas as determined by ODE, and who demonstrate local district proficiency in a second language, the arts, including music, and physical education or other areas as determined by the district.

The district shall ensure that all students have the opportunity to demonstrate a level of proficiency in a second language, the arts and physical education. Students who fail to meet either the state performance standards in the academic content standard areas or the district standards in a second language, the arts or physical education, or who exceed all of the standards at any benchmark level, will be offered additional services or alternative public educational options. An alternative certificate specifying benchmarks and standards achieved will be awarded to students who, having received appropriate additional services and for whom alternative learning options were made available, do not meet the standards required for the CIM.

The district shall adopt criteria for granting individual students a waiver of the second language and music requirements.

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

END OF POLICY

Legal Reference(s):

[ORS 329.465](#)
[ORS 329.485](#)

[OAR 581-021-0030](#)
[OAR 581-022-1110](#)
[OAR 581-022-1111](#)

[OAR 581-022-1210](#)
[OAR 581-022-1670](#)

Corbett School District 39

Code: IKGA-AR
Revised/Reviewed: 3/14/07
Orig. Code: IKGA-AR

District Standards

Second Language

Proficiency in a second language means demonstrating an ability to listen, speak, sign, read, write and apply culturally appropriate practices to real-life situations in a language other than English at a level determined by the district.

A district second language committee appointed by the superintendent will convene to determine the district's expected level of proficiency in the following areas:

1. Oral/Signed communication: The use of spoken or sign language to communicate the content of a message to others and to comprehend the content of messages received;
2. Reading: The ability to comprehend general meanings and specific details contained in written or video texts;
3. Writing: The ability to convey content through legible and comprehensible text;
4. Culture: The ability to demonstrate and recognize cultural products and perspectives appropriate to the cultures studied.

The Arts

Proficiency in the arts includes creating, performing or presenting art, recognizing artistic qualities in works of art and understanding the historical and cultural contexts in which art is created. The arts include music, visual art, dance, theater and other areas deemed appropriate by the district.

A district arts committee appointed by the superintendent will convene to determine the district's expected level of proficiency in the following areas:

1. Aesthetics and Art Criticism: The ability to respond to, explain and analyze works of art based on technical, organizational and aesthetic elements;
2. Historical and Cultural Perspectives: Understanding how works of art relate to the time periods and cultures in which they were created and how certain works of art from various periods and cultures are related;
3. Create, Present and Perform: Demonstrate ideas, skills and techniques in the arts.

Physical Education

Proficiency in physical education means demonstrating expressive and efficient movement, lifetime fitness and appropriate self-management and responsible social behavior.

A district physical education committee appointed by the superintendent will convene to determine the district's expected level of proficiency in the following areas:

1. **Motor Skill Competency:** Demonstration of competency in a variety of physical activities and motor skill proficiency in one physical activity;
2. **Movement Concepts and Principles:** Application of movement concepts and principles to the development of motor skills;
3. **Rules and Strategies:** Application of appropriate rules and strategies to physical activities, games and sports;
4. **Lifestyle:** Providing evidence of engaging in a physically active lifestyle;
5. **Physical Fitness:** Demonstrating ways to achieve and maintain a health-enhancing level of physical fitness; and
6. **Individual Differences:** Demonstrating responsible behavior and respect for differences among people during physical activities.

Assessment

Methods of proficiency assessment may include, but are not limited to:

1. Tests;
2. Challenge tests;
3. Work samples;
4. Out-of-school experiences;
5. Individual teacher evaluations;
6. Portfolios;
7. Interviews; or
8. Others, as deemed appropriate.

Waivers

Students wishing a waiver of the second language or the arts Certificate of Initial Mastery requirements may do so by submitting a request in writing to the superintendent. The request must detail the rationale for the waiver of the requirement. Examples of reasonable requests include, out-of-district, out-of-state student transfers and others, as deemed appropriate by the superintendent.

Corbett School District 39

Code: IKH
Adopted: 10/21/15
Orig. Code: IKH

Credit for Proficiency

The district shall grant required and elective credit toward a diploma or a modified diploma, provided the method for accruing such credit is described in the student's personal education plan and the student earns the credit by one or more of the options below.

A district may grant credit to a student if the student demonstrates defined levels of proficiency or mastery of recognized standards, i.e., knowledge and skills, (e.g., state academic content standards and essential skills, industry-based or other national or international standards) by one or more of the following options:

1. Successfully completing classroom or equivalent work (e.g., supervised independent study, career-related learning experiences, project based learning) that meets Common Curriculum Goals and academic content standards required by Oregon Administrative Rule (OAR) 581-022-1210;
2. Successfully completing classroom or equivalent work, in class or out of class, where hours of instruction may vary;
3. Successfully passing an appropriate exam;
4. Providing a collection of work or other assessment evidence; or
5. Providing documentation of prior learning activities or experiences (e.g., certification of training, letters, diplomas, awards, etc.).

The Board directs the superintendent to develop an administrative regulation that establishes criteria for granting proficiency credit.

END OF POLICY

Legal Reference(s):

[ORS 329.885](#)
[ORS 332.107](#)
[ORS 336.615 to -336.665](#)

[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2025](#)

[OAR 581-022-2310](#)
[OAR 581-022-2505](#)
[OAR 581-023-0008](#)

Corbett School District 39

Code: IKI
Adopted: 3/15/17
Orig. Code: IKI

Academic Integrity

The Board ~~desires to encourage~~es the development of critical thinking skills in students, to show them the benefits of setting and accomplishing goals and to help the student realize the satisfaction and reward of learning.

Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect toward their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of the educational experience or their full academic potential.

Students are encouraged to converse with others and assist other students except when it is inconsistent with testing or assignment instructions. This dialogue or exchange of ideas both inside and outside the classroom helps facilitate learning by everyone. Assisting others is prohibited when it would constitute academic dishonesty. Prohibited events include, but are not limited to, using or sharing prohibited study aides or other written materials on tests or assignments. Academic dishonesty also includes sharing, collaborating or communicating with others on tests or assignments, before or during tests or assignments, in violation of directions by the class instructor. Academic dishonesty may also include knowingly sharing false information or knowingly misleading another to reach a false answer or conclusion.

Violation of this policy may result in discipline as deemed appropriate by the instructor or administration, based on the nature and seriousness of the offense. Discipline may involve the district prohibiting the student from participating in school-sponsored activities or events; denial or revocation of school-conferred titles, distinctions, honors or privileges; or suspension or expulsion¹.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)

¹ Use of suspension or expulsion as discipline for a student in violation of this policy is limited to criteria found in Oregon Revised Statute (ORS) 339.250.

Corbett School District 39

Code: IL
Adopted: 6/15/16
Orig. Code: IL

Assessment Program**

The district's assessment program shall be designed for the purpose of determining district and school program improvement and individual student needs including the requirements of the Oregon Administrative Rules. Each year the district shall determine each student's progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards and Essential Skills and to identify students who meet or exceed the performance standards and Essential Skills adopted by the State Board of Education.

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;
2. Assessment of Essential Skills;
3. Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;
4. Assessments by individual teachers;
5. Optional schoolwide and grade levelwide assessments, as recommended by the superintendent and as approved by the Board.

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards and Essential Skills. District, school and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The district shall make additional services or alternative educational or public school options available to any student who has not met or has exceeded all of the state-required academic content standards. Additionally, students in schools receiving Title IA moneys that have been identified by the Oregon Department of Education (ODE), will be provided supplemental services and public school options as required by law.

The district shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures.

Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

A student may opt-out of the Smarter Balanced and/or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The district shall provide the required notice and necessary forms to the student. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices¹ that include a time frame in which statewide assessments will take place, and an adult student's or parent's right to request an exemption from taking the statewide summative assessments.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

The superintendent shall ensure a periodic review and evaluation of the district's assessment program is conducted.

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 329.479](#)
[ORS 329.485](#)
[ORS 336.187](#)

[ORS 659.870](#)
[OAR 581-021-0030](#)
[OAR 581-022-1910](#)
[OAR 581-022-2030](#)
[OAR 581-022-2060](#)

[OAR 581-022-2100](#)
[OAR 581-022-2110](#)
[OAR 581-022-2115](#)
[OAR 581-022-2250](#)
[OAR 581-022-2270](#)
[OAR 581-022-2310](#)

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).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2012).
Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2012).

¹ Districts are required to provide notice twice each year: once at the beginning of the year; and second time at least 30 days prior to the administration of the test. The 30-day notice must first be provided during the 2015-2016 school year. The beginning of the year notice must first be provided during the 2016-2017 school year.

Corbett School District 39

Code: ILBB
Adopted: 7/18/01
Orig. Code: ILBB

Juried Assessments

The Board recognizes that some students may be able to demonstrate mastery of statewide required content standards through different means than the standard state assessment format. Accordingly, to ensure that all students are provided an equal chance to earn a Certificate of Initial Mastery (CIM), the district shall develop a process for reviewing information and pursuing requests from students in grades 9 through 12 who may request an exception to the statewide CIM benchmark assessment procedures through a “juried” assessment or alternative evaluation of student performance conducted by the Oregon Department of Education (ODE).

A student or his/her parent may request an exception when the student has mastered the standards for one or more content areas of the CIM but is unable to demonstrate mastery through related statewide assessments. All requests will be submitted to the building principal who shall ensure that the merits of each case are reviewed and appropriate recommendations are made prior to submission by the district, on behalf of the student, of material to be evaluated by the ODE.

The district will adhere to ODE-suggested procedures for reviewing requests and the process to be followed when submitting material to the ODE for evaluation or develop comparable district procedures.

A request for a juried assessment to the ODE shall include:

1. A body of student work that demonstrates the student’s mastery of the content and performance standards;
2. Two individual teacher evaluations of the student work that confirm that the work demonstrates mastery;
3. A letter from the superintendent or designee to the ODE requesting an impartial review panel to consider the request.

The costs for the review panel, with the exception of ODE staff, shall be the responsibility of the district.

If the request is denied, the parent and student may appeal the decision to the State Superintendent of Public Instruction, whose decision will be final. A request accepted as meeting state content and performance standards through the juried assessment process will be applied by the district towards the student’s individual CIM requirements.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 329.075](#)
[ORS 329.465](#)
[ORS 329.485](#)

[OAR 581-022-1111](#)

Corbett School District 39

Code: IM
Adopted: 12/17/98
Orig. Code: IM

Instructional Program Renewal

(OSBA has removed this policy from its samples)

The district is dedicated to a continuous system of instructional program renewal. This renewal process shall include identification of school and district needs for improvement of student achievement at the school and district levels. To this end, the district shall conduct self-evaluations that consider a review of test results and other evaluative information including, but not limited to, demographics, other student performance data, student access to and utilization of educational opportunities and staff characteristics.

The input of staff, students, parents and the local community will be encouraged.

A written district improvement plan shall be developed and implemented based on the district's self-evaluation and consistent with applicable Oregon Revised Statutes and Oregon Administrative Rules. Such plan, where appropriate, shall include, but not be limited to:

1. Continuous short-term and long-term staff development;
2. Programs and policies to achieve a safe educational environment;
3. Local efficiencies and efforts to make better use of resources.

The district's plan shall be revised and updated on a biennial basis. The superintendent will ensure that test results and district improvement plan progress are reviewed annually and reported to the community.

A copy of the district's plan will be maintained as a public record available for public inspection and submitted to the Oregon Department of Education upon request.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.155](#)

[OAR 581-022-0606](#)
[OAR 581-022-1020](#)
[OAR 581-022-1130](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)

Corbett School District 39

Code: IMB
Adopted: 2/21/07
Orig. Code: IMB

Student Achievement Program

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the district. Student achievement will be defined by the district and include, but not be limited to, improved assessment results, increased student attendance and reduced drop out rates, Certificate of Initial Mastery (CIM) and diploma attainment.

The superintendent will ensure development and implementation of a comprehensive, collaborative planning process that engages the school community in the district's continuous student achievement improvement program efforts.

The district's program will be consistent with Oregon Department of Education requirements and reflected in school and district improvement plans.

The Board will, in striving for continuous improvement of student achievement, annually review district and individual school data on student achievement; and prioritize, allocate and realign resources as necessary.

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

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[OAR 581-022-2000](#)
[OAR 581-022-2010](#)

[OAR 581-022-2250](#)

Corbett School District 39

Code: INB
Adopted: 9/17/98
Orig. Code: INB

Controversial Issues

The presentation and discussion of controversial issues in the classroom must be on an informative basis. The development of ability to meet issues without prejudice and to withhold judgments while facts are being collected, assembled and weighed and to see relationships before drawing inferences or conclusions are among the most valuable outcomes of a free educational system.

Teachers will present an overall view of controversial issues and will guard against giving their personal opinions on sectarian or political questions or any other controversial issues until in order for the students have had the opportunity to:

1. Find, collect and assemble factual material on the subject;
2. To interpret the data without prejudice;
3. To reconsider assumptions and claims and to reach their own conclusions.

By refraining from expressing personal views before and during the period of research and study, the teacher is encouraging the students to search after the truth and to think for themselves.

Before beginning a class in the study of an obviously controversial topic, a teacher will discuss with the principal:

- (1) its appropriateness to the course;
- (2) its appropriateness for the students' maturity level;
- (3) the approach to instruction;
- (4) the instructional materials to be used.

The policy can best be described by listing three basic rights and responsibilities of the student:

1. The right to study and discuss controversial issues and problems which have political, economic or social significance in a class atmosphere devoid of partisanship and bias;
2. The right to an explanation by the teacher if an issue is not to be studied;
3. Students have a responsibility to undertake the study of all sides of an issue, to listen to other viewpoints with an open mind and to evaluate issues on an intellectual, rather than an emotional, basis.

Emotional criticism or the promotion of a cause within the classroom are inappropriate and unscholarly. The teacher's attitude should be that of the true scholar which is truth seeking, open minded and tolerant.

END OF POLICY

Legal Reference(s):

[ORS 336.067](#)

[OAR 581](#)-021-0009

U.S. CONST. amend. I.

OR. CONST., art. I.

Corbett School District 39

Code: INDB
Adopted: 12/16/99
Orig. Code: INDB

Flag Displays and Salutes

A United States flag and an Oregon flag shall be displayed on or near each school building under the control of the Board or used by the district, during school hours, except in unsuitable weather and at such other times as the Board deems proper.

Students shall receive instruction in respect for the national flag and be provided an opportunity to salute the United States flag at least once each week by reciting *The Pledge of Allegiance*.

A flag salute may be implemented at assemblies, before or after school, at lunch, special events, home room class, athletic contests or at other times deemed appropriate by the principal. Individual staff members and students who do not participate in the salute must maintain a respectful silence during the salute.

Upon request from an Oregon Sovereign tribal government, a flag representing the sovereign tribal government must be displayed on, near or within a school building during school hours. The location of the flag will be determined by the district in consultation with the requesting sovereign tribal government.

END OF POLICY

Legal Reference(s):

[ORS 336.067](#)

[ORS 339.875](#)

[OAR 581-021-0043](#)

W. Va. St. Bd. of Educ. v. Barnette, 319 U.S. 624 (1943).

Corbett School District 39

Code: ING
Adopted: 9/17/98
Orig. Code: ING

Animals in the District

~~Permission is to be obtained from the principal before animals are brought into the school.~~

~~Animals may not be transported on a school bus.~~

~~Animals must be adequately housed and cared for in secure cages. Only the teacher or students designated by the teacher are to handle the animals. Animals serving the disabled would be an exception to this policy.~~

Only service animals¹ serving persons with a disability and animals approved by the [human resource director] [superintendent] that are part of an approved district curriculum or cocurricular activity are allowed in district facilities.

Approved animals must be adequately cared for and appropriately secured. Only the teacher or students designated by the teacher are to handle the animals.

If animals are to be kept in the classroom on days when classes are not in session, arrangements must be made for their care.

Animals, except those service animals serving persons with a disability, may not be transported on a school bus.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 659A.400](#)

[OAR 581-053-0010](#)
[OAR 581-053-0230\(9\)\(j\)](#)
[OAR 581-053-0330\(1\)\(q\)](#)

[OAR 581-053-0430\(16\)](#)
[OAR 581-053-0531\(15\)](#)

¹ The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 28 CFR §§ 35.104, 35.136 (2017).
Americans with Disabilities Act Amendments Act of 2008.

Corbett School District 39

Code: ING-AR
Revised/Reviewed: 3/10/10
Orig. Code: ING-AR

Animals in District Facilities

(Version 1)

(see current AR)

The following information is required for student/staff to have a service animal accompany him/her to school/work.

1. Parent/Staff and/or emergency contact information: _____

2. Type of service animal (breed, age, and history): _____

3. Insurance company insuring the service animal: _____

Attached proof of insurance: ☐ Received ☐ Not Received
4. Agent name and address: _____
5. Phone number: _____
6. Proof of current and proper vaccinations: ☐ Received ☐ Not Received
7. Documentation of Public Access Test (PAT): ☐ Received ☐ Not Received
8. Name of trainer or organization who administered the PAT: _____

9. Address of trainer or organization: _____
10. Phone number of trainer or organization: _____
11. List and attach any letters or other documentation from medical providers or other service providers regarding the student's/staff's need for the service animal: _____
☐ Received ☐ Not Received
12. Has the student/staff member requesting use of the animal been trained as the animal's handler? Yes No
If no, who will act as the trained handler for the animal during the school/work day? _____
13. Is the student/staff able to independently care for the service animal's needs (i.e., bathroom, feeding, cleaning up messes, hygiene, etc.) Yes No

14. Describe the manner in which the service animal will meet the student's/staff's individual needs:
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Corbett School District 39

Code: ING-AR
Revised/Reviewed:

Animals in District Facilities (Version 2)

If the animal is a service animal¹, please answer the following questions:

1. Is the service animal required due to a disability? _____

2. What work or task has the service animal been trained to perform²? _____

If an animal is not a service animal, the district staff may request emergency contact information.

¹ The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.

² The district may request this information if the nature of the work or task the assistance animal is trained, or is being trained to do or perform, is not readily apparent.

Corbett School District 39

Code: INI
Adopted: 2/15/06
Orig. Code: INI

Animal Dissection

District students in grades K through 12 may refuse to dissect any vertebrate or invertebrate animal. In addition, the student's parents may refuse to allow the student to dissect the animal.

The district shall allow the student to participate in an alternative dissection exercise to demonstrate competency in the coursework. This exercise may include videos, DVDs, CD-Roms, films, computer programs, models, books, clay modeling or transparencies.

A teacher may not discriminate against or lower the grade of a student for not participating in the dissection exercise.

The district shall notify students who have dissection as part of their coursework and the parents of those students about the provisions of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 337.300](#)