

AGENDA	CORBETT SCHOOL DISTRICT REGULAR SCHOOL BOARD MEETING CMS at Woodard Rd and via ZOOM/Owl 31520 E Woodard Rd Troutdale, OR 97060	7:00 PM Wednesday, April 17, 2024
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- 1. Preliminary Business
 - 1. Call to Order/Flag Salute
 - 2. Review and Acceptance of Agenda
 - 3. Board Chair Report Information Item 4
 - 4. Extension for Approval of Minutes Action Item
 - 5. Introduction and Comments of Guests and Representatives
 - a. See policy link in description for the following excerpts:
Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair. 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.
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. **(3 minute timeline for each comment with no more than seven comments allowed per meeting is usual protocol).**
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.
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.**
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.
- 6. Principal / Director / Supervisor Reports 7
 - a. Dr. Shelia Morgan Osborne, Director of Curriculum. Assessment and

School Improvement - Testing Update		
b. Kathy Childress, HS Principal - Every Student Belongs and HS Accreditation		
c. Cassie Duprey, Assistant HS Principal and Michelle Dawkins, GS Principal - Application to Attend Update		
d. Cathy Noles, Youth Transition Specialist, and students, Lucy Price and Evan Kreps		
e. Jacque Brandow, Director of SBMH - Program Update		
f.		
1.	Student Representative to the Board	Information Item
7.	Financial Reports/Matters	
1.	Report	Information Item 84
2.	Transfer Appropriation for Lease Payment Expenditures	Action Item 97
	a. Supplemental Budget for 2023-24	Action Item
3.	Budget Committee Interview	Information Item
	a. RESOLUTION NO. 4.114-24 - RESOLVED that the Board appoint Amy Ciecko to Budget Committee Position No.7 with a three-year renewable term to end on December 31, 2026. https://policy.osba.org/corbett/D/DBEA%20D1.PDF	
4.	TAN Funding Authorization	Action Item 103
8.	Superintendent's Report	Information Items
	1. Goals for 2023-2024	
	2. Enrollment Numbers/Application Process Update	
	3. Update on Corbett School Campus Upgrades/Grants	
	4. Strategic Planning/Future Planning	
9.	Consent Agenda	
	1. PERSONNEL	
10.	Curriculum	
11.	Students	
12.	Transportation, Buildings and Maintenance	
13.	Co-Curricular Activities	
14.	Policy	
	1. Policy Additions, Deletions and Administrative Regulations	Information Items 115
15.	Personnel	
16.	Vacant Positions	Information Item

17. Matters for the Good of the Order

<https://policy.osba.org/corbett/AB/BBAA%20D1.PDF>

18. Coming Events

1. Adjournment



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

OSBA's new Oregon Rural School Board Members Caucus is seeking members

1 message

Oregon School Boards Association <info@osba.org>
Reply-To: Oregon School Boards Association <info@osba.org>
To: rlindeen@corbett.k12.or.us

Wed, Mar 20, 2024 at 2:29 PM



OREGON RURAL

School Board Members Caucus

Dear board secretary/superintendent,

As you may know by now, the Oregon School Boards Association recently formed the **Oregon Rural School Board Members Caucus**. I'm reaching out as caucus president to ask you to share the word with your board members and invite them to join as individuals. Your district has been identified as meeting the criteria as rural (all ESDs are automatically qualified as well).

For decades, rural school board members have faced an uphill battle in seeing the unique needs of our students addressed in Salem. **This caucus was formed to turn the tide through these goals:**

- To elevate the voice of rural school districts and recognize their unique needs.
- To build and maintain collaborative relationships between OSBA and rural school boards.
- To develop, promote, and advance legislation supporting rural schools and understand the impact of statewide legislation to each rural

community and district.

- To build collaborative relationships and promote quality education for all students with emphasis on the unique needs of school boards and students in rural communities.
- To support school boards in rural communities by prioritizing professional development of rural board members and bringing training and other resources to rural areas.

Our strength comes through adding voices. Won't you take a few minutes to share [this link](#) with your board members and invite them to join?

If your district doesn't qualify but you still believe the Rural Caucus is the place to share your voice, please contact Tracy Adevai, Rural Caucus vice president, at tracy.adevai@glide.k12.or.us.

Again, your board members can [register here](#).

Thank you,

Nichole Schott

OSBA Rural School Board Member Caucus president

Nschott.condonsd@gmail.com



[View this email in your browser](#)



Twitter



Facebook



Website



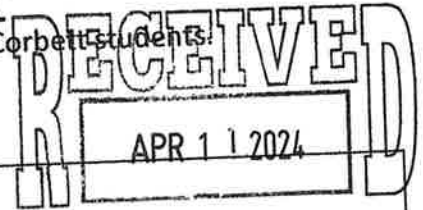
Corbett Education Foundation

35800 E. Historic Columbia River Highway, Corbett, OR 97019

CEF DONATION RECEIPT

A 501C3 charitable organization established to support Corbett students.

Tax ID #91-1820379



Corbett School District #39
Attn: School Board Members
35800 E. Historic Columbia River Hwy.
Corbett, OR 97019

By: _____

Designated CEF Fund:
Funds Received:
Donation Date:
Check Number:

School Board Scholarships
\$3,500.00
4-4-2024
071983

Date: April 4, 2024


Foundation Representative

Date: April 4, 2024

Dear School Board Members:

The Trustees of the Corbett Education Foundation want to thank you for your support and contribution to the Foundation's scholarship fund.

Your generous contribution will help us with our mission "to help provide quality education for every student in the Corbett School District through financial and other means of support....".

Corbett schools are making remarkable strides in raising educational standards. Graduation rates bears this out. It is going to take caring and committed adults to ensure that all these worthy students have the opportunity to continue their education.

Thank you again for your generous contribution.

Thank you for your continued support of our programs. We couldn't do it without your help!



Accreditation Engagement Review

July 01, 2023 - June 30, 2024

Corbett High School

Institution #231488

35800 E Historic Columbia River Hwy
Corbett, Oregon 97019-9687
United States of America

Accreditation Is Continuous Improvement

Cognia defines continuous improvement as "an embedded behavior rooted in an institution's culture that constantly focuses on conditions, processes, and practices to improve teaching and learning." Accreditation is a continuous improvement process that helps an institution improve teaching and learning. Using Cognia's Performance Standards, the institution examines its current effectiveness as well as its capacity and capability to achieve its vision and goals for the future.

Cognia believes all institutions can improve no matter how well they are currently performing. In the same manner that educators are expected to understand the unique needs of every learner and tailor the education experience to drive student success, every institution must be empowered

to map out and embrace their unique improvement journey. Cognia expects institutions to use the results and analyses of data from diverse sources to select and implement actions that drive improvement in education quality and student performance. Cognia recognizes that each institution's improvement journey is unique and that we can serve you best by providing key findings specific to your institution.

Around the turn of the 21st century, accreditation transformed its focus and process from a ten-year evaluation focused on the accomplishments of an institution's past decade to a forward-focused process examining what an institution is striving to accomplish in the next five years. Modern accreditation examines the current and future

capabilities and capacities of an institution in the context of its mission, purpose and direction. The Standards for Accreditation define how a good institution behaves and provides the criteria to focus improvement efforts that will lead to growing learners, teachers, and leaders.

In reality, modern accreditation is a continuous improvement process. At least every six years, the institution formally engages the Standards for Accreditation to reflect and examine its progress toward its desired future as expressed through its mission, purpose, and strategic direction.

Cognia's purpose-driven, strategic process is the most widely used continuous improvement process in the world.

Cognia Performance Accreditation and the Engagement Review

This report contains the findings of the Engagement Review. The findings of the report are organized in five sections: Assurances, Rating of Analyses, Cognia Performance Standards, Insights from the Review, and a Summary of Findings that includes Noteworthy Practices and Areas for Improvement.

Accreditation is pivotal to leveraging education quality and continuous improvement. Using a set of rigorous research-based standards, the accreditation process examines the whole institution—the program, the cultural context, and the community of stakeholders—to determine how

well the parts work together to meet the needs of learners. Through the Cognia Accreditation Process, highly skilled and trained evaluators gather first-hand evidence and information pertinent to evaluating an institution's performance against research-based Cognia Performance Standards. Using these standards, evaluators assess the quality of the learning environment to gain valuable insights and target improvements in teaching and learning as well as the operation of the institution.

To build a comprehensive evaluation of your institution, our experts gain a broad understanding of institution

quality through a review of documented evidence, discussions with leadership, and community feedback. Using the standards as a framework, the report provides valuable guidance to help focus your institution's improvement journey.

Assurances

Assurances are requirements that accredited institutions must meet. The assurance statements are based on the type of institution, and the responses are confirmed by the Accreditation Engagement Review. Institutions are expected to meet all assurances and are expected to correct any deficiencies in unmet assurances.

#	ASSURANCES	YES/NO
1.	The institution has read, understands, and complies with the Cognia Accreditation and Certification Policies and Procedures.	☑ Yes
2.	The institution complies with all applicable governmental laws or regulations.	☑ Yes
3.	The institution adheres to ethical marketing and communication practices to transparently disclose current and accurate information to the public.	☑ Yes
4.	The governing authority adheres to written policies that govern its conduct, decision making, ethics, and authority; and engages in training aligned to its roles and responsibilities.	☑ Yes
5.	The institution annually submits all financial transactions for an annual audit conducted by an accounting authority external to the institution.	☑ Yes
6.	The institution annually reviews and implements written management plans for security, crisis, safety and health for onsite and virtual environments that includes expectations, communications protocols, and training for students, staff and stakeholders.	☑ Yes
7.	The institution participates in required training related to accreditation or certification by timeframes prescribed by Cognia.	☑ Yes

Evaluations of Institution Analyses

Cognia expects institutions to use a systematic process to collect data and information using quality instruments and then analyze and synthesize that information to arrive at findings. From the findings, Cognia expects institutions to develop, prioritize, and implement theories of action that will sustain high-performing areas and lead to improvement in underperforming areas.

Cognia requires institutions to complete analyses on selected data sources. Each analysis is evaluated using rubrics aligned to the main activities within the analysis process.

Stakeholder Feedback Analysis

CRITERION	YOUR SCORE
The institution has made an accurate appraisal of the quality of their data sources using the Evaluative Criteria.	★★★★ Network Average: 3.5
The institution has analyzed and synthesized information.	★★★★ Network Average: 3.0
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.3
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.7

Network Comparison for Stakeholder Feedback Analysis



Student Performance Analysis

CRITERION	YOUR SCORE
The institution has made an accurate appraisal of the quality of their data sources using the Evaluative Criteria.	★★★★ Network Average: 3.4
The institution has analyzed and synthesized information.	★★★★ Network Average: 3.1
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.3
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.8

Network Comparison for Student Performance Analysis



Learning Environments Analysis

CRITERION	YOUR SCORE
The institution has made an accurate appraisal of the quality of their data sources using the Evaluative Criteria.	★★★★ Network Average: 3.4
The institution has analyzed and synthesized information.	★★★★ Network Average: 2.8
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.1
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.7

Network Comparison for Learning Environments Analysis



Culture of Learning

CRITERION	YOUR SCORE
The narrative provides evidence for Standards related to Culture of Learning.	★★★★ Network Average: 3.6
The institution has analyzed and synthesized information and responded to the prompts for Culture of Learning.	★★★★ Network Average: 3.2
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.2
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.7

Network Comparison for Culture of Learning



Leadership for Learning

CRITERION	YOUR SCORE
The narrative provides evidence for Standards related to Leadership for Learning.	★★★★ Network Average: 3.5
The institution has analyzed and synthesized information and responded to the prompts for Leadership for Learning.	★★★★ Network Average: 3.1
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.1
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.6



Network Comparison for Leadership for Learning



Engagement of Learning

CRITERION	YOUR SCORE
The narrative provides evidence for Standards related to Engagement of Learning.	★★★★ Network Average: 3.5
The institution has analyzed and synthesized information and responded to the prompts for Engagement of Learning.	★★★★ Network Average: 3.0
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.1
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.6

Network Comparison for Engagement of Learning



Growth in Learning

CRITERION	YOUR SCORE
The narrative provides evidence for Standards related to Growth in Learning.	★★★★ Network Average: 3.4
The institution has analyzed and synthesized information and responded to the prompts for Growth in Learning.	★★★★ Network Average: 3.0
The institution has identified areas of noteworthy achievement and areas in need of improvement.	★★★★ Network Average: 3.1
The institution has interpreted findings, prioritized themes, and developed theories of action.	★★★★ Network Average: 2.6

Network Comparison for Growth in Learning



Performance Standards Evaluation Results

Accreditation is based primarily on the evaluation of evidence that reflects an institution's ability to meet the expectations as defined by the Cognia Performance Standards. The Performance Standards define the elements of quality that research indicates are present in an effective institution. Accreditation standards provide the guideposts to becoming a better institution. The Engagement Review evaluators apply a four-level rubric to determine the degree to which the institution demonstrates effective practices that reflect the expectations of the standard. The rubric scale is designed to indicate the current performance of the institution.

The rubric is scored from Level 4 to Level 1. Descriptions are provided in the table below.

RATING	LEVEL	DESCRIPTION
★★★★	4	Demonstrating noteworthy systematic and systemic practices producing clear results that positively impact learners.
★★★☆☆	3	Engaging in practices that provide evidence of expected effectiveness that is reflected in the standard.
★★☆☆☆	2	Developing or improving practices that provide evidence that effort approaches desired level of effectiveness.
★☆☆☆☆	1	Reflecting areas with insufficient evidence and/or limited activity leading toward improvement.

Cognia Performance Standards Ratings

Culture of Learning Standards

A good institution nurtures and sustains a healthy culture for learning. In a healthy culture, learners, parents, and educators feel connected to the purpose and work of the institution as well as behave in alignment with the stated values and norms. The institution also demonstrates evidence that reflects the mission, beliefs, and expectations of the institution (e.g., student work; physical appearance of the institution; participation in institution activities; parents' attendance at institution functions).

Keys to Culture of Learning

A healthy culture is evident where:

- Stakeholders are actively engaged and supportive of the institution's mission
- Learners' academic and non-academic needs and interests are the focal point
- Stakeholders are included and supported

Standard 1

Leaders cultivate and sustain a culture that demonstrates respect, fairness, equity, and inclusion, and is free from bias.

YOUR RATING
★ ★ ★ ★
Network Average: 3.3

LEVEL	DESCRIPTION
4	4 - Leaders consistently model the attributes and implement practices that shape and sustain the desired institution culture, clearly setting expectations for all staff members. Leaders and professional staff members consistently implement ongoing practices, processes, and decision making that embody the values of respect, fairness, equity, and inclusion and are free from bias.
3	3 - Leaders regularly model the attributes and implement practices that shape and sustain the desired institution culture, clearly setting expectations for all staff members. Leaders and professional staff members routinely implement ongoing practices, processes, and decision making that embody the values of respect, fairness, equity, and inclusion and are free from bias.
2	2 - Leaders occasionally model the attributes and implement practices that shape and sustain the desired institution culture, clearly setting expectations for all staff members. Leaders and professional staff members sometimes implement ongoing practices, processes, and decision making that embody the values of respect, fairness, equity, and inclusion and are free from bias.
1	1 - Leaders rarely model the attributes and implement practices that shape and sustain the desired institution culture, clearly setting expectations for all staff members. Leaders and professional staff members seldom implement ongoing practices, processes, and decision making that embody the values of respect, fairness, equity, and inclusion and are free from bias.

Standard 2

Learners' well-being is at the heart of the institution's guiding principles such as mission, purpose, and beliefs.

YOUR RATING
★★★★☆
Network Average: 3.4

LEVEL	DESCRIPTION
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4	4 - Staff members continually demonstrate commitment to learners' academic and non-academic needs and interests. The institution's practices, processes, and decisions are documented and regularly reviewed for consistency with its stated values.
3	3 - Staff members routinely demonstrate commitment to learners' academic and non-academic needs and interests. The institution's practices, processes, and decisions are documented and are consistent with and based on its stated values.
2	2 - Staff members occasionally demonstrate commitment to learners' academic and non-academic needs and interests. The institution's practices, processes, and decisions are consistent with and based on its stated values.
1	1 - Staff members seldom demonstrate commitment to learners' academic and non-academic needs and interests. The institution's practices, processes, and decisions may not be based on its stated values.

Standard 3

Leaders actively engage stakeholders to support the institution's priorities and guiding principles that promote learners' academic growth and well-being.

YOUR RATING
★★★★☆
Network Average: 2.9

LEVEL	DESCRIPTION
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4	4 - Leaders establish and sustain conditions that consistently result in support and active participation among stakeholders. Leaders consistently collaborate with stakeholders to advance identified priorities. Institutions implement a formal process to choose areas of focus based on analyzed data on learners' needs and consistent with guiding principles.
3	3 - Leaders establish and sustain conditions that regularly result in support and active participation among stakeholders. Leaders routinely collaborate with stakeholders to advance identified priorities. Institutions choose areas of focus based on analyzed data on learners' needs and consistent with guiding principles.
2	2 - Leaders establish conditions that occasionally result in support and participation among stakeholders. Leaders sometimes collaborate with stakeholders to advance identified priorities. Institutions choose areas of focus sometimes based on data on learners' needs and consistent with guiding principles.
1	1 - Leaders establish conditions that rarely result in support and participation among stakeholders. Leaders seldom collaborate with stakeholders. Institutions choose areas of focus rarely based on data about learners.

Standard 4

Learners benefit from a formal structure that fosters positive relationships with peers and adults.

YOUR RATING
★★★★☆
Network Average: 3.1

LEVEL	DESCRIPTION
4	4 - A formal structure is planned and consistently implemented to promote a culture and climate in which learners receive support from adults and peers. Peer and adult interactions and behaviors consistently demonstrate respect, trust, and concern for one another's well-being.
3	3 - A formal structure is planned and regularly implemented to promote a culture and climate in which learners receive support from adults and peers. Peer and adult interactions and behaviors routinely demonstrate respect, trust, and concern for one another's well-being.
2	2 - A formal structure may be planned but is minimally implemented to promote a culture and climate in which learners receive support from adults and peers. Peer and adult interactions and behaviors sometimes demonstrate respect, trust, and concern for one another's well-being
1	1 - A formal structure is not planned or implemented to promote a culture and climate in which learners receive support from adults and peers. Peer and adult interactions and behaviors rarely demonstrate respect, trust, and concern for one another's well-being.

Standard 5

Professional staff members embrace effective collegiality and collaboration in support of learners.

YOUR RATING
★★★★☆
Network Average: 2.9

LEVEL	DESCRIPTION
4	4 - The institution's documented operating practices cultivate and set expectations for collegiality and collaboration and are monitored for fidelity of implementation. Professional staff members consistently interact with respect and cooperation, learn from one another, and consider one another's ideas. Professional staff members intentionally and consistently work together in self-formed or assigned groups to review information, identify common problems, and implement solutions on behalf of learners.
3	3 - The institution's documented operating practices cultivate and set expectations for collegiality and collaboration. Professional staff members regularly interact with respect and cooperation, often learn from one another, and routinely consider one another's ideas. Professional staff members often work together in self-formed or assigned groups to review information, identify common problems, and implement solutions on behalf of learners.
2	2 - The institution's operating practices somewhat cultivate and set expectations for collegiality and collaboration. Professional staff members generally interact with respect and cooperation, periodically learn from one another, and somewhat consider one another's ideas. Professional staff members sometimes work together in self-formed or assigned groups to review information, identify common problems, and implement solutions on behalf of learners.
1	1 - The institution's operating practices rarely cultivate and set expectations for collegiality and collaboration. Professional staff members may or may not interact with respect and cooperation, learn from one another, or consider one another's ideas. Professional staff members rarely work together in self-formed or assigned groups to review information, identify common problems, and implement solutions on behalf of learners.

Standard 6

Professional staff members receive the support they need to strengthen their professional practice.

YOUR RATING
★ ★ ★ ★
Network Average: 2.8

LEVEL	DESCRIPTION
4	4 - Professional staff members consistently receive adequate resources and assistance based on data and information unique to the individual. A formal structure ensures that professional staff members receive personalized mentoring and coaching from leaders and peers.
3	3 - Professional staff members receive adequate resources and assistance based on data and information unique to the individual. Professional staff members receive personalized mentoring and coaching from leaders and peers.
2	2 - Professional staff members receive some resources and assistance based on data and information unique to the individual. Professional staff members periodically receive mentoring and coaching from leaders and peers.
1	1 - Professional staff members receive few or no resources and assistance based on data and information unique to the individual. Professional staff members rarely receive mentoring and coaching from leaders and peers.

Network Comparison for Culture of Learning Standards



Leadership for Learning Standards

The ability of a leader to provide leadership for learning is a key attribute of a good institution. Leaders who engage in their own learning while tangibly supporting the learning process for learners and teachers have a significant positive impact on the success of others. Leaders must also communicate the learning expectations for all learners and teachers continuously with consistency and purpose. The expectations are embedded in the culture of the institution, reflected by learners', teachers', and leaders' behaviors and attitudes toward learning.

Keys to Leadership for Learning

Leadership for learning is demonstrated when school leaders:

- Communicate expectations for learning
- Influence and impact the culture in positive ways
- Model and engage in learning while supporting others to do so

Standard 7

Leaders guide professional staff members in the continuous improvement process focused on learners' experiences and needs.

YOUR RATING



Network Average: 2.8

LEVEL	DESCRIPTION
4	4 - Leaders consistently engage professional staff members in developing, communicating, implementing, monitoring, and adjusting the continuous improvement process. The continuous improvement process is based on analyzed trend and current data about learners' academic and non-academic needs and the institution's organizational effectiveness. Leaders and professional staff members consistently implement ongoing practices, processes, and decision making that improve learning and engage stakeholders.
3	3 - Leaders regularly engage professional staff members in developing, communicating, implementing, monitoring, and adjusting the continuous improvement process. The continuous improvement process is based on analyzed data about learners' academic and non-academic needs and the institution's organizational effectiveness. Leaders and professional staff members routinely implement ongoing practices, processes, and decision making that improve learning and engage stakeholders.
2	2 - Leaders occasionally engage professional staff members in developing, communicating, implementing, monitoring, and adjusting the continuous improvement process. The continuous improvement process is sometimes based on data about learners' academic and non-academic needs and the institution's organizational effectiveness. Leaders and professional staff members sometimes implement ongoing practices, processes, and decision making that improve learning and engage stakeholders.
1	1 - Leaders seldom engage professional staff members in developing, communicating, implementing, monitoring, and adjusting the continuous improvement process. The continuous improvement process is rarely based on data about learners' academic and non-academic needs and the institution's organizational effectiveness. Leaders and professional staff members rarely implement ongoing practices, processes, and decision making that improve learning and engage stakeholders.

Standard 8

The governing authority demonstrates a commitment to learners by collaborating with leaders to uphold the institution's priorities and to drive continuous improvement.

YOUR RATING

 Network Average: 3.2

LEVEL	DESCRIPTION
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4	4 - The governing authority's policies and decisions are regularly reviewed to ensure an uncompromised commitment to learners and the institution's identified priorities. The governing authority and institution leaders use their respective roles and responsibilities to consistently and intentionally collaborate to further the institution's improvement.
3	3 - The governing authority's policies and decisions demonstrate a commitment to learners and support the institution's identified priorities. The governing authority and institution leaders use their respective roles and responsibilities to collaboratively further the institution's improvement.
2	2 - The governing authority's decisions demonstrate some commitment to learners and sometimes support the institution's identified priorities. The governing authority and institution leaders use their respective roles and responsibilities to focus the institution's improvement.
1	1 - The governing authority's decisions demonstrate minimal commitment to learners and rarely support the institution's identified priorities. The governing authority and institution leaders seldom collaborate on the institution's improvement.

Standard 9

Leaders cultivate effective individual and collective leadership among stakeholders.

YOUR RATING

 Network Average: 2.9

LEVEL	DESCRIPTION
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4	4 - Leaders consistently recognize and actively encourage leadership potential among stakeholders. Leaders create conditions that ensure formal and informal leadership opportunities, and provide customized support for individuals and groups to improve their leadership skills. Stakeholders show initiative and eagerness to take on individual or shared responsibilities that support the institution's priorities.
3	3 - Leaders frequently recognize and encourage leadership potential among stakeholders. Leaders create conditions that regularly offer formal and informal leadership opportunities, and support individuals and groups to improve their leadership skills. Stakeholders demonstrate a willingness to take on individual or shared responsibilities that support the institution's priorities.
2	2 - Leaders occasionally recognize and encourage leadership potential among stakeholders. Leaders sometimes create conditions that offer leadership opportunities and support individuals and groups to improve their leadership skills. Stakeholders sometimes volunteer to take on individual or shared responsibilities that support the institution's priorities.
1	1 - Leaders seldom recognize and encourage leadership potential among stakeholders. Leaders rarely create conditions that offer leadership opportunities and support individuals and groups to improve their leadership skills. Stakeholders rarely volunteer to take on individual or shared responsibilities that support the institution's priorities.

Standard 10

Leaders demonstrate expertise in recruiting, supervising, and evaluating professional staff members to optimize learning.

YOUR RATING

 Network Average: 2.9

LEVEL DESCRIPTION

4	4 - Leaders intentionally and consistently identify, develop, and retain qualified professional staff members who contribute to the institution's culture and priorities. Leaders consistently use analyzed data from a variety of sources to forecast future staffing needs and employ best practices to attract a diverse pool of candidates. Leaders implement and monitor documented practices and procedures for supervision and evaluation that improve professional staff members' performance to optimize learning.
3	3 - Leaders identify, develop, and retain qualified professional staff members who contribute to the institution's culture and priorities. Leaders routinely use data from a variety of sources to forecast future staffing needs and employ best practices to attract a diverse pool of candidates. Leaders regularly implement practices and procedures for supervision and evaluation that improve professional staff members' performance to optimize learning.
2	2 - Leaders hire qualified professional staff members who contribute to the institution's culture and priorities. Leaders sometimes use data to forecast future staffing needs. Leaders supervise and evaluate professional staff members to improve performance.
1	1 - Leaders hire qualified professional staff members without consideration of contribution to the institution's culture and priorities. Leaders rarely use data to forecast future staffing needs. Leaders seldom supervise and evaluate professional staff members to improve performance.

Standard 11

Leaders create and maintain institutional structures and processes that support learners and staff members in both stable and changing environments.

YOUR RATING

 Network Average: 3.1

LEVEL DESCRIPTION

4	4 - Leaders consistently demonstrate awareness of potential influences on institution stability and engage stakeholders in planning and implementing strategies to maintain stability and respond to change. The institution's structure and processes are documented, monitored, and thoroughly communicated so that learners and staff members know what to do and expect in everyday circumstances. The institution's structure and processes include emergency and contingency plans that support agile and effective responses to both incremental and sudden change.
3	3 - Leaders regularly demonstrate awareness of potential influences on institution stability and engage stakeholders in planning and implementing strategies to maintain stability and respond to change. The institution's structure and processes are documented and communicated so that learners and staff members know what to do and expect in everyday circumstances. The institution's structure and processes include emergency and contingency plans that support responses to both incremental and sudden change.
2	2 - Leaders sometimes demonstrate awareness of potential influences on institution stability and engage stakeholders in planning and implementing strategies to maintain stability and respond to change. The institution's structure and processes are occasionally documented and communicated so that learners and staff members know what to do and expect in everyday circumstances. The institution's structure and processes include emergency and contingency plans to respond to change.



1 - Leaders seldom demonstrate awareness of potential influences on institution stability. The institution's structure and processes are not well documented or communicated so that learners and staff members know what to do and expect in everyday circumstances. The institution's structure and processes may not include emergency and contingency plans to respond to change.

Standard 12

Professional staff members implement curriculum and instruction that are aligned for relevancy, inclusion, and effectiveness.

YOUR RATING

 Network Average: 2.9

LEVEL DESCRIPTION

4 - Professional staff members systematically implement, review, and adjust curriculum and instruction based on recognized and evidence-based content standards. Curriculum and instructional practices are regularly assessed through a formal, systematic process to assure alignment, relevancy, inclusiveness, and effectiveness for all learners.

3 - Professional staff members implement, review, and adjust curriculum and instruction based on recognized and evidence-based content standards. Curriculum and instructional practices are regularly assessed to assure alignment, relevancy, inclusiveness, and effectiveness for all learners.

2 - Professional staff members implement curriculum and instruction based on recognized and evidence-based content standards. Curriculum and instructional practices are sometimes assessed to assure alignment, relevancy, inclusiveness, and effectiveness for all learners.

1 - Professional staff members implement locally adopted curriculum and instruction. Curriculum and instructional practices are rarely or not assessed to assure alignment, relevancy, inclusiveness, and effectiveness for all learners.

Standard 13

Qualified personnel instruct and assist learners and each other in support of the institution's mission, purpose, and beliefs.

YOUR RATING

 Network Average: 3.0

LEVEL DESCRIPTION

4 - All staff members demonstrate commitment to enhancing their professional practice over and above the required knowledge and skills for their positions. Staff members work collaboratively to instruct and assist learners and colleagues in support of the institution's guiding principles. Staff members' individual and collective decisions and behaviors consistently demonstrate alignment and coherence with the institution's mission, purpose, and beliefs.

3 - All staff members demonstrate the required knowledge and skills for their positions. Staff members work cooperatively to instruct and assist learners and colleagues in support of the institution's guiding principles. Staff members' individual and collective decisions and behaviors demonstrate alignment and coherence with the institution's mission, purpose, and beliefs.

2 - Most staff members demonstrate the required knowledge and skills for their positions, and a plan is being implemented to ensure that all staff members are qualified for their positions. Staff members sometimes work cooperatively to instruct and assist learners and colleagues in support of the institution's guiding principles. Staff members' individual and collective decisions and behaviors sometimes demonstrate alignment and coherence with the institution's mission, purpose, and beliefs.



1 - Some staff members do not demonstrate the required knowledge and skills for their positions, and a plan does not exist to ensure that all staff members are qualified for their positions. Staff members rarely work cooperatively to instruct and assist learners and colleagues in support of the institution's guiding principles. Staff members' individual and collective decisions and behaviors rarely demonstrate alignment and coherence with the institution's mission, purpose, and beliefs.

Standard 14

Curriculum and instruction are augmented by reliable information resources and materials that advance learning and support learners' personal interests.

YOUR RATING
 ★★☆☆☆
 Network Average: 2.9

LEVEL DESCRIPTION

4 - Professional staff members consistently suggest and provide thoughtfully selected information resources and materials for learners that broaden and enrich the learning process and support learners' personal interests. A systematic process is used to identify and verify that information resources and materials are selected from credible sources.

3 - Professional staff members suggest and provide thoughtfully selected information resources and materials for learners that broaden and enrich the learning process and support learners' personal interests. These information resources and materials are selected from credible sources and based on verifiable information.

2 - Professional staff members sometimes suggest and provide information resources and materials for learners that broaden and enrich the learning process and/or support learners' personal interests. These information resources and materials are usually selected from credible sources and based on verifiable information.

1 - Professional staff members rarely suggest and provide information resources and materials for learners that broaden and enrich the learning process or support learners' personal interests. These information resources and materials are rarely selected from credible sources or may not be based on verifiable information.



Learners’ needs drive the equitable allocation and management of human, material, digital, and fiscal resources.

YOUR RATING
 ★★☆☆
 Network Average: 3.0

LEVEL	DESCRIPTION
4	4 - Professional staff members engage in a systematic process to analyze learners’ needs and current trend data to adjust the allocation and management of human, material, digital, and fiscal resources to ensure equity for learning. Adjustments to resource allocation are consistently based on current data at any point in time.
3	3 - Professional staff members routinely analyze learners’ needs and current trend data to adjust the allocation and management of human, material, digital, and fiscal resources to ensure equity for learning. Adjustments to resource allocation are routinely based on current data and at predetermined points in time.
2	2 - Professional staff members sometimes analyze learners’ needs and current trend data to adjust the allocation and management of human, material, digital, and fiscal resources to ensure equity for learning. Adjustments to resource allocation are sometimes based on current or updated data.
1	1 - Professional staff members rarely analyze learners’ needs and trend data to adjust the allocation and management of human, material, digital, and fiscal resources. Resources are rarely allocated in alignment with documented learners’ needs or to ensure equity for learning.

Network Comparison for Leadership for Learning Standards



Engagement of Learning Standards

A good institution ensured that learners are engaged in the learning environment. Learners who are engaged in the learning environment participate with confidence and display agency over their own learning. A good institution adopts policies and engages in practices that support all learners being included in the learning process.

Keys to Engagement of Learning

Engagement is demonstrated when all learners:

- Are included in the learning process
- Participate with confidence
- Have agency over their learning

Standard 16

Learners experience curriculum and instruction that emphasize the value of diverse cultures, backgrounds, and abilities.

YOUR RATING

 Network Average: 2.9

LEVEL	DESCRIPTION
4	4 - Respect for the diversity of cultures, backgrounds, and abilities is embedded in every aspect of the institution's culture and learning environments. The presence and contributions of the global community are authentically integrated in the curricular content and instructional practices.
3	3 - Respect for the diversity of cultures, backgrounds, and abilities is clearly present in the institution's culture and learning environments. The presence and contributions of the global community are intentionally included in the curricular content and instructional practices.
2	2 - Respect for the diversity of cultures, backgrounds, and abilities is somewhat present in the institution's culture and learning environments. The presence and contributions of the global community are inconsistently included in the curricular content and instructional practices.
1	1 - Respect for the diversity of cultures, backgrounds, and abilities is rarely present in the institution's culture and learning environments. The presence and contributions of the global community are not included in the curricular content and instructional practices.

Standard 17

Learners have equitable opportunities to realize their learning potential.

YOUR RATING

 Network Average: 3.0

LEVEL	DESCRIPTION
4	4 - Professional staff members develop relationships with and understand the needs and well-being of individual learners. Academic and non-academic experiences are tailored to the needs and well-being of individual learners. Learners are challenged and supported to strive towards maximal levels of achievement and self-efficacy without barriers or hindrances by schedules or access to academic and non-academic offerings.
3	3 - Professional staff members know their learners well enough to develop and provide a variety of academic and non-academic experiences. Learners have access and choice in most academic and non-academic opportunities available according to grade levels or through expected sequencing of courses. Learners rarely encounter barriers when accessing academic and non-academic experiences most suited to their individual needs and well-being. Learners are challenged and supported to strive towards individual achievement and self-efficacy.



2 - Professional staff members give consideration to varying learner needs and well-being when developing and providing academic and non-academic experiences. Learners have access to some variety in academic and non-academic opportunities available according to grade levels or through expected sequencing of courses. Learners may encounter barriers when accessing some academic and non-academic experiences most suited to their individual needs and well-being. Learners are sometimes challenged and supported to strive towards individual achievement and self-efficacy.

1 - Professional staff members give little or no consideration to individual learner needs and well-being when developing and providing academic and non-academic experiences. Academic and non-academic opportunities are limited and standardized according to grade levels or a predetermined sequencing of courses. Learners frequently encounter a variety of barriers when accessing academic and non-academic offerings that would be well suited to their individual needs and well-being. Learners are rarely challenged to strive towards individual achievement and self-efficacy.

Standard 18

Learners are immersed in an environment that fosters lifelong skills including creativity, curiosity, risk taking, collaboration, and design thinking.

YOUR RATING

 Network Average: 2.9

LEVEL DESCRIPTION

4 - Conditions across all aspects of the institution promote learners' lifelong skills. Learners engage in ongoing experiences that develop the non-academic skills important for their next steps in learning and for future success. A formal structure ensures that learning experiences collectively build skills in creativity, curiosity, risk taking, collaboration, and design thinking.

3 - Conditions within most aspects of the institution promote learners' lifelong skills. Learners engage in experiences that develop the non-academic skills important for their next steps in learning and for future success. Collectively, the learning experiences build skills in creativity, curiosity, risk taking, collaboration, and design thinking.

2 - Conditions within some aspects of the institution promote learners' lifelong skills. Learners engage in some experiences that develop non-academic skills important for their next steps in learning and for future success. Some learning experiences build skills in creativity, curiosity, risk taking, collaboration, and design thinking.

1 - Learners engage in environments that focus primarily on academic learning objectives only. Little or no emphasis is placed on non-academic skills important for next steps in learning and for future success. Learning experiences rarely build skills in creativity, curiosity, risk taking, collaboration, or design thinking.

Standard 19

Learners are immersed in an environment that promotes and respects student voice and responsibility for their learning.

YOUR RATING
★ ★ ★ ★
Network Average: 2.6

LEVEL	DESCRIPTION
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4	4 - Conditions across all aspects of the institution promote learners' active discovery and expression of their needs and interests. Learners give input into the instructional and learning activities they pursue and the methods in which they learn. Learners consistently identify their learning targets and monitor their progress.
3	3 - Conditions within most aspects of the institution are learner-centered and promote learners' active discovery and expression of their needs and interests. Learners give input into most of the instructional and learning activities available to them. Learners are frequently involved in identifying their learning targets and monitoring their progress.
2	2 - Conditions within some aspects of the institution are learner-centered and promote learners' active discovery and expression of their needs and interests. Learners have some opportunity for input into the instructional and learning activities available to them. Learners are sometimes involved in identifying their learning targets and monitoring their progress.
1	1 - Learners engage in environments that are heavily instructor-centered. Learners have little or no input into the instructional and learning activities available to them. Learners are rarely expected to monitor their learning progress.

Standard 20

Learners engage in experiences that promote and develop their self-confidence and love of learning.

YOUR RATING
★ ★ ★ ★
Network Average: 2.9

LEVEL	DESCRIPTION
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4	4 - Learners consistently pursue challenging opportunities that may not always result in success, knowing that they will be supported when needed. Learners readily and consistently show motivation, curiosity, and excitement about their learning.
3	3 - Most learners pursue opportunities that may not always result in success, knowing they will be supported. Most learners show motivation, curiosity, and excitement about their learning.
2	2 - Some learners pursue opportunities that may not always result in success, but only with significant, individual support. Some learners show motivation, curiosity, and excitement about their learning.
1	1 - Most learners primarily pursue opportunities they believe to be risk-free or heavily guaranteed to be successful. Most learners show little motivation, curiosity, or excitement about their learning.

Standard 21

Instruction is characterized by high expectations and learner-centered practices.

YOUR RATING
★★★★☆
Network Average: 2.8

LEVEL	DESCRIPTION
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4	4 - Learners engage in instructional activities, experiences, and interactions based on their individual needs and interests. Professional staff members consistently deliver instruction designed for learners to reach their potential.
3	3 - Most learners engage in instructional activities, experiences, and interactions based on their individual needs and interests. Professional staff members routinely deliver instruction designed for learners to reach their potential.
2	2 - Learners engage in instructional activities, experiences, and interactions based on needs and interests typical of most students. Professional staff members infrequently deliver instruction designed for learners to reach their potential.
1	1 - Instructional activities are primarily designed around curriculum objectives with little or no focus on learner needs and interests. Professional staff members rarely deliver instruction designed for learners to reach their individual potential.

Standard 22

Instruction is monitored and adjusted to advance and deepen individual learners' knowledge and understanding of the curriculum.

YOUR RATING
★★★★☆
Network Average: 2.7

LEVEL	DESCRIPTION
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4	4 - Professional staff members consistently monitor and adjust instruction based on each learner's response to instruction and achievement of desired learning targets. Professional staff members use a formal, systematic process for analyzing trend and current data to deepen each learner's understanding of content at increasing levels of complexity.
3	3 - Professional staff members regularly monitor and adjust instruction based on each learner's response to instruction and achievement of desired learning targets. Professional staff members routinely analyze trend and current data to deepen each learner's understanding of content.
2	2 - Professional staff members sometimes monitor and adjust instruction based on each learner's achievement of desired learning targets. Professional staff members sometimes analyze data to deepen each learner's understanding of content.
1	1 - Professional staff members rarely monitor and adjust instruction. Professional staff members rarely analyze data to deepen each learner's understanding of content.

Professional staff members integrate digital resources that deepen and advance learners’ engagement with instruction and stimulate their curiosity.

YOUR RATING
 ★★☆☆
 Network Average: 2.7

LEVEL	DESCRIPTION
4	4 - Professional staff members seamlessly and deliberately integrate digital resources that add value to the learning process and encourage learners’ active engagement in the learning process. Digital resources consistently support learners’ pursuit of interests and deepen or extend curriculum topics to stimulate learners’ curiosity.
3	3 - Professional staff members intentionally select and integrate digital resources that add value to the learning process and encourage learners’ active engagement in the learning process. Digital resources routinely support learners’ pursuit of interests and deepen or extend curriculum topics to stimulate learners’ curiosity.
2	2 - Professional staff members occasionally select and integrate digital resources that add value to the learning process or encourage learners’ active engagement in the learning process. Digital resources sometimes support learners’ pursuit of interests and deepen or extend curriculum topics to stimulate learners’ curiosity.
1	1 - Professional staff members select and integrate few or no digital resources or select digital resources that rarely add value to the learning process or encourage learners’ active engagement in the learning process. Digital resources rarely support learners’ pursuit of interests or deepen or extend curriculum topics to stimulate learners’ curiosity.

Network Comparison for Engagement of Learning Standards



Growth in Learning Standards

A good institution positively impacts learners throughout their journey of learning. A positive impact on the learner is reflected in readiness to engage in and preparedness for the next transition in their learning. Growth in learning is also reflected in learners' ability to meet expectations in knowledge and skill acquisition.

Keys to Growth in Learning

Growth is evident when

- Learners possess non-academic skills that ensure readiness to learn
- Learners' academic achievement reflects preparedness to learn
- Learners attain knowledge and skills necessary to achieve goals for learning

Standard 24

Leaders use data and input from a variety of sources to make decisions for learners' and staff members' growth and well-being.

YOUR RATING
★ ★ ★ ★
Network Average: 2.9

LEVEL	DESCRIPTION
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4	4 - Leaders consistently demonstrate skill and insight in considering a variety of information, choosing relevant and timely information, and interpreting data. Leaders make intentional decisions by consistently taking into account data and additional factors that have an impact on learners and staff members such as institution history, recent experiences, and future possibilities.
3	3 - Leaders regularly demonstrate skill and insight in considering a variety of information, choosing relevant and timely information, and interpreting data. Leaders make decisions by routinely taking into account data and additional factors that have an impact on learners and staff members such as institution history, recent experiences, and future possibilities.
2	2 - Leaders sometimes demonstrate skill and insight in considering and choosing information and interpreting data. Leaders make decisions that occasionally take into account data and additional factors that have an impact on learners and staff members such as institution history, recent experiences, and future possibilities.
1	1 - Leaders rarely demonstrate skill and insight in considering and choosing information and interpreting data. Leaders make decisions that rarely take into account data and additional factors that have an impact on learners and staff members such as institution history, recent experiences, and future possibilities.

Standard 25

Leaders promote action research by professional staff members to improve their practice and advance learning.

YOUR RATING
★ ★ ★ ★
Network Average: 2.5

LEVEL	DESCRIPTION
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4	4 - Leaders intentionally create and preserve a culture that invites inquiry, reflection, and dialogue about instructional problems and issues relevant to the institution and/or individual learning environments. Professional staff members, as a group or as individuals, consistently engage in action research using an inquiry-based process that includes identifying instructional areas of improvement, collecting data, and reporting results to make informed instructional changes. Leaders provide and engage in learning opportunities customized for professional staff members about action research.
3	3 - Leaders regularly create and preserve a culture that invites inquiry, reflection, and dialogue about instructional problems and issues relevant to the institution and/or individual learning environments. Professional staff members, as a group or as individuals, routinely engage in action research using an inquiry-based process that includes identifying instructional areas of improvement, collecting data, and reporting results to make informed instructional changes. Leaders provide and engage in learning opportunities for professional staff members to implement action research.
2	2 - Leaders occasionally create and preserve a culture that invites inquiry, reflection, and dialogue about instructional problems and issues relevant to the institution and/or individual learning environments. Professional staff members, as a group or as individuals, sometimes engage in action research using an inquiry-based process that includes identifying instructional areas of improvement, collecting data, and reporting results to make informed instructional changes. Leaders provide and engage in some learning opportunities for professional staff members to implement action research.
1	1 - Leaders rarely create a culture that invites inquiry, reflection, and dialogue about instructional problems and issues relevant to the institution or learning environments. Professional staff members seldom engage in action research to make informed instructional changes. Leaders provide and engage in few or no learning opportunities for professional staff members about action research.

Standard 26

Leaders regularly evaluate instructional programs and organizational conditions to improve instruction and advance learning.

YOUR RATING
★ ★ ★ ★
Network Average: 2.6

LEVEL	DESCRIPTION
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4	4 - Leaders consistently implement a documented process to determine the effectiveness of the institution's curriculum and instruction, including staffing and resources. Leaders use a formal, systematic process for analyzing current and trend data and stakeholder input to make decisions about retaining, changing, or replacing programs and practices.
3	3 - Leaders routinely implement a documented process to determine the effectiveness of the institution's curriculum and instruction, including staffing and resources. Leaders use analyzed current and trend data and stakeholder input to make decisions about retaining, changing, or replacing programs and practices.
2	2 - Leaders occasionally implement a process to determine the effectiveness of the institution's curriculum and instruction, including staffing and resources. Leaders sometimes use data and stakeholder input to make decisions about retaining, changing, or replacing programs and practices.

- 1 - Leaders rarely implement a process to determine the effectiveness of the institution's curriculum and instruction, including staffing and resources. Leaders seldom use data and stakeholder input to make decisions about retaining, changing, or replacing programs and practices.

Standard 27

Learners' diverse academic and non-academic needs are identified and effectively addressed through appropriate interventions.

YOUR RATING

 Network Average: 2.9

LEVEL DESCRIPTION

- 4 - The institution consistently addresses the range of developmental, physical, emotional, and intellectual needs to support learners' ability to learn. Strategies and interventions for these needs are formally and systematically planned and implemented based on analyzed information, data, and instructional best practices to ensure learners' success.
- 3 - The institution routinely addresses the range of developmental, physical, emotional, and intellectual needs to support learners' ability to learn. Strategies and interventions for these needs are regularly planned and implemented based on analyzed information, data, and instructional best practices to ensure learners' success.
- 2 - The institution sometimes addresses the range of developmental, physical, emotional, and intellectual needs to support learners' ability to learn. Strategies and interventions for these needs are occasionally planned and implemented based on information, data, and instructional best practices to ensure learners' success.
- 1 - The institution rarely addresses the range of developmental, physical, emotional, and intellectual needs to support learners' ability to learn. Strategies and interventions for these needs are seldom planned and implemented based on information, data, or instructional best practices.

Standard 28

With support, learners pursue individual goals including the acquisition of academic and non-academic skills important for their educational futures and careers.

YOUR RATING

 Network Average: 2.8

LEVEL DESCRIPTION

- 4 - Professional staff members consistently engage with learners to help them recognize their talents and potential and to identify meaningful, attainable goals that support academic, career, personal, and social skills. Learners consistently choose activities and monitor their own progress, demonstrating active ownership of their stated goals.
- 3 - Professional staff members regularly engage with learners to help them recognize their talents and potential and to identify meaningful, attainable goals that support academic, career, personal, and social skills. Learners routinely choose activities and monitor their own progress, demonstrating active ownership of their stated goals.
- 2 - Professional staff members sometimes engage with learners to help them recognize their talents and potential and to identify meaningful, attainable goals that support academic, career, personal, and social skills. Learners occasionally choose activities and monitor their own progress, demonstrating active ownership of their stated goals.



-
- 1 1 - Professional staff members rarely engage with learners to help them recognize their talents and potential and to identify meaningful, attainable goals that support academic, career, personal, and social skills. Learners do not choose activities or monitor their own progress toward goals.
-

Standard 29

Understanding learners' needs and interests drives the design, delivery, application, and evaluation of professional learning.

YOUR RATING

 Network Average: 2.6

LEVEL DESCRIPTION

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- 4 4 - Professional learning is learner-centered, customized around the needs of individual or groups of professional staff members, and focuses on improving pedagogical skills and knowledge to better address learners' needs and interests. A documented process to select, deliver, implement, and evaluate professional learning is being fully implemented and monitored for fidelity.
-
- 3 3 - Professional learning is learner-centered, designed around the principle that professional staff members need opportunities to focus on improving pedagogical skills and knowledge to better address learners' needs and interests. A documented process to select, deliver, implement, and evaluate professional learning is being fully implemented.
-
- 2 2 - Professional learning is occasionally learner-centered, designed around the principle that professional staff members need opportunities to focus on improving pedagogical skills and knowledge to better address learners' needs and interests. A documented process to select, deliver, implement, and evaluate professional learning exists but is not fully implemented.
-
- 1 1 - Professional learning is rarely learner-centered and may or may not focus on improving pedagogical skills and knowledge to better address learners' needs and interests. A documented process to select, deliver, implement, and evaluate professional learning does not exist.
-

Learners’ progress is measured through a balanced system that includes assessment both for learning and of learning.

YOUR RATING
 ★★☆☆
 Network Average: 2.8

LEVEL	DESCRIPTION
4	4 - Professional staff members and learners collaborate to determine learners’ progress toward and achievement of intended learning objectives based on assessment data gathered through formal and informal methods. Assessment data are systematically used for ongoing planning, decision making, and modification of curriculum and instruction.
3	3 - Professional staff members and learners regularly use assessment data gathered through formal and informal methods to determine learners’ progress toward and achievement of intended learning objectives. Assessment data are routinely used for ongoing planning, decision making, and modification of curriculum and instruction.
2	2 - Professional staff members occasionally use assessment data gathered through formal and informal methods to determine learners’ progress toward and achievement of intended learning objectives. Assessment data are sometimes used for ongoing planning, decision making, and modification of curriculum and instruction.
1	1 - Professional staff members seldom use assessment data to determine learners’ progress toward and achievement of intended learning objectives. Assessment data are rarely or inconsistently used for ongoing planning, decision making, and modification of curriculum and instruction.

Network Comparison for Growth in Learning Standards



Insights from the Review

The evaluators engaged in professional discussions and deliberations about the effectiveness of the processes, programs, and practices within the institution to arrive at the findings of the report. Guided by evidence, the evaluators arrived at findings that will inform your institution's continuous improvement efforts. The findings are aligned to research-based criteria designed to improve student learning and organizational effectiveness.

The findings are organized into narratives around four Key Characteristics critical to the success of any educational institution: culture of learning, leadership for learning, engagement of learning, and growth in learning. The narratives also provide the next steps to guide your institution's improvement journey in its efforts to improve the quality of educational opportunities for all learners. The feedback provided in this Accreditation Engagement Review Report will assist your institution in reflecting on its current improvement efforts and adapting and adjusting your plans to continuously strive for improvement.

Culture of Learning

Leaders engage stakeholders at Corbett High School to support the learners' well-being and the institution's guiding principles, while staff embrace collegiality and collaboration to strengthen professional practice. In 2020, stakeholders revised the vision and value statements. Then, leaders and staff revised the institution's mission and value statements for the high school. During the leadership presentation, leaders outlined the values related to teaching and learning, citizenship, inclusiveness, relationships, community, and collaboration. Leaders shared that for the past five years, students' well-being has been a center of commitment. According to the district's 2023-2024 fiscal year approved budget, the governing board is committed to increasing "student support in the area of mental health by hiring additional mental health professionals." The institution has a school-based mental health (SBMH) social worker and counselor. Leaders described how the social worker hosts parent nights to share the resources available. During the leadership presentation, leaders described the commitment to social and emotional learning (SEL) and described how students are provided with a homeroom curriculum and student-driven clubs.

Students stated that during homeroom, lessons are provided related to social interactions and interpersonal communications. Leaders and staff are urged to continually demonstrate commitment to learners' academic and non-academic needs and interests. The team suggests that leaders regularly review the stated values to ensure learners' well-being is at the heart of the institution's guiding principles such as mission, purpose, and beliefs.

Leaders described how stakeholders are engaged with the institution by providing input on course offerings and implementing mental health supports. During the interview, teachers described how they have provided input into the daily schedule and homeroom activities. Additionally, teachers stated that when leaders need feedback, they will solicit input. It was stated that the high school leadership team engages the entire staff in identifying priority areas for improvement and in developing a strategy to make a difference in that area. In the stakeholder feedback analysis, leaders described how the Student Investment Account (SIA) survey revealed the need for more counselors in 2020. A full-time counselor was hired for the 2021-2022 school year. In addition, a social worker was hired in the spring of 2023. Leaders stated that this provided "twice as much" emotional support for students. It was noted that student survey results have been analyzed and used to address college and career readiness. When concerns were noted in this area, leaders assigned a counselor to develop homeroom activities to assist students with identifying career pathway opportunities. Leaders acknowledge that the homeroom curriculum must be consistently monitored and adjusted to ensure that students feel prepared for college and careers beyond high school graduation. Leaders are encouraged to establish and sustain conditions that result in support and active participation among stakeholders. The team urges the institution to continue to choose areas of focus based on analyzed data on learners' needs and consistent with guiding principles.

During the teachers' interview, it was stated that before the implementation of the district-directed time (DDT), teachers did not have time to collaborate or plan together. During the leadership presentation, the leaders described how teachers were overwhelmed and did not have time to meet until DDT was implemented this school year. Leaders cited that



teachers have more time for collaboration and class preparation time. During interviews, it was stated that the quality of education has increased with the implementation of DDT. It was noted that the time also allows for teachers to observe other teachers and time for teachers to develop curriculum maps with common assessments. When new teachers are hired, support is provided through a partnership with Multnomah Clackamas Regional Educator Network (MCREN). Additionally, teachers are assigned a peer coach within the building, and support is provided by the school culture Teacher on Special Assignment (TOSA). The team suggests that leaders and staff continue documenting practices that cultivate and set expectations for collegiality and collaboration. Leaders are urged to routinely monitor and support opportunities for staff to review information, identify common problems, and implement solutions on behalf of learners. The team also suggests that leaders create avenues for teachers to receive personalized mentoring and coaching from leaders and peers.

Leadership for Learning

The leaders have developed priorities and a plan of action; however, it was not evident that stakeholders are engaged in a formal, continuous improvement planning process. In the narrative, leaders described how the district developed a school improvement plan called the Integrated Guidance (IG) application during the 2022-2023 school year. It was cited that this application is required by the Oregon Department of Education (ODE). The plan focuses on how the district will prioritize needs and use state and federal funding to address the district and school-level needs. Based on a review of the plan, the team noted that leaders desire to enhance five key areas: students' sense of belonging, academic challenge and data-driven instruction, community engagement and partnerships, college and career readiness, and emotional safety for students. During interviews, leaders acknowledged that developing a specific improvement plan for the institution is an area for improvement. It was stated by the leaders that teachers can describe building-level priorities, such as developing common curriculum maps and designing common assessments. During the parents' interview, parents were not familiar with any of the institution's improvement efforts. Leaders are encouraged to consistently engage stakeholders in developing, communicating, implementing, and adjusting the continuous improvement process. The team suggests leaders and staff design a continuous improvement

plan specific to the school that is based on analyzed trends and current data about learners' academic and non-academic needs.

According to the district's Professional Growth and Evaluation Handbook for Teachers, the district's evaluation system includes "multiple measures to evaluate teacher performance and effectiveness." In addition to the handbook, the team was provided with an explanation of the evaluation and supervision process. During interviews, the teacher evaluation instrument was described as "clunky" and "needs to be refined." It was cited that the instrument is a variation of the Danielson Framework and dates to around 2014. Leaders acknowledged that any modifications of the evaluation process would require cooperation with the union. During the leadership presentation, leaders noted that the evaluation model is limited in its ability to improve teaching and learning. The leaders cited that the district has been intentional in retaining educators. In the narrative, it was stated, "The culture of Corbett High School is highly dependent upon the quality of our staff." According to the institution's 2022-2023 ODE At-A-Glance Profile, the average teacher retention rate for the past three years is 93%. Eighty six percent of the licensed teachers have more than three years of experience. Leaders are encouraged to implement and monitor documented practices and procedures for supervision and evaluation that improve professional staff members' performance to optimize learning.

During interviews, leaders described the desire to continue to develop priority standards, unit plans, and common assessments. It was stated that each department is at different levels of implementation in developing these components. In the narrative, leaders and staff stated that curriculum and instruction alignment is an area of growth for the school. During the leadership presentation, leaders described how the high school needs to continue to align the curriculum with assessments that are aligned with priority standards. Leaders acknowledge staff should routinely use data to monitor the learners' needs. The team suggests leaders and staff systematically implement, review, and adjust curriculum and instruction based on recognized and evidence-based standards.

Engagement of Learning

Instruction is characterized by high expectations and the monitoring of instruction is in the infancy



stage; however, it was not evident that learners are provided enough career and technical education opportunities. During the leadership presentation, leaders described how the institution believes in an “AP [Advanced Placement] for all” culture. Leaders noted that students are required to earn 28 credits for a standard diploma. According to the 2023-2024 Course Catalog, students must earn one career and technical education (CTE) credit to graduate, starting with the Class of 2026. Starting with the Class of 2027, students are required to complete a half-credit of financial literacy and a half-credit of career explorations. The team reviewed the course catalog, and it was evident that there are no prerequisites to most courses. According to the district’s 2023-2024 Student and Parent Handbook, students taking an AP-designated course are required to take the corresponding AP assessment. The handbook outlines the process for completing the co-seating model for AP courses. In addition to completing four AP courses and the corresponding assessment, students must develop an education plan and build an education profile. To graduate from high school, the handbook states, “Students must be admitted to college, the military, or some other certificated post-secondary program as described in board policy.” According to the Executive Summary and IG application, leaders desire to develop a program of study for the materials and manufacturing program. It was cited that the program of study has been financially supported by a large CTE Revitalization grant from ODE that paid for a classroom remodel as well as over \$75,000 in equipment. According to the district’s 2023-2024 fiscal year approved budget, the governing board is committed to increasing student offerings in CTE. Within the budget narrative, leaders stated that they will continue to provide a well-rounded instructional program for students, part of which includes an opportunity for all students to have access to Advance Placement (AP) and Career and Technical Education (CTE) courses. It was evident that the governing board and leaders are committed to student success. During interviews, leaders described the AP for all philosophy. Leaders stated that all students are exposed, but there are different things for different students. During the parents’ interview, it was noted by a parent that the school does well with AP students; however, a focus needs to be given to the trades. This comment was echoed by a couple of the parents. However, parents did note that the aging conditions of the facilities are a hindrance to expanding the school’s career and technical education

programs. Although most learners engage in instructional activities, experiences, and interactions, leaders are encouraged to focus on creating personalized pathways and learner-centered practices that will allow learners to reach their potential.

The leadership presentation shared the need to develop a formal, systematic process for analyzing assessment data aligned to course maps and learning targets. Leaders stated that staff consistently monitors and adjusts instruction based on student achievement using rubrics, formative assessments, and classroom observations. Through a partnership with an educational consulting firm, leaders have started a three-year continuous improvement journey to lead to a systemic approach to analyzing assessment data to adjust instruction for achievement of desired learning outcomes. With the start of this school year’s journey, the focus has been placed on the following topics: understanding the need for a guaranteed and viable curriculum, prioritizing standards, cultivating teacher clarity, and understanding the power of learning targets. The team suggests that leaders and staff consistently monitor and adjust instruction based on each learner’s response to instruction and achievement of desired learning targets.

Growth in Learning

Leaders and staff are engaged in a continuous improvement process to formalize professional learning, design a scope and sequence, and design common assessments; however, it was not evident that leaders promote action research and evaluate instructional programs to improve instruction. Leaders described how navigating the COVID-19 pandemic has prohibited the school from creating a culture of action research. Instead, leaders have been reactionary in working to improve the culture that invites inquiry, reflection, and dialogue about instructional problems and issues related to the learning environment. During the summer of 2023, leaders identified the need for designing a standards-based aligned curriculum and focus on instruction. In the narrative, leaders stated that community input has resulted in developing more CTE courses and allowed for more choices in AP options to engage in the co-seated model. Leaders stated that a major focus on professional development will allow teachers to develop a scope and sequence and assessments. The development of new, district-directed time was a result of teachers not being provided enough time to collaborate and plan. Leaders stated that next steps



will include a systemic process for evaluating programs and instruction. The team suggests leaders intentionally create and preserve a culture that invites inquiry, reflection, and dialogue about instructional problems and issues. Leaders are encouraged to implement a documented process to determine the effectiveness of the institution's curriculum and instruction, including staffing and resources.

During the leadership presentation, leaders cited that the district has funded personalized professional learning and almost all teachers have participated in some type of professional learning during the past five years. According to the Fall 2023 Panorama Staff Survey, only 14% of staff stated the available professional learning opportunities are extremely or quite valuable. Leaders stated the need for a systematic, proactive professional learning plan that will support educators in action research to improve practice. Leaders acknowledge this is an area of growth, specifically when it comes to customizing professional development to better address learner needs through a documented process to select, implement, and evaluate professional learning. Leaders are encouraged to design professional learning that is learner-centered and designed around the principles that professional staff needs opportunities to focus on improving pedagogical skills.

It was noted that staff regularly use formative and summative assessments. Staff provided a sampling of formative and summative assessments. According to the student performance analysis, results are gathered and analyzed for the following data sources: graduation rate, grade nine on track, incomplete recovery, college access, college credit, state assessment scores, AP scores, and SAT. As an AP-focused school, teachers heavily rely on the AP instructional score reports to make instructional decisions. It was cited that staff annually utilize the data to modify curriculum and instructional practice. During the leadership presentation, leaders cited the need to develop common assessments. Leaders described the need to collect and analyze student performance data to inform instruction. The team urges leaders to engage staff members and learners in utilizing assessment data gathered through formal and informal methods to optimize learning. Leaders are encouraged to ensure that assessment data are systematically used for ongoing planning, decision-making, and modification of curriculum and instruction.



Summary of Findings

The review process focused on establishing evidence of effective practice and performance of the institution in relation to the accreditation standards.

Areas for Improvement

Using the information collected and reviewed, the evaluator identified the following Areas for Improvement that will help the institution improve. The Areas for Improvement will be revisited when the institution conducts Cognia's Progress Report.

1 Institute a continuous improvement plan with stakeholders to improve student learning.

Standard 7

RATIONALE When leaders and staff engage stakeholders in the development of the continuous improvement plan and periodically update stakeholders on the plan, then leaders and staff will be empowered to analyze data to advance identified priorities.

2 Implement documented procedures for supervising and evaluating professional staff members to strengthen professional practice.

Standard 10 Standard 13

RATIONALE When leaders intentionally implement and monitor documented practices and procedures for supervision and evaluation, then staff members' performance will improve.

3 Implement the district's guaranteed and viable curriculum initiative to allow staff to make data-driven decisions.

Standard 12 Standard 22 Standard 30

RATIONALE When the leaders fully engage in the district's guaranteed and viable curriculum initiative, then staff will be able to implement, review, and adjust curriculum and instruction to address the desired learning targets.

4 Implement action research and program evaluation to examine the institution's instructional practices.

Standard 25 Standard 26

RATIONALE If leaders and staff inquire, reflect, dialogue, and evaluate instructional programs, then leaders and staff will make more informed instructional changes.

Accreditation Status and Index of Education Quality®

Cognia will review the results of the Accreditation Engagement Review to make a final determination concerning the accreditation status of your institution based on these findings. Cognia provides the Index of Education Quality (IEQ) as a holistic measure of overall performance.

Your Institution's IEQ	SCORE	DESCRIPTION
303	Below 220	An IEQ score below 220 indicates that the institution has several Areas for Improvement and should focus their improvement efforts on those areas and the related Standards and/or Assurances. The institution will be required to present evidence of improvement to Cognia within one year through a Progress Monitoring Review. Additional Progress Reports may be required if satisfactory improvement is not achieved.
Cognia's IEQ Network Average: 253	220 - 300	An IEQ in the range of 220-300 suggests the institution has some Areas for Improvement and may include one or more Noteworthy Practices. Institutions must address the Areas for Improvement and provide evidence of actions taken and results to Cognia in a required Progress Report due three years following the review. Additional progress monitoring may be required if satisfactory improvement is not achieved.
	Above 300	An IEQ above 300 indicates the institution meets Cognia's expectations for accreditation that include one or more Areas for Improvement and may include one or more Noteworthy Practices. Institutions must address the Areas for Improvement and provide evidence of actions taken and results to Cognia in a required Progress Report due three years following the review. Additional progress monitoring may be required if satisfactory progress is not achieved.

Your Next Steps

Accreditation is a continuous improvement process. The Engagement Review provides independent, objective guidance in relation to the Performance Standards and the institution's improvement journey. Upon receiving the Accreditation Engagement Review Report, the institution is expected to implement the following steps:

- Review and share the findings in this report with stakeholders.
- Use the findings from the report to guide and strengthen your institution's improvement efforts.
- Celebrate the successes noted in the report.
- Continue the improvement journey.
- Report to Cognia on your progress toward improvement.

Evaluator Roster

The Engagement Review is conducted by professionals with varied backgrounds and professional experiences. All evaluators complete Cognia training and elect certification to ensure knowledge and understanding of the Cognia tools and processes. The following professional(s) served on the Engagement Review:

EVALUATOR NAME	BRIEF BIOGRAPHY
Travis Nesmith Lead Evaluator	Travis Nesmith is the assistant superintendent of curriculum and technology for the Effingham County School System in southeast Georgia. He began his career as a high school business teacher and his extensive experience includes serving as a technology specialist, professional learning coordinator, system testing coordinator, instructional supervisor, director of high school Effingham programs, and career, technical, and agriculture education coordinator. He received his B.S., M.Ed., and Ed.S. degrees from Georgia Southern University. Mr. Nesmith has conducted candidacy reviews and served on and led several engagement and STEM reviews for Cognia.
Lynn McCann	



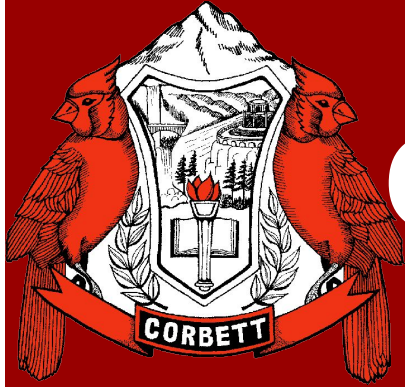
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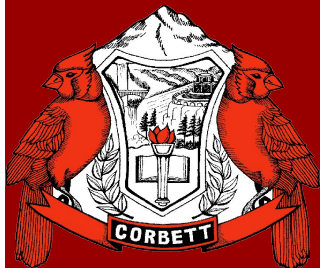


Corbett School District

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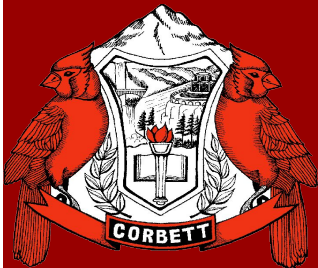
Curriculum, Assessment, & School Improvement

April 17, 2024



Assessments

Grade School



map GROWTH

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School Profile

Achievement by Grade

Corbett Grade School | Math K-12

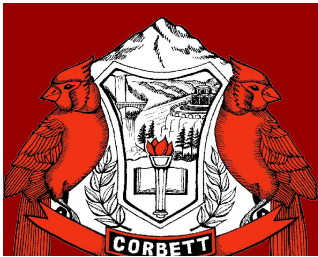
Grade ↑	Achievement Fall 2023-2024 Median and Distribution	Sort by -- select an option --	Number of Students
Grade 2			55 46
Grade 3			70
Grade 4			57
Grade 5			60
Grade 6			61

Percentiles Key ● 1st - 20th ● 21st - 40th ● 41st - 60th ● 61st - 80th ● >80th

Rostered Fall 2023-2024

Tested Fall 2023-2024

[More information about this chart](#) ▾



School Profile

Achievement by Grade

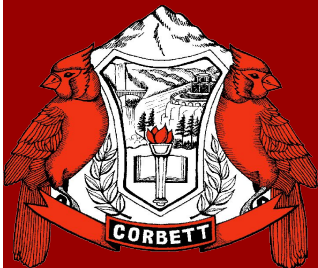
Corbett Grade School | Math K-12

Grade ↑	Achievement Winter 2023-2024 Median and Distribution	Sort by	-- select an option --	Number of Students
Grade 2	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px 5px; margin-right: 5px;">34th</div> <div style="flex-grow: 1;"> <div style="display: flex; height: 20px; border: 1px solid black;"> <div style="width: 28%; background-color: #800000; color: white; text-align: center;">28%</div> <div style="width: 25%; background-color: #FF8C00; color: white; text-align: center;">25%</div> <div style="width: 11%; background-color: #FFD700; color: black; text-align: center;">11%</div> <div style="width: 16%; background-color: #32CD32; color: white; text-align: center;">16%</div> <div style="width: 20%; background-color: #0056B3; color: white; text-align: center;">20%</div> </div> </div> </div>			56
Grade 3	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px 5px; margin-right: 5px;">52nd</div> <div style="flex-grow: 1;"> <div style="display: flex; height: 20px; border: 1px solid black;"> <div style="width: 20%; background-color: #800000; color: white; text-align: center;">20%</div> <div style="width: 13%; background-color: #FF8C00; color: white; text-align: center;">13%</div> <div style="width: 22%; background-color: #FFD700; color: black; text-align: center;">22%</div> <div style="width: 17%; background-color: #32CD32; color: white; text-align: center;">17%</div> <div style="width: 28%; background-color: #0056B3; color: white; text-align: center;">28%</div> </div> </div> </div>			69
Grade 4	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px 5px; margin-right: 5px;">37th</div> <div style="flex-grow: 1;"> <div style="display: flex; height: 20px; border: 1px solid black;"> <div style="width: 28%; background-color: #800000; color: white; text-align: center;">28%</div> <div style="width: 23%; background-color: #FF8C00; color: white; text-align: center;">23%</div> <div style="width: 16%; background-color: #FFD700; color: black; text-align: center;">16%</div> <div style="width: 12%; background-color: #32CD32; color: white; text-align: center;">12%</div> <div style="width: 21%; background-color: #0056B3; color: white; text-align: center;">21%</div> </div> </div> </div>			57
Grade 5	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px 5px; margin-right: 5px;">53rd</div> <div style="flex-grow: 1;"> <div style="display: flex; height: 20px; border: 1px solid black;"> <div style="width: 21%; background-color: #800000; color: white; text-align: center;">21%</div> <div style="width: 16%; background-color: #FF8C00; color: white; text-align: center;">16%</div> <div style="width: 19%; background-color: #FFD700; color: black; text-align: center;">19%</div> <div style="width: 17%; background-color: #32CD32; color: white; text-align: center;">17%</div> <div style="width: 27%; background-color: #0056B3; color: white; text-align: center;">27%</div> </div> </div> </div>			63
Grade 6	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px 5px; margin-right: 5px;">46th</div> <div style="flex-grow: 1;"> <div style="display: flex; height: 20px; border: 1px solid black;"> <div style="width: 35%; background-color: #800000; color: white; text-align: center;">35%</div> <div style="width: 11%; background-color: #FF8C00; color: white; text-align: center;">11%</div> <div style="width: 27%; background-color: #FFD700; color: black; text-align: center;">27%</div> <div style="width: 13%; background-color: #32CD32; color: white; text-align: center;">13%</div> <div style="width: 14%; background-color: #0056B3; color: white; text-align: center;">14%</div> </div> </div> </div>			63

Percentiles Key ● 1st - 20th ● 21st - 40th ● 41st - 60th ● 61st - 80th ● >80th

Rostered Winter 2023-2024
Tested Winter 2023-2024

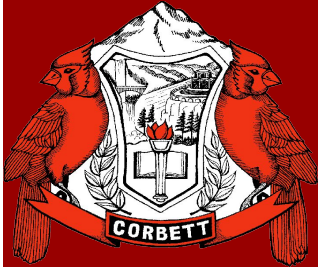
[More information about this chart](#) ▾



Assessments

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High School



PreACT

Summary View: PreACT, CORBETT SCHOOL DISTRICT 39, 2023-2024

[Options](#)
[Save](#)
[Download](#)

49

Composite			Math					Science					STEM						
Valid Number	Mean Score	Mean Score	% Met	% Not Met	% On Target	% Close to Target	% In Need of Intervention	Mean Score	% Met	% Not Met	% On Target	% Close to Target	% In Need of Intervention	Mean Score	% Met	% Not Met	% On Target	% Close to Target	% In Need of Intervention
			%	%	%	%	%		%	%	%	%	%		%	%	%	%	%
67	17.3	17.4	30	70	30	16	54	16.7	Percent of Students at/above Benchmark - %					17.3	7	93	7	10	82
67	17.3	17.4	30	70	30	16	54	16.7	30	70	30	15	55	17.3	7	93	7	10	82

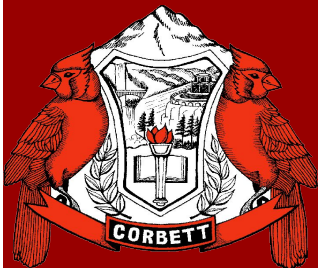


PreACT

English

Reading

Mean Score	% Met	% Not Met	% On Target	% Close to Target	% In Need of Intervention	Mean Score	% Met	% Not Met	% On Target	% Close to Target	% In Need of Intervention ⁵⁰
	%	%	%	%	%		%	%	%	%	%
16.7	58	42	58	25	16	17.9	40	60	40	4	55
16.7	58	42	58	25	16	17.9	40	60	40	4	55

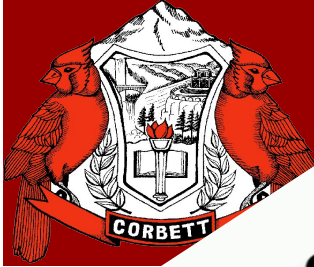


PreACT

Summary View: PreACT, CORBETT SCHOOL DISTRICT 39, 2023-2024



Group	Year	Valid Number	Planning College Core Coursework	51 Mean Composite Score
			%	
CORBETT SCHOOL DISTRICT 39	2023-2024	67	12	17.3
Exploring options after high school	2023-2024	36	11	17.4
Improving writing skills	2023-2024	20	10	15.5
Improving reading speed or comprehension	2023-2024	9	11	13.9
Improving study skills	2023-2024	19	11	16.6
Improving mathematical skills	2023-2024	15	13	15.7
Improving computer skills	2023-2024	7	0	15.3
Improving public speaking skills	2023-2024	23	22	17.0



Congratulations

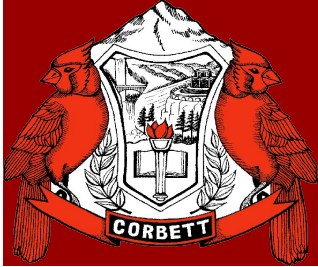
PreACT

Shout Outs to our Top 3 Testers

Alana Wilburn 32

Ellen Horton 28

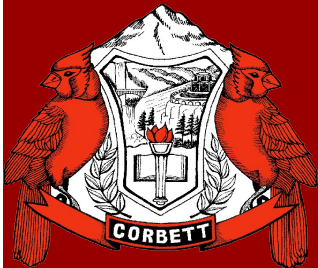
George Belesiotis 27



Curriculum

Looking Ahead...

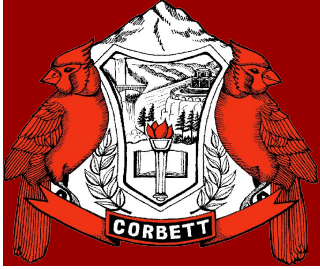
- Review Math materials next year; update resources
- Grade School/CAPS Health materials (K-6)
- Spring '25 : Review materials for Science adoption (F'25)
- SY 2025-26 Implementation of Ethnic Studies standards in Social Sciences



Curriculum

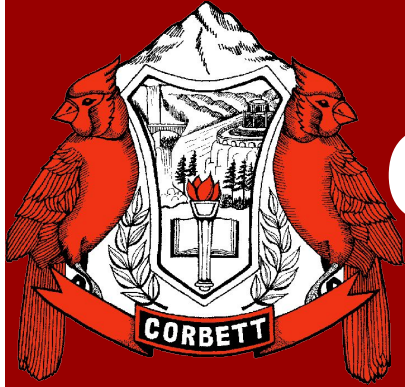
Online resources:

- Continue using Discovery Education and CommonLit
- Reevaluate other online resources to be sure funding is being handled equitably between all departments and at all grade levels



School Improvement

The Integrated Guidance document will need to be updated beginning in the fall. It will not be a rewrite of the document,⁵⁵ but a revisiting of key points to be sure we are still on the trajectory we set forth. The MESD will assist heavily in this



Corbett School District

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Thank you!

EVERY STUDENT BELONGS

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GSD BOARD

PRESENTATION

DATE: April 1st, 2022



EVERY STUDENT BELONGS



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PUBLIC SCHOOLS

Free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

**OREGON ADMINISTRATIVE RULE
581-022-2321**

EDUCATIONAL COMPONENTS

- Address the history and impact of hate;
- Advance the safety and healing of those impacted by bias and hate;
- Promote accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm.

OUR PROCESS



STUDENT INPUT

Weekly meetings, lunch
and after school



STAFF INPUT

Staff meetings,
School Culture Team



DISTRICT INPUT

Cabinet
Meetings

OUR GOALS

GOAL 1

To ensure that Corbett High School is implementing with fidelity school board policies that support the “Every Student Belongs” Oregon law.

GOAL 2

To ensure that Corbett High School staff and students feel confident in interrupting discrimination and harassment.



REPORT ON THE REPORTING PROCESS

- 27 reports since December; 13 by students, 14 reported to adult.
- 8 resulted in suspension.
- 19 did not either meet the threshold of discrimination. (no confirmation, not actually discriminatory)
- Conversation with students has felt positive and educational, both for perpetrators and reporters.
- “Feels like admin cares”

Offense	Consequences
Allegation that doesn't meet threshold of harassment	Parent Notification, Student Conference
First offense	<ul style="list-style-type: none"> ● Parent Notification ● 1.5 day suspension ● Re-entry meeting ● Counseling ● Restoration
Second offense Severe first offense	<ul style="list-style-type: none"> ● Parent Notification ● 4 day suspension ● Re-entry meeting ● Counseling ● Restoration <p>*Future Development - Option to go through peer mediation to reduce suspension.</p>
Third offense	<ul style="list-style-type: none"> ● Parent Notification ● Two week suspension ● Re-entry meeting ● Counseling ● Restoration <p>*Future Development - Option to go through peer mediation to reduce suspension.</p>
Fourth offense	<ul style="list-style-type: none"> ● Parent Notification ● Online school

CONSEQUENCES

- Progressive Discipline
- Peer Mediation Plan - still ⁶² TBD

A black and white photograph of a desk in a room. On the desk is a desk lamp with a white shade, a pen holder with pens, and some papers. A modern-style chair is in front of the desk. On the wall behind the desk are two framed pieces of art. The room is dimly lit, with the lamp providing the main source of light.

School Culture Team

- Dr. Shelia Morgan-Osborne - Curriculum Director
- Becca Hart - Culture TOSA
- Erica Boykins - HS Social Worker
- Sara Pekny - HS Counselor

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Homeroom Lessons Implemented

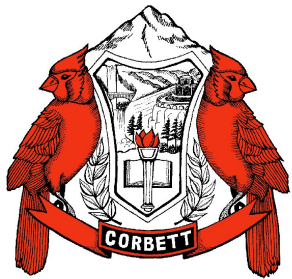
- State Standards-based lessons
- Identity, Intent vs. Impact, Implicit and Explicit Bias, Microaggressions
- “Feels like Corbett is trying to make a difference”

NEXT STEPS

- Scope and Sequence for 24-25 Homeroom Curriculum
- Peer Mediation program identified, developed, and implemented.
- Student survey - post interviews with reporters and the reported.

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THANK YOU FOR YOUR SUPPORT



CORBETT HIGH SCHOOL

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AGGREGATION LEADERSHIP

PRESENTATION

SCHOOL BOARD

2023-2024

ACCREDITATION PROCESS

- Cognia - every 5 years
- 6 month process
- 20 teachers participated in self-analysis of our school.
- Data analyzed: test scores, discipline, handbooks, meeting agendas, survey data, classroom observations, etc.
- Cognia - group interviews of teachers, parents, and students.



COGNIA'S RATING OF OUR SELF-ANALYSIS

4.0

STUDENT PERFORMANCE

Graduation Rates,
Assessment Data,

4.0

LEARNING ENVIRONMENT

ELEOT classroom
observation summary;
Theories of Action

4.0

STAKEHOLDER FEEDBACK

Survey Data Highlights,
Summary of Input ⁶⁷

Cognia Network averages range between 3.0 - 3.1 on a scale of 1-4

- The institution has made an accurate appraisal of the quality of their data sources using the Evaluative Criteria.
- The institution has analyzed and synthesized information.
- The institution has identified areas of noteworthy achievement and areas in need of improvement.
- The institution has interpreted findings, prioritized themes, and developed theories of action.

CULTURE OF LEARNING

Self-Ratings:

- 3's for Standards 1-6, more detail in the report

Cognia's Insight:

- Leaders engage stakeholders at Corbett High School to support the learners' well-being and the institution's guiding principles, while staff embrace collegiality and collaboration to strengthen professional practice.



LEADERSHIP FOR LEARNING

Self-Ratings:

- 2's for Standards 7, 12
- 3's for Standards 8-10, 13-15
- 4 for Standard 11

Cognia's Insight

- **The leaders have developed priorities and a plan of action; however, it was not evident that stakeholders are engaged in a formal, continuous improvement planning process.**

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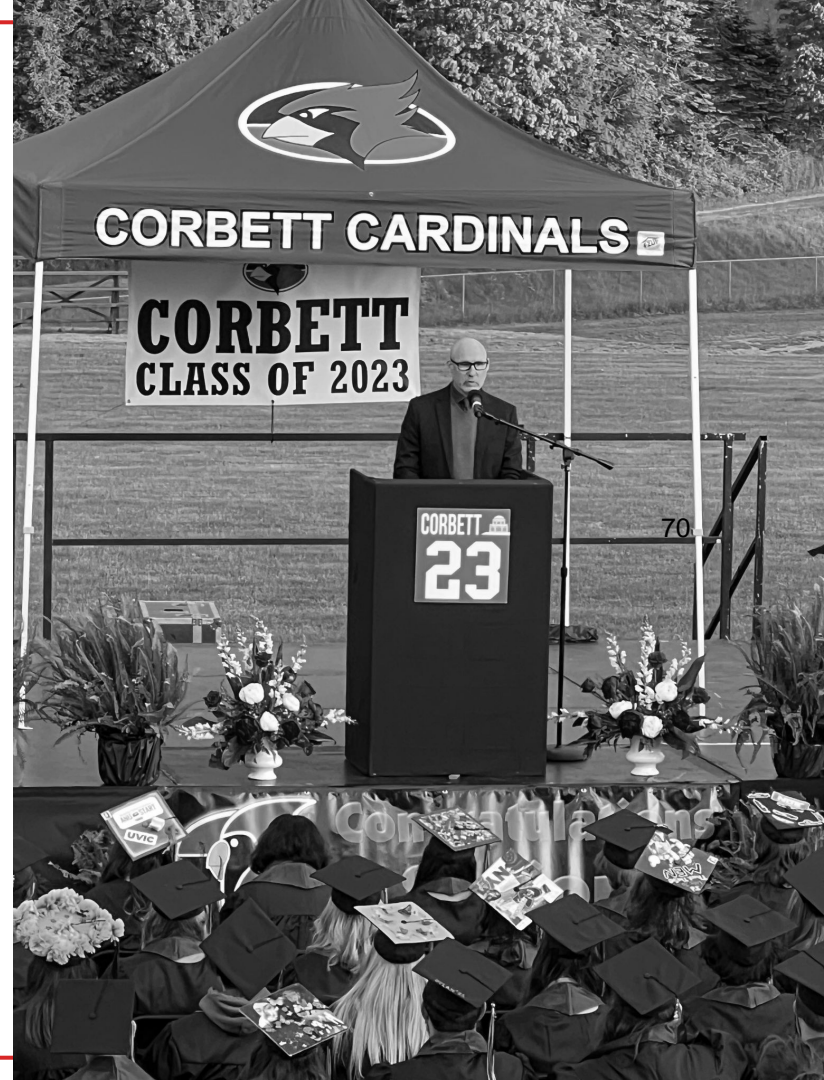
ENGAGEMENT OF LEARNING

Self-Ratings:

- 3's for Standards 16-21, 23
- 2 for Standard 22

Cognia's Insight

- Instruction is characterized by high expectations and the monitoring of instruction is in the infancy stage; however, it was not evident that learners are provided enough career and technical education opportunities.





GROWTH IN LEARNING

Self-Ratings:

- 3's for Standards 24, 27, 28, 30
- 2's for Standard 25, 26, 29

Cognia Insight

- Leaders and staff are engaged in a continuous improvement process to formalize professional learning, design a scope and sequence, and design common assessments; however, it was not evident that leaders promote action research and evaluate instructional programs to improve instruction.

COGNIA'S SUMMARY OF FINDINGS

1. Institute a continuous improvement plan with stakeholders to improve student learning.
2. Implement documented procedures for supervising and evaluating professional staff members to strengthen professional practice.
3. Implement the district's guaranteed and viable curriculum initiative to allow staff to make data-driven decisions.
4. Implement action research and program evaluation to examine the institution's instructional practices.

ACCREDITATION STATUS AND INDEX OF EDUCATION QUALITY:

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Above 300

An IEQ above 300 indicates the institution meets Cognia's expectations for accreditation that include one or more Areas for Improvement and may include one or more Noteworthy Practices. Institutions must address the Areas for Improvement and provide evidence of actions taken and results to Cognia in a required Progress Report due three years following the review.

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Only two schools in Oregon earned above 300 during this reporting period.



THANKS

For more information, see
the full report in your
board packet.

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Application to Attend Corbett Charter School

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April 17, 2024
Cassie Duprey and Michelle Dawkins

Application to Attend Corbett Charter School

Admission for Non-Residents:

- Charter schools are a school of choice
- CSD residents do not need to apply
- Students outside may apply, if space is available
- Spaced is deterred by specific number of grades, class size, and/or overall enrollment
- A public charter school may not limit enrollment based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language, or athletic ability

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Application to Attend Corbett Charter School

Enrollment Eligibility:

- During the current school year, students who do not attend the school district for more than ten consecutive days will be considered unenrolled and forfeit their enrollment.
- During the current school year, students who enroll in a different school district will be considered unenrolled and forfeit their enrollment.
- Students who live outside of the Corbett School District boundaries and are no longer enrolled must reapply for enrollment.

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Application to Attend Corbett Charter School

Priority will be given to:

- Students who have siblings enrolled in the Corbett Charter School.
- Students who have been enrolled in the district pre-kindergarten program in the prior school year.
- Students enrolled/attending in Corbett Charter School on the last day of the school year are automatically enrolled for the following school year.

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Application to Attend Corbett Charter School

Application Process to Attend:

1. The application process will be posted
2. Begins January 15 of each school year
3. The initial application window will close on March 30.
Applicants will be randomly sorted on April 1.
4. Any applications received after March 30 will be placed on the late application list in chronological order.

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Application to Attend Corbett Charter School

Application Process to Attend Continued:

5. CSD will approve recommended enrollment numbers for each grade level at the April school board meeting.
6. Students will be accepted based on their placement number and grade-level availability for the following school year.
7. Notification of selection status will be sent by May 1. The email will contain a link to an online form to accept or decline the invitation.

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Application to Attend Corbett Charter School

Application Process to Attend Continued:

8. Students have four calendar days to accept or decline the invitation.
9. Enrollment will continue through the Friday after Labor Day. Additional spaces will be filled by late applicants in the order in which they applied.
10. Applicants not invited to attend will remain on the waiting list through the Friday after Labor Day.
11. All applicants that are not invited to attend the current school year must reapply to attend for the following school year.



Application to Attend Corbett Charter School

201 applicants by March 30 priority deadline

- Most requested: 54 kinder, 34 sixth, 21 ninth

Total target enrollment: **1077**

- **89** spots open for 24-25 (mostly kinder and sixth grade)

88 students invited on April 9

- **76%** accepted invitation to attend
- 25 students (37%) invited were siblings of current Corbett students; all siblings invited accepted invitation



Questions...



Corbett School District
Financial Report to the Board of Directors
Wednesday, April 17, 2024

This report includes expenses and revenue recorded through March 31, 2024. Additional expenses and revenue may be recorded as the bank reconciliation process is completed. P-card expenditures routinely experience a 30-day delay between the time expenses are incurred and when they show on the district's books.

There is a new All Funds report included the packet, as requested at the March meeting.

Tonight the Board will be asked to approve a transfer resolution to make adjustments between funding categories to accommodate current year activity for the School Based Mental Health grant lease, and a resolution to revise the Adopted budget to reflect actual beginning fund balances. The transfer resolution is required because of a change in the way leases are reported in the financial statements. The beginning fund balance resolution allows us to more accurately reflect available resources in the revised budget.

Thank you,
Cindy Duley, Business Manager
cduley@corbett.k12.or.us

Board Financial Reports Guide:

Summary of Budget and Actual Expenditures by Fund and Major Function

Shows the year-to-date expenditures compared to the legally appropriated budget. Actual expenditures cannot exceed appropriation.

Year-to-Year Fund Statements

Shows the current year-to-date revenues and expenditures compared to the same time last year for the following funds:

- 01 General Fund
- 02 Food Services Fund
- 03 Federal Funds
- 04 Student Investment Account
- 08 FF&C Loan
- 09 GO Bond 2021
- 10 OSCIM Grant
- 11 GO Bond Debt Service
- 20 Energy Projects
- All Funds (Note: All funds other than the general fund are restricted.)

Year-to-Year General Fund Revenues and Expenditures by Month

Shows prior year and current year-to-date revenues and expenditures in more detail, by major category and month, for the General Fund.

Corbett School District 39
Monthly Financial Report
As of March 31, 2024

Summary of Budget and Actual Expenditures by Fund and Major Function

Current Budget vs Actual Total Expenses	Current Budget	Mar 31 2024 YTD Actuals	Mar 31 2024 Balance
Fund: 01 General Fund			
1000 Instruction	8,459,144	5,374,283	3,084,861
2000 Support Services	5,480,001	4,593,236	886,765
3000 Enterprise & Community Services	173,663	8,981	164,682
5100 Debt Service	253,182	162,050	91,132
6000 Contingencies	290,842	-	290,842
Fund: 01 General Fund Total	14,656,832	10,176,495	4,480,337
Fund: 02 Food Services Fund			
3000 Enterprise & Community Services	428,710	241,547	187,163
Fund: 02 Food Services Fund Total	428,710	241,547	187,163
Fund: 03 Federal Funds			
1000 Instruction	276,486	391,636	(115,150)
2000 Support Services	911,211	462,280	448,931
5100 Debt Service	-	81,675	(81,675)
Fund: 03 Federal Funds Total	1,187,697	935,591	252,106
Fund: 04 Student Investment Account			
1000 Instruction	606,327	457,735	148,592
2000 Support Services	210,185	216,951	(6,766)
Fund: 04 Student Investment Account Total	816,512	674,686	141,826
Fund: 06 Student Body Trust Fund			
1000 Instruction	300,000	-	300,000
Fund: 06 Student Body Trust Fund Total	300,000	-	300,000
Fund: 08 Full Faith & Credit Loan			
4000 Facilities Acquisition/Construction	2,355,000	2,233,285	121,715
5100 Debt Service	150,000	-	150,000
Fund: 08 Full Faith & Credit Loan Total	2,505,000	2,233,285	271,715
Fund: 09 GO Bond 2021			
2000 Support Services	54,335	803,250	(748,915)
4000 Facilities Acquisition/Construction	964,665	177,149	787,516
Fund: 09 GO Bond 2021 Total	1,019,000	998,978	20,022
Fund: 10 Bond Matching Grant			
4000 Facilities Acquisition/Construction	4,000,000	614,081	3,385,919
Fund: 10 Bond Matching Grant Total	4,000,000	614,081	3,385,919
Fund: 11 Debt Service Fund			
5100 Debt Service	411,952	27,922	384,030
5200 Transfers Out	30,000	-	30,000
Fund: 11 Debt Service Fund Total	441,952	27,922	414,030
Fund: 20 Energy Projects Fund			
4000 Facilities Acquisition/Construction	20,000	-	20,000
Fund: 20 Energy Projects Fund Total	20,000	-	20,000
Grand Total - All Funds	25,375,703	15,902,585	9,473,118

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

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End	Year to Date	% of YE	Current	Projected	Year to Date	% of
	Actuals	Mar 31 2023	Actuals	Budget	Actual	Mar 31 2024	Budgeted
Revenues							
Property Taxes	2,047,379	1,983,946	97%	2,178,344	2,126,464	1,991,893	91%
State School Fund	10,065,153	5,709,764	57%	10,551,633	11,068,273	8,704,184	82%
Local Sources	451,970	287,291	64%	440,400	871,222	682,412	155%
Intermediate Sources	201,787	958	0%	201,200	423,269	861	0%
State Sources	990,651	820,053	83%	712,328	880,508	415,603	58%
Federal Sources	77,471	25,315	33%	49,172	66,539	66,539	135%
Total Revenues	13,834,411	8,827,327	64%	14,133,077	15,436,275	11,861,492	84%
Expenditures							
Salaries	7,185,099	5,101,522	71%	7,396,526	7,206,937	4,977,393	67%
Associated Payroll	4,496,958	2,979,683	66%	4,396,579	4,147,518	2,921,922	66%
Purchased Services	1,696,210	942,054	56%	1,090,187	1,971,782	1,241,964	114%
Supplies & Materials	648,896	421,123	65%	747,647	1,020,371	476,509	64%
Capital Outlay	65,080	26,277	40%	171,000	46,347	46,347	27%
Debt Service	253,297	122,553	48%	253,182	260,621	162,050	64%
Other Objects	305,807	297,218	97%	310,869	344,911	350,310	113%
Contingency	-	-		290,842	-	-	
Total Expenditures	14,651,346	9,890,431	68%	14,656,832	14,998,487	10,176,495	69%
Other Sources (Uses)							
Other Sources	-	-		171,000	-	-	
Transfer In	-	-		30,000	30,000	-	0%
Transfer Out	(53,340)	-	0%	-	(30,541)	-	0%
Total Other Sources (Uses)	(53,340)	-	0%	201,000	(541)	-	0%
Change in Fund Balance	(870,276)	(1,063,103)		(322,755)	437,247	1,684,996	
Fund Balance - Beginning	1,305,723	1,305,723		1,065,086	435,447	435,447	
Fund Balance - Ending	435,447	242,620		742,331	872,694	2,120,444	

YTD Revenues	FY 2022-23	FY 2023-24	Variance	% Change
Property Taxes	1,983,946	1,991,893	7,947	0%
State School Fund	5,709,764	8,704,184	2,994,420	52%
Local Sources	287,291	682,412	395,121	138%
Intermediate Sources	958	861	(97)	-10%
State Sources	820,053	415,603	(404,450)	-49%
Federal Sources	25,315	66,539	41,224	163%
Total Revenues	8,827,327	11,861,492	3,034,165	34%

YTD Expenditures	FY 2022-23	FY 2023-24	Variance	% Change
Salaries	5,101,522	4,977,393	(124,129)	-2%
Associated Payroll	2,979,683	2,921,922	(57,760)	-2%
Purchased Services	942,054	1,241,964	299,909	32%
Supplies & Materials	421,123	476,509	55,385	13%
Capital Outlay	26,277	46,347	20,071	76%
Debt Service	122,553	162,050	39,497	32%
Other Objects	297,218	350,310	53,091	18%
Total Expenditures	9,890,431	10,176,495	286,065	3%

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

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
State School Fund	2,915	-	0%	2,000	2,000	-	0%
Local Sources	84,208	53,889	64%	120,000	94,656	63,811	53%
State Sources	17,845	3,132	18%	4,000	5,450	10,200	255%
Federal Sources	187,737	117,777	63%	121,000	161,598	66,300	55%
Total Revenues	292,706	174,798	60%	247,000	263,704	140,310	57%
Expenditures							
Salaries	98,661	72,012	73%	136,223	103,790	77,065	57%
Associated Payroll	66,281	47,933	72%	65,125	72,242	49,022	75%
Purchased Services	36,753	27,584	75%	6,000	1,161	1,167	19%
Supplies & Materials	147,077	93,772	64%	217,862	174,660	112,399	52%
Debt Service	-	(3,196)	-	-	-	-	-
Other Objects	1,500	1,425	95%	3,500	3,450	1,895	54%
Total Expenditures	350,272	239,530	68%	428,710	355,303	241,547	56%
Other Sources (Uses)							
Transfer In	53,340	-	0%	-	30,541	-	0%
Total Other Sources (Uses)	53,340	-	0%	-	30,541	-	0%
Change in Fund Balance	(4,226)	(64,732)		(181,710)	(61,058)	(101,237)	
Fund Balance - Beginning	65,284	65,284		196,133	61,058	61,058	
Fund Balance - Ending	61,058	552		14,423	0	(40,179)	

YTD Revenues	FY 2022-23	FY 2023-24	Variance	% Change
Local Sources	53,889	63,811	9,922	18%
State Sources	3,132	10,200	7,068	226%
Federal Sources	117,777	66,300	(51,477)	-44%
Total Revenues	174,798	140,310	(34,487)	-20%

YTD Expenditures	FY 2022-23	FY 2023-24	Variance	% Change
Salaries	72,012	77,065	5,053	7%
Associated Payroll	47,933	49,022	1,088	2%
Purchased Services	27,584	1,167	(26,417)	-96%
Supplies & Materials	93,772	112,399	18,627	20%
Debt Service	(3,196)	-	3,196	-100%
Other Objects	1,425	1,895	470	33%
Total Expenditures	239,530	241,547	2,018	1%

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

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
Federal Sources	441,244	138,183	31%	1,187,697	2,056,123	510,749	43%
Total Revenues	441,244	138,183	31%	1,187,697	2,056,123	510,749	43%
Expenditures							
Salaries	501,406	264,575	53%	586,264	947,769	560,056	96%
Associated Payroll	179,437	131,162	73%	241,490		210,514	87%
Purchased Services	272,312	36,293	13%	21,119	102,131	54,779	259%
Supplies & Materials	34,277	30,978	90%	338,824	46,811	28,081	8%
Other Objects	8	2	25%	-	789	486	
Total Expenditures	1,462,122	463,010	32%	1,187,697	1,097,500	935,591	79%
Change in Fund Balance	(591,196)	(324,827)		-	958,623	(424,842)	
Fund Balance - Beginning	8,401	8,401		-	(582,795)	(582,795)	
Fund Balance - Ending	(582,795)	(316,426)		-	375,828	(1,007,636)	

	FY 2022-23	FY 2023-24	Variance
YTD Revenues			
Federal Sources	138,183	510,749	372,566
Total Revenues	138,183	510,749	372,566

	FY 2022-23	FY 2023-24	Variance
YTD Expenditures			
Salaries	264,575	560,056	295,481
Associated Payroll	131,162	210,514	79,352
Purchased Services	36,293	54,779	18,486
Supplies & Materials	30,978	28,081	(2,897)
Other Objects	2	486	484
Total Expenditures	463,010	935,591	472,581

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

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
State Sources	850,796	638,097	75%	816,512	988,603	741,453	91%
Total Revenues	850,796	638,097	75%	816,512	988,603	741,453	91%
Expenditures							
Salaries	574,433	347,461	60%	526,785	649,830	469,772	89%
Associated Payroll	269,012	184,190	68%	286,663	279,345	204,624	71%
Purchased Services	7,350	7,350	100%	-	492	290	59%
Supplies & Materials	-	1,676		3,064	58,936	-	0%
Other Objects	1	-	0%	-	-	-	
Total Expenditures	850,796	540,677	64%	816,512	988,603	674,686	83%
Change in Fund Balance	0	97,420		-	0	66,766	
Fund Balance - Beginning	-	-		-	0	0	
Fund Balance - Ending	0	97,420		-	0	66,766	

	FY 2022-23	FY 2023-24	Variance
YTD Revenues			
State Sources	638,097	741,453	103,356
Total Revenues	638,097	741,453	103,356

	FY 2022-23	FY 2023-24	Variance
YTD Expenditures			
Salaries	347,461	469,772	122,311
Associated Payroll	184,190	204,624	20,435
Purchased Services	7,350	290	(7,060)
Supplies & Materials	1,676	-	(1,676)
Total Expenditures	540,677	674,686	134,010

Corbett School District No. 39
Board Financial Report
Fund 08: General Fund, FF&C Loan

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
State Sources	20,905	-	0%	-	-	-	
Total Revenues	20,905	-	0%	-	-	-	
Expenditures							
Purchased Services	-	3,242		2,355,000	-	429	0%
Capital Outlay	140,882	652,704	463%	-	2,233,285	2,232,856	
Debt Service	-	-		150,000	-	-	
Other Objects	-	40,295		-	-	-	
Total Expenditures	140,882	696,241	494%	2,505,000	2,233,285	2,233,285	89%
Other Sources (Uses)							
Other Sources	-	-		4,860,000	-	-	
Total Other Sources (Uses)	-	-		4,860,000	-	-	
Change in Fund Balance	(119,977)	(696,241)		2,355,000	(2,233,285)	(2,233,285)	
Fund Balance - Beginning	2,353,262	2,353,262		-	2,233,285	2,233,285	
Fund Balance - Ending	2,233,285	1,657,021		2,355,000	(0)	-	

	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>Variance</u>
YTD Expenditures			
Purchased Services	3,242	429	(2,813)
Capital Outlay	652,704	2,232,856	1,580,152
Total Expenditures	696,241	2,233,285	1,537,044

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

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
Local Sources	25,969	21,441	83%	20,000	17,162	10,400	52%
Intermediate Sources	178	178	100%	-	103	103	100%
Total Revenues	26,146	21,618	83%	20,000	17,265	10,503	61%
Expenditures							
Purchased Services	-	5,315		1,019,000	32,554	34,311	3%
Capital Outlay	22,791	-	0%	-	986,963	946,087	
Other Objects	-	633		-	-	-	
Total Expenditures	22,791	5,948	26%	1,019,000	1,019,517	998,978	98%
Other Sources (Uses)							
Other Sources	-	-		364,665	-	-	
Total Other Sources (Uses)	-	-		364,665	-	-	
Change in Fund Balance	3,355	15,670		(634,335)	(1,002,252)	(988,475)	
Fund Balance - Beginning	998,897	998,897		634,335	1,002,252	1,002,252	
Fund Balance - Ending	1,002,252	1,014,568		-	0	13,778	

	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>Variance</u>
YTD Revenues			
Local Sources	21,441	10,400	(11,041)
Total Revenues	21,618	10,503	(11,116)

	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>Variance</u>
YTD Expenditures			
Capital Outlay	-	946,087	946,087
Other Objects	633	-	(633)
Total Expenditures	5,948	998,978	993,029

**Corbett School District No. 39
Board Financial Report
Fund 10: OSCIM Grant**

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
State Sources	2,705,767	362,284	13%	1,335,164	614,081	614,081	100%
Total Revenues	2,705,767	362,284	13%	1,335,164	614,081	614,081	46%
Expenditures							
Capital Outlay	2,705,767	-	0%	4,000,000	614,081	614,081	100%
Total Expenditures	2,705,767	-	0%	4,000,000	614,081	614,081	15%
Change in Fund Balance	-	362,284		(2,664,836)	(0)	0	
Fund Balance - Beginning	-	-		2,664,836	-	-	
Fund Balance - Ending	-	362,284		-	(0)	0	

	FY 2022-23	FY 2023-24	Variance
YTD Revenues			
State Sources	362,284	614,081	251,797
Total Revenues	362,284	614,081	251,797

	FY 2022-23	FY 2023-24	Variance
YTD Expenditures			
Capital Outlay	-	614,081	614,081
Total Expenditures	-	614,081	614,081

**Corbett School District No. 39
Board Financial Report
GO Bond Debt Service Fund**

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End Actuals	Year to Date Mar 31 2023	% of YE Actuals	Current Budget	Projected Actual	Year to Date Mar 31 2024	% of Budgeted
Revenues							
Property Taxes	383,049	372,101	97%	467,446	487,370	460,588	95%
Local Sources	6,301	1,779	28%	-	-	-	
Intermediate Sources	154	-	0%	-	79	79	100%
Total Revenues	389,504	373,881	96%	467,446	487,449	460,667	99%
Expenditures							
Debt Service	380,219	31,115	8%	411,952	411,952	27,922	7%
Total Expenditures	380,219	31,115	8%	411,952	411,952	27,922	7%
Other Sources (Uses)							
Transfer Out	-	-		(30,000)	(30,000)	-	0%
Total Other Sources (Uses)	-	-		(30,000)	(30,000)	-	0%
Change in Fund Balance	9,285	342,766		25,494	45,497	432,745	
Fund Balance - Beginning	912	912		-	10,198	10,198	
Fund Balance - Ending	10,198	343,678		25,494	55,695	442,943	

YTD Revenues	FY 2022-23	FY 2023-24	Variance
Property Taxes	372,101	460,588	88,487
Local Sources	1,779	-	(1,779)
Intermediate Sources	-	79	79
Total Revenues	373,881	460,667	86,787

YTD Expenditures	FY 2022-23	FY 2023-24	Variance
Debt Service	31,115	27,922	(3,193)
Total Expenditures	31,115	27,922	(3,193)

**Corbett School District No. 39
Board Financial Report
Fund 20: Energy Projects Fund**

	<u>Fiscal Year 2022-2023</u>			<u>Fiscal Year 2023-2024</u>			
	<u>Year End Actuals</u>	<u>Year to Date Mar 31 2023</u>	<u>% of YE Actuals</u>	<u>Current Budget</u>	<u>Projected Actual</u>	<u>Year to Date Mar 31 2024</u>	<u>% of Budgeted</u>
Revenues							
Local Sources	29,427	21,777	74%	30,000	39,540	23,730	79%
Total Revenues	29,427	21,777	74%	30,000	39,540	23,730	79%
Expenditures							
Purchased Services	-	-		20,000	-	-	0%
Total Expenditures	-	-		20,000	-	-	0%
Change in Fund Balance	29,427	21,777		10,000	39,540	23,730	
Fund Balance - Beginning	25,873	25,873		64,552	55,301	55,301	
Fund Balance - Ending	55,301	47,650		74,552	94,841	79,031	

YTD Revenues	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>Variance</u>
Local Sources	21,777	23,730	1,954
Total Revenues	21,777	23,730	1,954

Corbett School District No. 39
Board Financial Report
All Funds

	Fiscal Year 2022-2023			Fiscal Year 2023-2024			
	Year End	Year to Date	% of YE	Current	Projected	Year to Date	% of
	Actuals	Mar 31 2023	Actuals	Budget	Actual	Mar 31 2024	Budgeted
Revenues							
Property Taxes	2,430,428	2,356,047	97%	2,645,790	2,613,834	2,452,481	93%
State School Fund	10,068,068	5,709,764	57%	10,553,633	11,070,273	8,704,184	82%
Local Sources	782,898	386,177	49%	910,400	1,187,031	780,354	86%
Intermediate Sources	202,118	1,136	1%	201,200	423,451	1,043	1%
State Sources	4,585,964	1,823,565	40%	2,868,004	2,488,642	1,781,336	62%
Federal Sources	706,452	281,275	40%	1,357,869	2,284,260	643,587	47%
Total Revenues	18,775,928	10,557,964	56%	18,536,896	20,067,491	14,362,985	77%
Expenditures							
Salaries	8,359,598	5,785,569	69%	8,645,798	8,908,326	6,084,285	70%
Associated Payroll	5,011,689	3,342,968	67%	4,989,857	4,874,935	3,386,083	68%
Purchased Services	2,012,625	1,021,838	51%	4,511,306	2,108,120	1,332,939	30%
Supplies & Materials	1,003,401	547,550	55%	1,607,397	1,600,778	635,568	40%
Capital Outlay	3,364,202	678,980	20%	4,171,000	3,880,676	3,839,371	92%
Debt Service	678,516	150,472	22%	815,134	672,573	271,647	33%
Other Objects	307,316	339,573	110%	314,369	349,150	352,691	112%
Contingency	-	-		290,842	-	-	
Total Expenditures	20,737,347	11,866,951	57%	25,345,703	22,394,558	15,902,585	63%
Other Sources (Uses)							
Other Sources	429,683	-	0%	5,395,665	-	-	
Transfer In	53,340	-	0%	30,000	60,541	-	0%
Transfer Out	(53,340)	-	0%	(30,000)	(60,541)	-	0%
Total Other Sources (Uses)	429,683	-	0%	5,395,665	-	-	0%
Change in Fund Balance	(1,531,736)	(1,308,986)		(1,413,142)	(2,327,067)	(1,539,600)	
Fund Balance - Beginning	4,882,032	4,882,032		4,624,942	3,350,295	3,350,295	
Fund Balance - Ending	3,350,295	3,573,045		3,211,800	1,023,229	1,810,695	

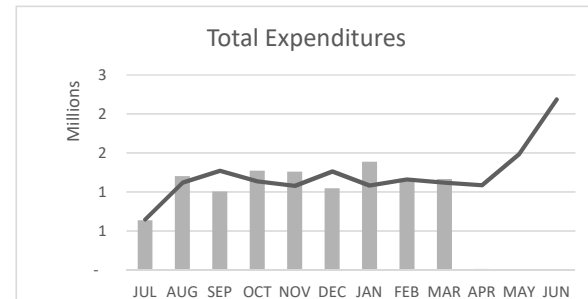
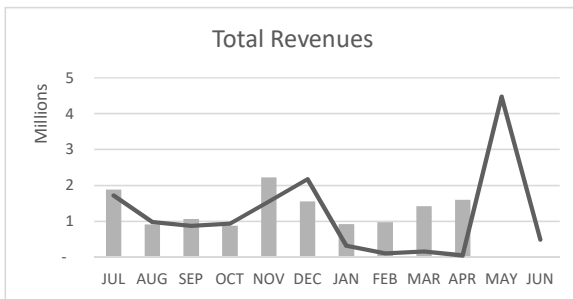
YTD Revenues	FY 2022-23	FY 2023-24	Variance	% Change
Property Taxes	2,356,047	2,452,481	96,434	4%
State School Fund	5,709,764	8,704,184	2,994,420	52%
Local Sources	386,177	780,354	394,177	102%
Intermediate Sources	1,136	1,043	(93)	-8%
State Sources	1,823,565	1,781,336	(42,229)	-2%
Federal Sources	281,275	643,587	362,312	129%
Total Revenues	10,557,964	14,362,985	3,805,021	36%

YTD Expenditures	FY 2022-23	FY 2023-24	Variance	% Change
Salaries	5,785,569	6,084,285	298,716	5%
Associated Payroll	3,342,968	3,386,083	43,115	1%
Purchased Services	1,021,838	1,332,939	311,101	30%
Supplies & Materials	547,550	635,568	88,018	16%
Capital Outlay	678,980	3,839,371	3,160,391	465%
Debt Service	150,472	271,647	121,176	81%
Other Objects	339,573	352,691	13,118	4%
Total Expenditures	11,866,951	15,902,585	4,035,634	34%

**FUND 01: GENERAL FUND
Revenues and Expenditures by Month**

FY 2022-2023	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Revenues													
Property Taxes	6,974	4,560	5,351	2,792	693,400	1,185,768	20,359	14,376	50,367	10,012	16,472	36,949	2,047,379
State School Fund	1,631,160	815,091	815,091	815,091	815,091	818,240	-	-	-	-	4,358,304	(2,915)	10,065,153
Local Sources	13,384	19,208	30,590	18,257	23,127	31,491	21,238	21,057	108,938	37,964	9,211	117,504	451,970
Intermediate Sources	-	-	-	-	-	-	-	-	958	-	452	200,376	201,787
State Sources	66,685	123,504	17,964	100,000	21,597	140,779	278,222	71,302	-	-	88,176	82,422	990,651
Federal Sources	-	19,792	5,524	-	-	-	-	-	-	-	-	52,156	77,471
Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	1,718,202	982,155	874,520	936,139	1,553,216	2,176,278	319,818	106,735	160,263	47,976	4,472,614	486,493	13,834,411
Expenditures													
Salaries	154,658	640,751	597,617	633,847	648,558	589,280	632,960	603,345	600,507	601,957	633,541	848,078	7,185,099
Associated Payroll	143,086	352,314	323,117	344,161	350,386	368,396	382,330	353,999	361,894	360,230	376,882	780,164	4,496,958
Purchased Services	79,824	60,725	160,800	106,468	30,419	196,268	41,594	142,561	123,396	96,322	294,539	363,295	1,696,210
Supplies & Materials	32,157	56,261	139,123	34,730	25,110	55,568	20,457	30,194	27,524	23,170	159,633	44,969	648,896
Capital Outlay	-	-	16,469	9,808	-	-	-	-	-	-	-	38,803	65,080
Debt Service	29,973	4,168	20,286	4,168	10,968	20,437	4,168	24,217	4,168	4,168	21,457	105,119	253,297
Other Objects	209,069	7,923	14,933	2,529	15,146	33,847	1,701	7,986	4,083	288	1,575	6,725	305,807
Total Expenditures	648,766	1,122,143	1,272,346	1,135,709	1,080,586	1,263,797	1,083,210	1,162,302	1,121,572	1,086,135	1,487,628	2,187,154	14,651,346

FY 2023-2024	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Revenues													
Property Taxes	-	4,554	5,245	3,068	1,216,279	665,944	26,727	13,971	56,104	-	-	-	1,991,893
State School Fund	1,741,617	870,286	870,286	870,286	870,286	870,286	870,379	870,379	870,379	1,182,045	-	-	9,886,229
Local Sources	15,182	8,937	190,378	5,401	136,094	1,053	(414)	95,502	230,280	83	-	-	682,495
Intermediate Sources	-	419	-	-	442	-	-	-	-	421,708	-	-	422,569
State Sources	83,719	10,527	-	-	1,991	20,355	31,772	-	267,239	-	-	-	415,603
Federal Sources	46,713	19,826	-	-	-	-	-	-	-	-	-	-	66,539
Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	1,887,231	914,549	1,065,909	878,756	2,225,092	1,557,638	928,464	979,851	1,424,001	1,603,836	-	-	13,465,328
Expenditures													
Salaries	136,188	573,919	603,732	737,394	585,282	588,668	577,738	567,174	607,299	-	-	-	4,977,393
Associated Payroll	129,094	349,918	259,895	406,417	367,125	340,009	344,563	354,190	370,712	13,041	-	-	2,934,963
Purchased Services	154,774	131,430	52,826	93,970	207,136	81,628	222,361	155,661	142,178	(464)	-	-	1,241,499
Supplies & Materials	94,851	101,003	53,690	33,033	62,762	29,320	16,261	64,529	21,060	-	-	-	476,509
Capital Outlay	16,826	-	-	1,383	15,228	4,930	-	7,981	-	-	-	-	46,347
Debt Service	47,866	42,415	4,168	4,168	10,443	4,168	4,168	20,437	24,217	4,168	-	-	166,218
Other Objects	59,897	5,589	35,290	587	14,608	2,345	224,217	4,067	3,709	66	-	-	350,376
Total Expenditures	639,496	1,204,274	1,009,601	1,276,952	1,262,583	1,051,067	1,389,308	1,174,039	1,169,176	16,810	-	-	10,193,306



CORBETT SCHOOL DISTRICT NO. 39

RESOLUTION # _____ TO RECOGNIZE AUDITED BEGINNING FUND BALANCES.

Purpose: To recognize audited FY 22-23 ending fund balances.

No change to appropriations.

BE IT RESOLVED that the beginning fund balances for the fiscal year beginning July 1, 2023 are hereby recognized as follows:

Fund	2023-24 Actual Beginning Fund Balance	2023-24 Adopted Beginning Fund Balance	Beginning Fund Balance Increase (Decrease)
01 General	\$ 435,447	\$ 1,065,086	\$ (629,639)
02 Food Service	61,058	196,133	\$ (135,075)
03 Federal Funds	(582,795)	-	\$ (582,795)
04 Student Investment Acct	-	-	\$ -
06 Student Body Trust	135,549	-	\$ 135,549
08 FFCR Fund	2,233,285	-	\$ 2,233,285
09 GO Bond 2021 Fund	1,002,252	634,335	\$ 367,917
10 OSCIM Match Grant	-	2,664,836	\$ (2,664,836)
11 GO Bond Debt Service	10,198	-	\$ 10,198
20 Energy Projects	55,301	64,552	\$ (9,251)
Total Beginning Fund Balances	\$ 3,350,295	\$ 4,624,942	\$ (1,274,647)

Board Chair

Date

Superintendent

Date

Adopted Budget

Fund	Major Function							Appropriations Total	Expenditures Total
	1000 Instruction	2000 Support Services	3000 Enterprise & Community	4000 Facility Acquisition & Construction	5000 Transfers	5100 Debt Service	6000 Contingency		
01 General	\$ 8,459,144	\$ 5,480,001	\$ 173,663	\$ -	\$ -	\$ 253,182	\$ 290,842	\$ 14,656,832	14,365,990
02 Food Service			428,710					428,710	428,710
03 Federal Funds	276,486	911,211						1,187,697	1,187,697
04 Student Investment Acct	606,327	210,185						816,512	816,512
06 Student Body Trust	300,000							300,000	300,000
08 FFCR Fund				2,355,000		150,000		2,505,000	2,505,000
09 GO Bond 2021 Fund		54,335		964,665				1,019,000	1,019,000
10 OSCIM Match Grant				4,000,000				4,000,000	4,000,000
11 GO Bond Debt Service					30,000	411,952		441,952	411,952
20 Energy Projects				20,000				20,000	20,000
Totals	\$ 9,641,957	\$ 6,655,732	\$ 602,373	\$ 7,339,665	\$ 30,000	\$ 815,134	\$ 290,842	\$ 25,375,703	25,054,861

Beginning Fund Balance Adjs

Fund	2023-24 Actual Beginning Fund Balance	2023-24 Adopted Beginning Fund Balance	Beginning Fund Balance Increase (Decrease)
01 General	\$ 435,447	\$ 1,065,086	\$ (629,639)
02 Food Service	61,058	196,133	\$ (135,075)
03 Federal Funds	(582,795)	-	\$ (582,795)
04 Student Investment Acct	-	-	\$ -
06 Student Body Trust	135,549	-	\$ 135,549
08 FFCR Fund	2,233,285	-	\$ 2,233,285
09 GO Bond 2021 Fund	1,002,252	634,335	\$ 367,917
10 OSCIM Match Grant	-	2,664,836	\$ (2,664,836)
11 GO Bond Debt Service	10,198	-	\$ 10,198
20 Energy Projects	55,301	64,552	\$ (9,251)
Total Beginning Fund Balances	\$ 3,350,295	\$ 4,624,942	\$ (1,274,647)

	Federal Funds		
	<u>Existing</u>	<u>Change</u>	<u>Adjusted</u>
Total Resources	\$ 1,187,697	\$ -	\$ 1,187,697
Requirements			
Expenditures			
Instruction	\$ 276,486	\$ -	\$ 276,486
Support Services	911,211	(109,400)	801,811
Transfers	-	-	-
Debt Service	-	109,400	109,400
Contingency	-	-	-
Total Appropriations	<u>1,187,697</u>	<u>-</u>	<u>1,187,697</u>
Ending Fund Balance	-	-	-
Total Requirements	<u>\$ 1,187,697</u>	<u>\$ -</u>	<u>\$ 1,187,697</u>

2023-24 Revised Budget

Fund	Major Function							Appropriations Total	Expenditures Total
	1000 Instruction	2000 Support Services	3000 Enterprise & Community	4000 Facility Acquisition & Construction	5000 Transfers	5100 Debt Service	6000 Contingency		
01 General	\$ 8,459,144	\$ 5,480,001	\$ 173,663	\$ -	\$ -	\$ 253,182	\$ 290,842	\$ 14,656,832	14,365,990
02 Food Service			428,710					428,710	428,710
03 Federal Funds	276,486	801,811				109,400		1,187,697	1,187,697
04 Student Investment Acct	606,327	210,185						816,512	816,512
06 Student Body Trust	300,000							300,000	300,000
08 FFCR Fund				2,355,000		150,000		2,505,000	2,505,000
09 GO Bond 2021 Fund		54,335		964,665				1,019,000	1,019,000
10 OSCIM Match Grant				4,000,000				4,000,000	4,000,000
11 GO Bond Debt Service					30,000	411,952		441,952	411,952
20 Energy Projects				20,000				20,000	20,000
Totals	\$ 9,641,957	\$ 6,546,332	\$ 602,373	\$ 7,339,665	\$ 30,000	\$ 924,534	\$ 290,842	\$ 25,375,703	25,054,861

RESOLUTION NO. _____

A RESOLUTION OF CORBETT SCHOOL DISTRICT NO. 39, MULTNOMAH COUNTY, OREGON AUTHORIZING THE ISSUANCE AND SALE OF A TAX AND REVENUE ANTICIPATION NOTE, SERIES 2024A; AUTHORIZING PARTICIPATION IN THE OREGON EDUCATION DISTRICTS SHORT-TERM BORROWING PROGRAM SERIES 2024A; APPROVING AND AUTHORIZING EXECUTION OF DOCUMENTS; PLEDGING FULL FAITH AND CREDIT AND FUNDS DEPOSITED IN A SPECIAL ACCOUNT; AND DESIGNATING A DISTRICT REPRESENTATIVE.

WHEREAS, the Board of Directors of the Corbett School District No. 39, Multnomah County, Oregon (the "District"), finds that, prior to the receipt of sufficient monies from tax collections and from other available revenues, there is a need for the District to enter into a borrowing not to exceed the limitations in Oregon Revised Statutes ("ORS") Section 287A.180, by the issuance of a short-term promissory note (the "Note") to meet the District's on-going expenses; and

WHEREAS, the District has adopted or will adopt a budget, providing for the collection of ad valorem property tax revenues and other budgeted revenues;

WHEREAS, ORS Section 287A.180 permits the issuance of tax and revenue anticipation notes to be issued in a principal amount which does not exceed 80% of the taxes or other revenues, except grant moneys, that the District has budgeted or otherwise reasonably expects to have available to pay the note and which mature within thirteen (13) months after the note is issued; and

WHEREAS, the Oregon Education Districts Short-Term Borrowing Program (the "Program") allows participating Oregon school districts, education service districts and community colleges (the "Participating Districts") to simultaneously issue their notes and, collectively, provide for the issuance of the Certificate of Participation, Series 2024A (the "Certificate") representing undivided proportionate interests in the aggregate amount of all notes of the Participating Districts; and

WHEREAS, each Participating District under the Program is required to create a special account to be known as the Series 2024A Tax Anticipation Note Payment Account, to which each Participating District shall deposit, on a date to be determined by each Participating District's note purchase agreement (the "Note Purchase Agreement"), ad valorem taxes and other District legally available funds in anticipation of which the note is issued in an amount sufficient to pay principal and interest on the note at maturity, as security for the Participating District's payment of its note; and

WHEREAS, the District determines it is desirable to issue a Note under the Program; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF CORBETT SCHOOL DISTRICT NO. 39, MULTNOMAH COUNTY, OREGON RESOLVES, as follows:

Section 1. Issuance of the Note. The District is hereby authorized to enter into the Note in a principal amount not to exceed \$925,000. The proceeds of the Note shall be used to pay on-going expenses of the District, as well as the estimated cost of issuance of the Note and the District's proportionate share of the estimated cost of issuance of the Certificate. The Superintendent is designated as the District Representative (each a "District Representative") to act on behalf of the District under this Note Resolution.

Section 2. Participation in Program. Upon the adoption of this Note Resolution, the District does authorize and approve of participation in the Program with other Participating Districts. The District Representative is authorized to submit this Note Resolution to Piper Sandler & Co., as evidence of the participation by the District.

Section 3. Distribution, Use of and Provision for Payment of the Note. The Note proceeds less costs of issuance shall be deposited in the District's general fund, as a budget resource, as appropriated by the District. The District covenants to appropriate sufficient funds for the payment of principal and interest on the Note to its maturity date. The District shall establish a separate Series 2024A Tax Anticipation Note Payment Account, to which the District shall deposit, on a date determined by the Note Purchase Agreement, funds to pay the Note before the maturity date. Investment earnings, after full funding of the Series 2024A Tax Anticipation Note Payment Account may be transferred to the District's general fund.

Section 4. Security for the Note. The Note is payable from the District's legally available funds including the District's ad valorem property taxes subject to the limits of Article XI, Sections 11 and 11b of the Oregon Constitution. Pursuant to ORS 287A.315, the District hereby pledges its full faith and credit and taxing power to the payment of principal of and interest on the Note. The District also hereby pledges the amounts in the Series 2024A Tax Anticipation Note Payment Account to the payment of principal and interest on the Note.

Section 5. Estimated Cost of Issuance of the Certificate. The District agrees to pay its proportionate share of the estimated cost of issuance of the Certificate from proceeds of the Note.

Section 6. Notice of Events to Municipal Securities Rulemaking Board. If required by the Note Purchase Agreement, the District agrees to provide or cause to be provided to the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Note:

- a. principal and interest payment delinquencies;
- b. non-payment related defaults, if material;
- c. unscheduled draws on debt service reserves reflecting financial difficulties;
- d. unscheduled draws on credit enhancements reflecting financial difficulties;
- e. substitution of credit or liquidity providers, or their failure to perform;
- f. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- g. modifications to rights of security holders, if material;
- h. bond calls, if material, and tender offers;
- i. defeasances;
- j. release, substitution, or sale of property securing repayment of the securities, if material;
- k. rating changes;
- l. bankruptcy, insolvency, receivership or similar event of the obligated person; (Note: For the purposes of the event identified in this paragraph 1, the event is considered to occur when any of the following occur: The appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court

or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.)

m. the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

n. appointment of a successor or additional trustee or the change of name of a trustee, if material;

o. incurrence of a financial obligation of the District if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the District, any of which affect security holders, if material. For the purposes of this paragraph and the paragraph below, “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii); the term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule; and

p. default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the District, any of which reflect financial difficulties.

The District may from time to time choose to provide notice of the occurrence of certain other events, in addition to those listed above, if, in the judgment of the District, such other event is material with respect to the Note, but the District does not undertake any commitment to provide such notice of any event except those events listed above.

Section 7. Delegation of Authority. The District Representative is hereby authorized, on behalf of the District and without further action by the Board, to:

a. determine the principal amount, interest rates, payment dates, prepayment rights and all other terms of the Note;

b. execute a Trust Agreement to certificate the Note payments with the payment of the notes of other Participating Districts, execute the Note Purchase Agreement and execute other documents and take other actions required by the Program and to provide for the issuance of the Certificate;

c. approve and authorize the distribution of a preliminary official statement and a final official statement, if required by the Program;

d. obtain one or more ratings or credit enhancement for the Note, if required by the Program;

e. if applicable, designate the Note as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the “Code”);

f. determine whether the Note will bear interest that is excludable from gross income under the Code and enter into covenants to maintain the excludability of interest on the Note from gross income; and

g. execute and deliver any other documents and take any other actions which the District Representative determines are desirable to carry out this Note Resolution.

Section 8. Execution of Program Documents. The District Representative shall provide certified copies of the proceedings of the District as contemplated by this Note Resolution, executed documents authorized for execution herein and such other documents as may be necessary or desirable under the Program for the closing of Note.

Section 9. Professionals. The District selects Piper Sandler & Co., as Underwriter or Placement Agent for the Note, and Hawkins Delafield & Wood LLP as Bond Counsel for the Note.

Section 10. Effective Date. This Note Resolution shall take effect on the date of its adoption by the Board.

Adopted by the Board of Directors of the Corbett School District No. 39, Multnomah County, Oregon this 17th day of April, 2024.

**CORBETT SCHOOL DISTRICT NO. 39
MULTNOMAH COUNTY, OREGON**

By: _____
Chair

ATTEST:

By: _____
Superintendent

Oregon Education Districts Short-Term Borrowing Program
Certificate of Participation, Series 2024A
Preliminary Schedule of Events; as of April 3, 2024

Financing Team		
Issuers:	Participating School Districts & Community Colleges	ISS
Bond Counsel:	Hawkins Delafield & Wood LLP	HDW
Registrar/Paying Agent:	U.S. Bank National Association	USB
Underwriter:	Piper Sandler & Co.	PSC

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

<input checked="" type="checkbox"/>	Due Date	Event	Parties
	Wed., April 3	First draft Preliminary Official Statement (POS) circulated	PSC
		Continuing Disclosure Reviews circulated	PSC
	Fri., April 12	Comments due on first draft POS	Fin. Team
		MDAC 1 filed with Treasury	PSC
	Mon., April 15	S&P circulates rating questionnaire to participants	S&P
	Tues., April 16	Second draft POS circulated	PSC
		Due Diligence Questionnaire circulated	PSC
	Tues., April 23	Comments due on second draft POS	Fin. Team
		Signed due diligence questionnaires due to PSC	ISS
		Rating questionnaires due to S&P	ISS
	Wed., April 24	Substantially complete draft POS and “Deemed Final” letter circulated	PSC
		Clean copy of draft POS to ISS Boards	ISS
	Mon., April 29	Draft Purchase Agreement circulated	PSC
	Mon., April 8	Silver Falls SD Board Adopts Authorizing Resolution	ISS
	Thurs., April 11	Clatsop CC Board Adopts Authorizing Resolution	ISS
	Mon., April 15	Nestucca Valley SD Board Adopts Authorizing Resolution	ISS
	Wed., April 17	Corbett SD Board Adopts Authorizing Resolution	ISS
	Thurs., April 25	North Wasco SD Board Adopts Authorizing Resolution	ISS
	TBD	Colton SD Board Adopts Authorizing Resolution	ISS
	Tues., April 30	Deadline for Board to adopt the Note Resolution	ISS
	Wed., May 1	Final comments on POS due	Fin. Team
		End of Board reviews of POS; Signed “Deemed Final” letters due to PSC	ISS
		Receive rating	PSC
	Thurs., May 2	Posting of POS	PSC
	Thurs., May 9	Comments due on draft Purchase Agreement	Fin. Team
	Mon., May 13	Pre-pricing (Handled via email)	ISS; PSC
	Tues., May 14	Pricing (Conference call in late morning to approve pricing)	ISS; PSC
		Note Purchase Agreements signed	ISS; PSC
	Thurs., May 16	Final Official Statement posted	PSC
		Draft closing documents circulated	HDW
	Wk. of May 20	Closing Memorandum circulated	PSC
		Closing documents emailed to participants for signature	HDW
	Tues., May 28	Participants return executed closing documents	ISS
	Tues., June 4	Closing – Funds Disbursed to Participants	Fin. Team

Oregon Education Districts Pooled Short-Term Borrowing Program - 2024
Program Analysis Summary Sheet - Assumes Tax-Exempt Public Sale

Corbett School District No. 39

Maximum Note Amount ⁽¹⁾	\$925,000
------------------------------------	-----------

6-Month Option

Interest Rate ⁽²⁾	4.15%
Interest Expense	(\$22,393)
Investment Rate ⁽³⁾	5.20%
Interest Earnings ⁽⁴⁾	\$25,905
Issuance Costs ⁽⁵⁾	(\$37,111)
Net Benefit/(Cost)	(\$33,599)

Notes:

- (1) 5% of FY 2023 general fund expenditures plus max deficit and estimated costs of issuance.
- (2) Estimate as of April 2024, including a 0.5% cushion. Actual interest rates incurred may be higher or lower depending upon prevailing market conditions.
- (3) Based upon the current Oregon Short Term Fund rate.
- (4) Based upon cash flow provided by District.
- (5) Includes an estimated cost for Bond Counsel, Underwriter's Discount, Trustee and an S&P rating which we anticipate pursuing for this issue.

MSRB Rule G-23 Disclosure:

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Oregon Education Districts Short-Term Borrowing Program, Series 2024

District Contact Information

School District:	Corbett School District No. 39
Contact Name:	Cindy Duley
Position:	Business Manager
Street Address:	35800 E Historic Columbia River Hwy
City, State, Zip Code:	Corbett, OR 97019

June 2023 - May 2024 General Fund Cash Flow

109

Dollars in thousands (000s)

FY 2023-24	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Totals
Beginning Balance	1,795	911	1,342	1,053	1,152	724	1,715	2,289	2,208	926	794	661	
Revenues													
Property Tax:	37	-	5	5	3	1,216	666	-	-	-	-	-	1,932
State Aid:	-	1,739	870	870	870	870	870	870	870	870	870	870	10,442
Other:	452	146	40	190	5	139	21	32	-	-	-	-	1,025
Borrowing:													
Total Revenues:	489	1,885	915	1,066	879	2,225	1,558	902	870	870	870	870	13,399
Expenditures													
Personnel:	814	1,079	924	864	1,174	952	929	934	934	934	934	934	11,404
Materials:	408	250	232	98	127	246	44	44	44	44	44	44	1,625
Capital Outlay:	39	17	-	-	1	15	5	-	1,150	-	-	94	1,321
Other:	112	108	48	5	5	20	7	5	25	25	25	25	410
TAN Principal:	-	-	-	-	-	-	-	-	-	-	-	-	-
TAN Interest:													
Total Expenditures:	1,373	1,454	1,204	967	1,307	1,234	984	982	2,153	1,003	1,003	1,097	14,759
Exp. less D/S principal	1,373	1,454	1,204	967	1,307	1,234	984	982	2,153	1,003	1,003	1,097	14,759
Monthly Balance	(884)	431	(290)	99	(428)	991	574	(80)	(1,282)	(132)	(132)	(226)	
Cum. Ending Balance	911	1,342	1,053	1,152	724	1,715	2,289	2,208	926	794	661	435	

Oregon Education Districts Short-Term Borrowing Program, Series 2024

District Contact Information

School District:	Corbett School District No. 39
Contact Name:	Cindy Duley
Position:	Business Manager
Street Address:	35800 E Historic Columbia River Hwy
City, State, Zip Code:	Corbett, OR 97019

110

June 2024 - May 2025 General Fund Cash Flow

Dollars in thousands (000s)

FY 2024-25	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Totals
Beginning Balance	435	(172)	456	221	136	(141)	1,107	1,520	1,263	1,111	869	640	
Revenues													
Property Tax:	-	-	7	7	5	1,400	680	-	-	-	-	-	2,099
State Aid:	-	1,970	985	985	985	985	985	985	985	985	985	985	11,820
Other:	455	150	50	200	10	140	25	35	140	50	63	70	1,388
Borrowing:													
Total Revenues:	455	2,120	1,042	1,192	1,000	2,525	1,690	1,020	1,125	1,035	1,048	1,055	15,307
Expenditures													
Personnel:	820	1,250	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035	12,420
Materials:	185	185	185	185	185	185	185	185	185	185	185	185	2,220
Capital Outlay:	-	-	-	-	-	-	-	-	-	-	-	-	-
Other:	57	57	57	57	57	57	57	57	57	57	57	57	684
TAN Principal:													
TAN Interest:													
Total Expenditures:	1,062	1,492	1,277	1,277	1,277	1,277	1,277	1,277	1,277	1,277	1,277	1,277	15,324
Monthly Balance	(607)	628	(235)	(85)	(277)	1,248	413	(257)	(152)	(242)	(229)	(222)	
Cum. Ending Balance	(172)	456	221	136	(141)	1,107	1,520	1,263	1,111	869	640	418	



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

2024 TAN Pool Borrowing Program

2 messages

Williams, David <David.Williams@psc.com>

Wed, Jan 31, 2024 at 3:36 PM

To: "MacMillan, Lauren" <Lauren.MacMillan@psc.com>, "Williams, David" <David.Williams@psc.com>, "Wilson, Joe" <Joe.Wilson@psc.com>, "gugur@hawkins.com" <gugur@hawkins.com>, "jcordova@hawkins.com" <jcordova@hawkins.com>, "saustin@hawkins.com" <saustin@hawkins.com>, "christopher.cartier@usbank.com" <christopher.cartier@usbank.com>

Cc: "Schweitzer, Diana" <Diana.Schweitzer@psc.com>

The Oregon Education Districts Short-Term Borrowing Program (commonly referred to as the TAN Pool) allows school districts, community colleges and ESDs to fill funding gaps that can occur from time to time due to the cyclical nature of education funding.

Should I borrow? General fund revenues do not always match expenditures on a cash flow basis. For districts that are unable to cover expenses with interfund loans or a direct bank loan, the TAN Pool program provides the opportunity to participate with other districts to minimize borrowing costs.

Am I eligible? Any Oregon school district, community college or education service district is eligible to participate if it:

- Reasonably expects to have a low or negative balance in its general fund in any given month between June 1, 2024, and May 31, 2025;
- Has a successful track record of collection of taxes levied for the past three years; and
- Does not have a prior default record on its borrowings.

How does it work? Each participating district will issue a short-term Tax Anticipation Note (TAN) to finance its cash-flow needs for Fiscal Year 2024-25, which will be sold with notes of other participants on the same day as part of a joint marketing pool. Each participant is responsible for payment of its TAN only. Each participant's note proceeds may be invested in any statutorily-authorized investment instrument, as determined by each participant. TAN proceeds may be used to cover a cash flow deficit as needed. Revenues to repay the TAN must be segregated into a separate account held by each participant on a timeline to be determined in the TAN documents, which is usually 15 days prior to the maturity of the TAN. The principal amount of each TAN will be determined by each participant depending on specific needs and cash flow requirements. The TAN maturity is expected to be between December 31, 2024 and May 31, 2025.

How much can I borrow? Piper Sandler, in consultation with Hawkins Delafield & Wood LLP, will help your district determine the appropriate amount based on your cash flow estimates and the tax status of the borrowing. Generally speaking, however, districts should only borrow to cover regular short-term operational needs.

What can I do to get ready? Be prepared to provide a monthly cash flow for all operational funds (typically the general fund) – both prior actuals from June 2023, and forward projections to May 2025 on a cash basis.

Preliminary Timeline

Action	Date
Deadline to request cash flow model from Piper Sandler	March 1 st
Deadline to submit completed cash flow model & FY 2024 budget	March 15 th
Request Board Note Resolution from Hawkins	2 wks before Board meeting
Send draft Preliminary Official Statement to Board, if applicable	April 19 th
Deadline for Board to adopt the Note Resolution	April 30 th
Preliminary Official Statement posted	May 3 rd
Sale date; Sign purchase agreement	May 14 th
Closing documents circulated	Wk of May 20 th
Return executed closing documents to Hawkins	May 28 th
Closing; Funds available	June 4 th

Next Steps

- **Request a cash flow worksheet from Piper Sandler by March 1st.**
- Email completed cash flow worksheet and a copy of your FY 2023-24 budget to Piper Sandler. Shortly thereafter you will receive an estimate of the allowable size of the borrowing and estimated costs.
- Request a copy of the note resolution from Hawkins at least 2 weeks prior to the relevant Board meeting.
- Adopt the note resolution by April 30th. **NOTE:** Submission of the executed note resolution will commit your district to participate in the program.

Contacts

Underwriter

Bond Counsel

Trustee/Paying Agent

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574K

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Robin Faye Lindeen Blakeley <rlindeen@corbett.k12.or.us>
To: Derek Fialkiewicz <dfialkiewicz@corbett.k12.or.us>

Wed, Jan 31, 2024 at 5:10 PM

FYI, RL-B

[Quoted text hidden]

--

Robin Lindeen-Blakeley, Deputy Clerk/HR Lead

hir/hirs/ze

Corbett School District No. 39

35800 E Historic Columbia River Highway

Corbett OR 97019

503-261-4211 phone

503-695-3641 fax

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Required

OSBA Model Sample Policy

Code: AC
Adopted:

Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual’s perceived or actual race¹, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

^{superintendent}
~~[The Board designates the [insert position title(s)] as the district’s civil rights coordinator.] [The Board directs the superintendent to designate the district’s civil rights coordinator and make contact information available to staff, students and parents. {²}]~~

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments , and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district’s administrative office and available on the home page of the district’s website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

END OF POLICY

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² {For additional information regarding civil rights coordinators and their responsibilities, see ORS 332.505(2).}

Legal Reference(s):

ORS 174.100	ORS 659A.003	ORS 659A.321
ORS 192.630	ORS 659A.006	ORS 659A.409
ORS 326.051(1)(e)	ORS 659A.009	OAR 581-002-0001 – 002-0005
ORS 332.505	ORS 659A.029	OAR 581-021-0045
ORS 408.230	ORS 659A.030	OAR 581-021-0046
ORS 659.805	ORS 659A.040	OAR 581-021-0047
ORS 659.815	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 659.850 - 659.860	ORS 659A.230 - 659A.233	OAR 581-022-2370
ORS 659.865	ORS 659A.236	OAR 839-003
ORS 659A.001	ORS 659A.309	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 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 (2020).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (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 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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 (2018); 29 C.F.R. Part 1635 (2019).

~~House Bill 2935 (2021).~~

~~House Bill 3041 (2021).~~

OSBA Model Sample Policy

HR

Code: BBF
Adopted:

Board Member Standards of Conduct (Version 2)

A Board member should:

1. Comply with ethics laws for public officials;
2. Understand that the Board sets the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis;
3. Understand that the Board makes decisions by a quorum vote of the Board. Individual Board members may not commit the Board to any action;
4. Respect the right of other Board members to have opinions and ideas which differ;
5. Recognize that decisions made by a quorum vote are the final decisions of the Board. Such decisions should be supported by all Board members;
6. Make decisions only after the facts are presented and discussed;
7. Understand the chain of command and refer problems or complaints to the proper administrative office;
8. Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at properly noticed Board meetings;
9. Insist that all Board and district business is ethical and honest;
10. Be open, fair and honest — no hidden agendas;
11. Understand that Board members will receive information that is confidential and cannot be shared;
12. Recognize that the superintendent is the Board's employee and designated as the chief executive officer of the district;
13. Take action only after hearing the superintendent's recommendations;
14. Refuse to bring personal or family problems into Board considerations;
15. Give district staff the respect and consideration due to skilled, professional employees;
16. Present personal criticism of district operations to the superintendent, when appropriate, not to district staff;
17. Respect the right of the public to attend and observe Board meetings;

18. Respect the right of the public to be informed about district decisions and school operations as allowed by law;
19. Remember that content discussed in executive session is confidential;
20. Use social media, websites, or other electronic communication judiciously, respectfully, and in a manner that does not violate Oregon’s Public Meetings Laws;
21. When posting online or to social media, Board members will treat and refer to other Board members, staff, students and the public with respect, and will not post confidential information about students, staff or district business;
22. A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make ~~an oral~~ report ~~by telephone or otherwise~~ to the ~~local~~ Department of Human Services (DHS)^[1], ~~to the designee of the department~~ or to a ~~local~~ law enforcement within the county where the person making the report is located at the time of contact.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.610 - 192.710](#)

[ORS Chapter 244](#)
[ORS 332.055](#)
[ORS 419B.005](#)

[ORS 419B.010](#)
[ORS 419B.015](#)

¹ [How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)]

OSBA Model Sample Policy

Required

Code: CBG
Adopted:

Evaluation of the Superintendent

{Required policy. OAR 581-022-2405 requires districts to “adopt and implement personnel policies which address...evaluation procedures.” **Review the superintendent contract before adopting to ensure there is no conflicting language;** modify policy as needed.}

The Board will formally evaluate the superintendent’s job performance [at least once each year]. The evaluation will be based on the superintendent’s ~~administrative~~ job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board’s discussion and conferences with and about the superintendent and their performance will be conducted in an executive session, unless the superintendent requests a session open to the public. Such an executive session will not include a general evaluation of any district goal, objective or operation. Results of the evaluation will be written and placed in the superintendent’s personnel file.

At the Board’s discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent’s performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent’s employment contract and state law and rules. In those situations where the superintendent’s employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\), \(8\)](#)
[ORS 332.107](#)
[ORS 332.505](#)

~~[ORS 342.513](#)~~
~~[ORS 342.815](#)~~

[OAR 581-022-2405](#)

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

OSBA Model Sample Policy

Reg

Code: CCG
Adopted:

Evaluation of Administrators

{Required Policy. OAR 581-022-2405 requires districts to “adopt and implement personnel policies which address...evaluation procedures.” Review any employment contracts before adopting to ensure there is no conflicting language. Many of the legal requirements in this policy apply only to those who meet the definition of administrator in ORS 342.815, but the district may have administrators that do not meet that definition (e.g., business manager, transportation supervisor).}

The superintendent will implement and supervise an evaluation system for administrators. The purpose of administrator evaluations is to assist an administrator with developing and strengthening professional abilities, to improve the instructional program and management of the school system, and for supervisors to make recommendations regarding their employment and/or salary status.

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

The evaluation shall be conducted according to the following guidelines:

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

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

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

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

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

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

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

An evaluation using the administrator standards must attempt to:

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

The superintendent shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

END OF POLICY

Legal Reference(s):

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

[ORS 332.505](#)

[ORS 342.120](#)

[ORS 342.815](#)

[ORS 342.850](#)

[ORS 342.856](#)

[OAR 581-022-2405](#)

[OAR 581-022-2410](#)

[OAR 581-022-2420](#)

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

OSBA Model Sample Policy

Code: DJC
Adopted:

D

Bidding Requirements (Version 1)

(Delete this version and adopt proposed version.)

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

The Board, acting as its own LCRB, adopts^{1} [the *Oregon Attorney General's Model Public Contract Rules*, Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049] [its own rules of procedure that will govern district purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the district. The district's rules may include portions of the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049] in effect at the time this policy is adopted.^{2}

The district shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3).

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

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

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

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

² {If the Board does not establish its own rules of procedure as permitted under ORS 279A.065(5), the district is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.}

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

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

END OF POLICY

Legal Reference(s):

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

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC CONTRACTS MANUAL.

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OSBA Model Sample Policy

HR

Code: DJC
Adopted:

Bidding Requirements

{Highly recommended policy. The Board serves as the Local Contract Review Board (LCRB) and has the ability to adopt its own procurement rules. Many districts choose to use the *Oregon Attorney General's Model Public Contracting Rules* in OAR Chapter 137, Divisions 045 - 049. If the LCRB does not adopt rules, the Attorney General's Model Public Contracting Rules apply. This policy is based on those rules. The LCRB may also include as part of its rules portions of the Oregon Department of Administrative Services administrative rules in OAR Chapter 125, Divisions 269 - 249. If the LCRB adopts its own rules, delete portions of this policy that are inconsistent with those rules.}

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

OR

[The Board is the Local Contract Review Board (LCRB) for the district. The LCRB has adopted its own rules of procedure that will govern district purchasing.³ Consequently, the model rules⁴ adopted by the Attorney General shall not apply to the district. The district shall review its rules each time the Attorney General adopts a modification of the model rules to determine whether any modifications need to be made to district rules, as required by ORS 279A.065(6)(b). New rules, as necessary, shall be adopted by the LCRB. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.]

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

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

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

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

Goods and Services

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

² See ORS 279A.065(5). {The LCRB can formally adopt the AG rules. If the LCRB formally adopts the rules, the district is required to review the AG rules each time there is a modification.}

³ [The district should insert date of adoption of such rules and their location here and remove brackets.]

⁴ Oregon Administrative Rules (OAR) 137-045 - 049

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

1. **Small Procurement.** For purchases of goods and services with a contract price not exceeding \$25,000, the district can use any manner deemed practical or convenient, including direct selection or award. Amendments to a contract awarded through small procurement must be in accordance with OAR 137-047-0800.
2. **Intermediate Procurement.** For purchases of goods and services with a contract price exceeding \$25,000, but not exceeding \$250,000, the district shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The district will keep record of the request and quotes. If three quotes are not reasonably available, fewer will suffice, but the district will make a written record of the effort made. The district may negotiate with a prospective contractor to clarify the quote or offer, or to effect modifications. Amendments to a contract awarded through intermediate procurement must be in accordance with OAR 137-047-0800.
3. **Regular Procurement.** For purchases exceeding \$250,000, the district will use competitive sealed bids (OAR 137-047-0255) or competitive sealed proposals (OAR 137-047-0260). Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-047-0800.
4. **Emergency Procurements.** In situations of emergency⁵, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the district is not required to follow general procurement requirements. The district must ensure competition for the contract that is reasonable and appropriate under the circumstances. The district must document the nature of the emergency and the method used for the selection of the contractor.
5. **Sole-source Procurements.** If the LCRB or designee determines that the goods or services are available from only one source, the district may award a contract without competition. To the extent reasonably practicable, the district shall negotiate with the sole source to obtain contract terms that are advantageous to the district. The determination of sole source must be based on written findings and may include:
 - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
 - b. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.⁶
6. **Special Procurements.** “Special procurement” means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small procurement or intermediate procurement. Special procurements require LCRB approval and will be

⁵ “Emergency” means circumstances that:

1. Could not have been foreseen;
2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
3. Require prompt execution of a contract to remedy the condition.

⁶ If the contract does not exceed \$250,000, using intermediate procurement is likely less burdensome than sole source.

conducted in accordance with ORS 279B.085, OAR 137-047-0285[, and] this policy [and administrative regulation DJC-AR - Exemptions from Competitive Bidding and Special Procurement].^{7}

7. Personal Services Contracts. “Personal services contract,” as used in this policy, means a contract whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.⁸ Unless otherwise designated by the LCRB, personal services contracts will be procured in accordance with applicable procurement laws. The LCRB may designate certain service contracts or classes of service contracts as personal services contracts and exempt them from competitive bidding.^{9} All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price. Personal service contractors may be required to qualify as independent contractors in accordance with applicable laws.¹⁰

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

Public Improvements

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the district.¹¹ The district will contract for public improvements using the following procedures, unless an exception applies.

1. Public improvements contracts with a value of less than \$25,000 are exempt from competitive bidding.
2. Intermediate Procurements. For public improvement contracts not exceeding \$100,000, the district may utilize three quotes¹²:

⁷ {If the LCRB has designated contracts or classes of contracts as special procurements, include this information along with reference to the LCRB action.}

⁸ This includes, but is not limited to, contracts for the services of an accountant, physician or dentist, educator, consultant (including a provider under an Architectural and Engineering Service Contract), broadcaster, or artist (including a photographer, filmmaker, painter, weaver or sculptor (OAR 137-045-0010(19)). Also includes architectural, engineering, photogrammetric mapping, transportation planning or land surveying services procured under ORS 279C.105 (ORS 279C.100) and related services procured under ORS 279C.120 (ORS 279C.100(5)).

⁹ {If the LCRB has designated contracts or classes of contracts as personal services contracts, include this information along with reference to the LCRB action.}

¹⁰ See ORS 670.600 and OAR 459-005-0020.

¹¹ Public improvement does not include:

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

¹² If three quotes are not reasonably available, the district shall make a written record of the effort made to obtain these quotes.

- a. The request for the quotes shall be in writing (unless not reasonably practicable)¹³;
- b. The request for quotes shall include the selection criteria and if the criteria are not of equal value, their relative value or ranking.

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

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

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

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

END OF POLICY

Legal Reference(s):

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

[ORS Chapter 279C](#)
[ORS 670.600](#)

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

¹³ For Public Works Contracts, oral quotations may only be utilized in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.

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

[OAR 459-005-0020](#)

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

OSBA Model Sample Policy

Code: DJC-AR
Revised/Reviewed:

Special Procurements and Exemptions from Competitive Bidding

(Delete this version and consider updated version.)

SPECIAL PROCUREMENTS

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

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

D

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

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

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

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

2. Advertising Contracts, Purchase of

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

Findings of Fact

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

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;

- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

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

3. Advertising Contracts, Sale of

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

Findings of Fact

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

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

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

4. Equipment Repair and Overhaul

a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:

- (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
- (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
- (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.

b. The following limitations apply to this rule:

- (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the [superintendent] or designee the reasons why competitive bids or quotes are deemed to be impractical. The [superintendent] or designee will accordingly document in its procurement file and may enter directly into the contract;
- (2) If the school or department official thinks the contract may exceed \$150,000, they shall submit in writing to the [superintendent] or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement. The [superintendent] or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

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

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the

district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

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

5. Copyrighted Materials

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

Findings of Fact

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

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

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

Conclusion of Compliance with Law

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

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

6. Product Prequalification

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

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

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

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

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of

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

supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.

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

Findings of Fact

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

Conclusion of Compliance with Law

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

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

8. Used Personal Property or Equipment, Purchase²

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

Findings of Fact

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

² When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

Conclusion of Compliance with Law

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

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

9. Information Technology Contracts

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

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

Findings of Fact

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

Conclusion of Compliance with Law

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

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

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract [and LCRB] Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.

- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [and LCRB] Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

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

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

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of [Insert Name] County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts,

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equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as a RFP.

- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [and LCRB] Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

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

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

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility

in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under A.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

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

Conclusions of Compliance with Law

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

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

13. Renegotiation of Existing Contracts with Incumbent Contractors

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

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The [superintendent] and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:
 - (1) Price;
 - (2) Term;
 - (3) Delivery and shipping;
 - (4) Order size;
 - (5) Substitution;
 - (6) Warranties;
 - (7) Online ordering systems;
 - (8) Price adjustments;
 - (9) Product availability;
 - (10) Product quality;
 - (11) Reporting requirements; or
 - (12) Discounts.

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

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

Conclusion of Compliance with Law

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

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

EXEMPTIONS FROM COMPETITIVE BIDDING

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

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335(2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

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

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

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;

7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

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

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

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source
 - a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. The district has determined that [value engineering,] [specialized expertise required,] [public safety] [and technical complexity], generally do not apply to this exemption.
 - c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
 - d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification

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

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- (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.

e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:

- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
- (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:

- (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
- (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.

- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

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

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

2. Product Prequalification

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

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving

considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

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

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

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts,

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

standardizing usage among schools, buildings and departments and reducing lead time for ordering.

- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

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

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

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

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

Findings of Fact/Conclusion of Compliance with Law

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

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

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

Findings of Fact/Conclusion of Compliance with Law

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

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. **Definitions.** For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

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

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

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption is not intended to be used for construction manager/general contractor (CM/GC) projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

OSBA Model Sample Policy

Code: DJCA
Adopted:

Personal Services Contracts

(Delete this policy. OSBA has moved personal services contract language to DJC.)

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

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

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

Contracts for personal services in excess of [\$150,000] shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

[ORS Chapters 279](#)

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

[ORS 332.107](#)

[ORS 670.600](#)

[OAR 459-010-0030](#)

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

OSBA Model Sample Policy

Code: DJCA-AR
Revised/Reviewed:

Personal Services Contracts

(Delete this administrative regulation.)

1. Personal Services Contracts Defined

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

2. Eligibility

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

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

¹ See ORS 670.600 for complete listing.

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

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

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- (19) Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as they produce a result that meets the specifications of the contract;
- (20) Right to terminate. An employee can quit their job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

c. IRS requirements:

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

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

3. Personal Services Contracts - Procurement Requirements

- a. Contracts for personal services less than [\$25,000] within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- b. Contracts for personal services greater than [\$25,000] that do not exceed [\$75,000] may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- c. Contracts for personal services greater than [\$75,000] shall be based on written solicitations, request for qualifications, or the RFP process.
- d. The district may enter into a personal services contract when the amount of the services does not exceed [\$150,000] without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - (1) The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.

- e. If the cost of the services is more than [\$150,000], the district may award a contract on a sole source basis, only with Board approval and if prior to the award:

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- (1) Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
 - (2) The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
 - (3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

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

4. ITB/RFP Requirements

- a. An invitation to bid (ITB) or RFP will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
- b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
- c. The solicitation document must, at a minimum, address the following:
 - (1) Requirements for solicitation documents under ORS 279B.055(2) and 279B.060(2):
 - (a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - (b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - (c) A procurement description;
 - (d) A time, date and place that prequalified applications, if any, must be filed and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - (e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - (f) A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document." if the invitation to bid is issued by a state contracting agency;
 - (g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
 - (h) All contractual terms and conditions applicable to the procurement.

- (2) Requirements for solicitation documents under OAR 137-047-0255(2) and OAR 137-047-0260(2):

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(a) General Information

(i) Notice of any pre-offer conferences as follows:

- 1) The time, date and location of any pre-offer conferences;
- 2) Whether attendance at the conference will be mandatory or voluntary; and
- 3) A provision that provides that statements made by the contracting agency's representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum.

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- (ii) The form and instructions for submission of proposals and any other special information, (e.g., whether proposals may be submitted by electronic means);
- (iii) The time, date and place of opening;
- (iv) The office where the solicitation document may be reviewed;
- (v) For bidders, a statement whether the bidder is a "resident bidder," as defined in ORS 279A.120(1);
- (vi) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110(4); and
- (vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.

(b) Contracting Agency Need

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.

(c) Bid/Proposal and Evaluation Process

- (i) The anticipated solicitation schedule, deadlines, protest process and evaluation process;
- (ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements of ORS 279B.060(2)(h)(E).
- (iii) If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600(4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.

(d) Applicable preferences described in ORS 279A.125(2) and 282.210.

(e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.

(f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.

- d. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.
- e. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
- f. All advertisements shall describe at minimum the requirements under OAR 137-047-0300(3):
 - (1) Where, when, how and for how long the solicitation document may be obtained;
 - (2) A general description of the goods or services to be acquired;
 - (3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - (4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified;
 - (5) The office where contract terms, conditions and specifications may be reviewed;
 - (6) The name, title and address of the individual authorized by the contracting agency to receive offers;
 - (7) The scheduled opening; and
 - (8) Any other information the contracting agency deems appropriate.

5. Screening and Selection Procedures

- a. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055(10) and 279B.060(10), and OAR 137-047-0600.
- b. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110(2) and OAR 137-047-0640(1)(c)(F), the LCRB will consider whether the bidder or proposer has:
 - (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;
 - (2) A satisfactory record of performance.² The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;

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

(3) A satisfactory record of integrity.³ The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;

(4) Qualified legally to contract with the contracting agency;

(5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and

(6) Not been debarred by the contracting agency under ORS 279B.130.

c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).

d. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

6. Documentation

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

7. Fingerprinting

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

8. Payment

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

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

OSBA Model Sample Policy

Code: EBBA
Adopted:

D

First Aid**

(Recommend delete. Considering recent changes to the health services OAR 581-022-2220, several OSBA model policies have been revised. This content has been revised according to the OAR and reorganized into EBC.) ← ?

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention for a student is the responsibility of the student's parent(s), or of someone the parent(s) designate in the case of an emergency. Each principal is charged with providing for the immediate care of ill or injured persons within their area of responsibility.

Staff members shall report self-administered first-aid treatment to an immediate supervisor.

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

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, each school shall have, at a minimum, at least one staff member with a current first-aid card for every 60 students enrolled or an emergency response team per building. Such team shall consist of no less than six persons who hold current first-aid/CPR cards and who are trained annually in the district and building emergency plans. Names of the designated employees will be posted.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[OAR 437-002-0042](#)
[OAR 437-002-0120 -0139](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)

[OAR 437-002-0377](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)
[OAR 581-022-2225](#)
[OAR 581-053-0003\(37\)](#)

[OAR 581-053-0220\(3\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

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E

OSBA Model Sample Policy

Code: EBBA-AR
Revised/Reviewed:

D

First Aid - Infection Control

(Recommend delete in lieu of current OSHA requirements and training standards.) ← ?

Health services information about the transmission of diseases including AIDS and HBV¹ focuses on “body fluids” as a possible carrier of organisms that can infect others. The term includes drainage from cuts and scrapes, vomit, urine, feces, respiratory secretions (nasal discharge), saliva, semen and blood. While any contact with the body fluids of another person represents a risk, the level of risk is very low. The risk is increased if the fluid comes in contact with a break in the skin of another individual. Generally, simple, consistent standards and procedures of cleanliness minimize risk.

The following procedures are precautionary measures against the transmission of diseases. Prudent actions are to be employed by all staff and students. These actions should focus primarily on steps that students and staff members can take to ensure their own well-being.

Those who administer first aid, provide physical care or may otherwise incur occupational exposure to blood or other potentially infectious materials as determined by the district will be specifically protected through the district’s Exposure Control Plan.

The following procedures are a review for all staff and students of appropriate hygienic and sanitation practices:

1. Standard precautions are to be followed at all times. Standard precautions require the assumption 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 pathogens;
2. Whenever possible, students should be directed to care for their own minor bleeding injury. This includes encouraging students to apply their own band-aids. If assistance is required, band-aids may be applied after the caregiver removes their gloves, if the caregiver will not come into contact with blood or wound drainage;
3. Food and Drug Administration (FDA) approved gloves are required for all tasks in which an individual may come into contact with blood or other potentially infectious materials. Such tasks include cleaning body fluid spills, emptying trash cans, handling sharps/containers, handling contaminated broken glass, cleaning contaminated equipment and handling contaminated laundry/clothing. This also includes assisting with any minor wound care, treating bloody noses, handling clothes soiled by incontinence, diaper changing and cleaning up vomit;
4. Immediate, complete and effective hand washing with soap and running water of at least 30 seconds duration should follow any first aid or health care given to a student or contact with potentially infectious materials;

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

5. If exposure to blood or other potentially infectious materials occurs through coughing, any first-aid procedure, or through an open sore or break in the skin, thorough washing, preferably with germicidal soap, is necessary;
6. In the event hand-washing facilities are not readily available, thorough cleaning using an antiseptic cleanser and clean cloth/paper towels or antiseptic towelettes provided by the district as an alternative is necessary. In the event alternatives are used, hands must be washed with soap and running water as soon as feasible;
7. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning. Clean surfaces with soap and water and then rinse with an Environmental Protection Agency (EPA) approved disinfectant² following labeling instructions for use, or a freshly made solution of one part bleach to nine parts water, and allow to air dry. These surfaces include equipment, counters, mats (including those used in physical education classes and athletic events), toys or changing tables;
8. An EPA-approved disinfectant must be used when cleaning fluids such as blood or vomit from the floor or other such contaminated surfaces;
9. Contaminated laundry such as clothing and towels must be placed and transported in bags and containers in accordance with the district's standard precautions. All such items must be laundered in hot or cold water and soap and placed in a dryer;
10. Needles, syringes, broken glassware and other sharp objects found on district property must not be picked up by students at any time, nor by staff without appropriate puncture-proof gloves or mechanical device such as a broom, brush and dust pan. Any such items found must be disposed of in closable puncture resistant, leakproof containers that are appropriately labeled or color-coded;
11. All wastebaskets used to dispose of potentially infectious materials must be lined with a plastic bag liner that is changed daily;
12. Gloves and repellent gowns, aprons or jackets are required for tasks in which exposure to blood or other potentially infectious materials can be reasonably anticipated to contaminate street clothing. Type and characteristics of such protective clothing will depend on the task. Such tasks may include diapering/toileting with gross contamination, assisting with wound care, sorting or bagging contaminated laundry/clothing and disposing of regulated waste with gross contamination;
13. Maximum protection with gloves, face and/or eye protection and gowns is required whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Such tasks may include feeding a student with a history of spitting or forceful vomiting and assisting with severe injury and wound with spurting blood;

² [Disinfectants which can be used include Lysol, Purex, Clorox, Tough Act bathroom cleaner, Dow bathroom cleaner, Real Pine liquid cleaner, Pine Sol, Spic and Span, Tackle liquid, Comet and other products with EPA numbers. Other disinfectants as recommended by the Center for Disease Control may be used.]

14. If a first-aid situation occurs, students should report to a person in authority; staff should report to a supervisor.

D Additional Precautions

The following additional precautions should be applied in all school settings. These procedures will help prevent transmission of many infections in addition to HIV and HBV:

1. A sink with soap, hot and cold running water and disposable towels should be available close to the classroom;
2. Sharing of personal toilet articles, such as toothbrushes and razors, should not be permitted;
3. Skin lesions that may ooze blood or serum should be kept covered with a dressing;
4. Exchange of saliva by kissing on the mouth, by sharing items that have been mouthed and by putting fingers in others' mouths should be discouraged.

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OSBA Model Sample Policy

HR

Code: EBBA
Adopted:

Student Health Services**

{Highly recommended policy. The requirement for school districts to develop and implement a health services plan comes from OAR 581-022-2220.}

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

The district shall maintain a written prevention-oriented health services plan for all students. The health services plan will¹:

1. Explain available health care space that is appropriately supervised and adequately equipped for providing health care and administering medication or first aid;
2. Refer to available communicable disease prevention and management plan that includes school-level protocols²;
3. Outline a district-to-school communication plan³;
4. Provide information about health screenings, including immunizations and TB certificate requirements;
5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed⁴;
6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;
7. Describe how hearing, vision and dental screenings are managed and/or verified for required students⁵;

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

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

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

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

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

8. Include a process to assess and determine a student's health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more new medical diagnose(s) impacting a student's access to education, and implement a student's individual health plan prior to attending school⁶;
9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids⁷;
10. Refer to adopted policy and procedures for medications in accordance with Oregon law⁸;
11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities⁹ and [.]
12. ~~[List the positions in the district which shall be required to obtain and maintain a first-aid/CPR/AED card in accordance with OAR 581-022-2220(3).]~~

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

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

~~A nurse employed by the district will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.]~~

~~[The district provides a menstrual product dispenser with a variety of products in every student bathroom¹¹ which meets the requirements of law.]~~

END OF POLICY

Legal Reference(s):

⁶ For definitions for this policy see ORS 336.201.

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

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

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

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

¹¹ ["Student bathroom" means a bathroom that is accessible by students, including a gender-neutral bathroom, a bathroom designated for females, and a bathroom designated for males. (OAR 581-021-0587)]

[ORS 329.025](#)
[ORS 332.107](#)
[ORS 336.201](#)
[ORS 336.204](#)

[ORS 336.211 – 336.214](#)
[OAR 581-021-0017](#)
[OAR 581-021-0031](#)
[OAR 581-021-0587](#)

[OAR 581-021-0590](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)
[OAR 581-022-2515](#)

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

OSBA Model Sample Policy

Reg

Code: EBBB
Adopted:

Injury/ or Illness Reports

{Required} policy. ORS 339.309 requires a district school board establish policy for reporting incidents, e.g., injury.}

All injuries/ or illnesses¹, sustained by the employee while in the actual performance of the duty of the employee, occurring on district premises, in district vehicles, at a district-sponsored activity or involving staff members who may be elsewhere on district business will be reported immediately to a supervisor. [Staff members will report self-administered first-aid² treatment to an immediate supervisor.] All accidents involving employees, students, visiting public or district property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the district's safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related³ illness or injury to an employee resulting in overnight in-patient hospitalization for medical treatment⁴ other than first aid, loss of an eye, amputation or avulsion⁵ the district safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA). This report will be made within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes⁶ shall be reported⁷ to OSHA within eight hours.

ALL injuries or illnesses sustained by an employee, while in the actual performance of the duty of the employee or by a student or visiting public and accidents involving district property, employees, students

¹ The Oregon Occupational Safety and Health Division provides: "Injury or illness" means an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, skin disease, respiratory disorder, or poisoning (record injuries and illnesses only if they are new, work-related cases that meet one or more of the recording criteria). (OAR 437-001-0015(39))

² For employees, "first aid" means any one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, or similar injuries that do not ordinarily require medical care. Such one-time treatment and subsequent observation is considered first aid even though it is provided by a physician or registered professional personnel. (OAR 437-001-0015(34))

³ An injury or illness is work related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting condition injury or illness. (OAR 437-001-0700(6))

⁴ "Medical treatment" includes managing or caring for the management or care of a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor physician or other licensed health care professional solely for observation or counseling; diagnostic procedures, such as x-rays and blood tests, including administering prescription medications used solely for diagnostic purposes; and or any procedure that can be labeled first aid according to OAR 437-001-0700(8)(d)(A)(iii).

⁵ Amputations and avulsions are only required to be reported if they result in bone loss. (OAR 437-001-0704(4))

⁶ A "catastrophe" is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility. (OAR 437-001-0015(11))

⁷ Reporting must be done in person or by telephone. (OAR 437-001-0704(3))

or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

The district safety officer will maintain records ~~and reports on serious~~ on injuries, illnesses, ~~including and~~ accidents involving district property, ~~or~~ employees, students or visiting publics, ~~and periodic statistical reports on the number and types of injuries/illnesses occurring in the district, as well as on the measures being taken to prevent such injuries/illnesses in the future.~~

~~The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually.~~ These records will include prevention measures taken, reporting information, periodic statistical reports on the number and types of injuries, illnesses and accidents occurring in the district, and monthly and annual analyses of accident data. Such reports will be submitted to the [superintendent] [Board] ~~for review [annually⁸].~~

END OF POLICY

Legal Reference(s):

[ORS 339.309](#)

[OAR 437-001-0700](#)

[OAR 437-002-0360](#)

[OAR 437-001-0015](#)

[OAR 437-001-0704](#)

[OAR 437-002-0377](#)

[OAR 437-001-0760](#)

[OAR 581-022-2225](#)

⁸ ~~[Annual reporting is required, but may occur more often.]~~

OSBA Model Sample Policy

HR

Code: EBC
Adopted:

Emergency Plan and First Aid**

{Highly recommended policy. This policy informs districts about requirement for an emergency procedures plan (OAR 581-022-2225), and other minimum standards for providing emergency care to students.}

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

OSBA Model Sample Policy

Code: EBC/EBCA
Adopted:

D

Emergency Procedures and Disaster Plans

(Delete this double coded policy and consider EBC.) ← ?

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and safety threats on district property. The superintendent will consult with community and county agencies while developing this plan.

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

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

[In the case of long-term disruption to district operations as a result of a pandemic flu, declared public health emergency or other catastrophe, the district emergency plan shall at a minimum include the following:

1. Who is in charge of the district plan;
2. What steps the district will take to stop the spread of disease;
3. How sick students will be identified;
4. Transportation plan for sick students;
5. Disease containment measures for the district;
6. Communication plan for staff, students and parents;
7. Continuing education plan for students;
8. Procedures for dealing with student privacy rights;
9. Employee leave procedures during a pandemic flu or other catastrophe;
10. Employee pay and benefit plan and procedures;

- 11. Facility utilization by other agencies procedures;
- 12. Business operations plan for offsite operation or alternative measures.]

END OF POLICY

Legal Reference(s):

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

[ORS 433.441](#)

[OAR 437-002-0161](#)

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

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OSBA Model Sample Policy

Req

Code: EBCA
Adopted:

Safety Threats**

{Required policy. Requirement for policy comes from ORS 339.324 which outlines actions of a school district when a safety threat action has occurred.}

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

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

The communication must include:

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

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

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

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

END OF POLICY

Legal Reference(s):

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

[ORS 332.107](#)

[ORS 339.324](#)

OSBA Model Sample Policy

HR

Code: EBCB
Adopted:

Emergency Procedure Drills and Instruction

{Highly recommended policy. This policy includes information about required instruction and drills on emergency procedures. See ORS 336.071}

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

All schools are required to instruct and drill students on district emergency procedures so that students they can respond to an emergency without confusion and panic. The emergency procedures shall include drills and instruction on fires, earthquakes, ~~which shall include~~ ^{1} tsunami procedures in a tsunami hazard zone] and safety threats. Instruction on ~~fires, earthquakes[,] [and] safety threats [and tsunami dangers²,]~~ and drills for students, emergency procedures shall be conducted for at least 30 minutes each school month.

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

Fire Emergencies

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

Earthquake ~~and Tsunami~~ Emergencies

~~{3} At least two drills on earthquakes shall be conducted each year.~~ ~~{4} At least three drills on earthquakes that include tsunami drills shall be conducted each year.~~

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

~~{5} Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake, when appropriate, or after a tsunami warning to protect students against inundation by tsunamis.]~~

Safety Threats

¹ {Required if schools are in a designated tsunami hazard zone.}

~~² This is required language for a district in a tsunami hazard zone.~~

³ {This is required action for a district not in a tsunami hazard zone.}

⁴ {This is required action for a district in a tsunami hazard zone.}

⁵ {This is required action for a district in a tsunami hazard zone.}

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

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

[The district may provide additional instruction relating to other disasters such as flooding, drought, excessive snowfall or wildfires.⁶]

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

END OF POLICY

Legal Reference(s):

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

[ORS 339.324](#)

[ORS 336.071](#)

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

[OAR 581-022-2225](#)

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

⁶ The Oregon Department of Education has resources available at <https://www.oregon.gov/ode/schools-and-districts/grants/pages/threat-and-hazard-resources.aspx>.

OSBA Model Sample Policy

HR

Code: GBEB
Adopted:

Communicable Diseases—Staff in Schools

{Highly recommended policy. This policy outlines the requirements for schools on communicable diseases.}

The district shall provide reasonable protection against the risk of exposure to communicable disease for students and 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 for Schools* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

~~An~~A student or employee may not attend school or work, respectively, while in a communicable stage of a restrictable disease or when an administrator has reason to suspect ~~that~~ the student or employee has or has been exposed to any disease for which exclusion is required in accordance with law ~~and per administrative regulation GBEB-AR—Communicable Diseases—Staff~~. The district may provide an educational program in an alternative setting. Services will be provided to students as required by law.

~~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.~~

The district shall protect the confidentiality of ~~an~~each student’s and employee’s health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator may inform employees with a legitimate educational interest.

The district will include, as part of its general emergency plans, a description of the actions to be taken by district staff in ~~the case of a declared public health emergency or other catastrophe which disrupts district operations~~ buildings and by the district in response to medical emergencies.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526004](#)
[ORS 433.010](#)

[ORS 433.110](#)
[ORS 433.235 - 433.284](#)
[OAR 333-018](#)

[OAR 333-019-0010](#)
[OAR 333-019-0014](#)
[OAR 437-002-0360](#)

HR ~~7/31/20~~4/04/24 | LF

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance for Schools* ~~(2020)~~.
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)~~2023).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164
~~(2019)~~2023).

OSBA Model Sample Administrative Regulation

Code: GBEB-AR
Revised/Reviewed:

Communicable Diseases—~~Staff~~ in Schools

{Highly recommended administrative regulation.}

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 rule¹ and include but are not limited to COVID-19², 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, and may include a communicable stage of hepatitis B infection ~~if in a child who~~, in the opinion of the local health officer, ~~the person~~ poses an unusually high risk to others ~~children~~ (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 the local public health administrator after determining that it poses a danger to the public’s health.~~
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
3. “Susceptible” for ~~an~~ a school employee means lacking evidence of immunity to the disease.
4. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. ~~An~~ A student or employee of the district will not attend school or work, respectively, at a district school or facility while in a communicable stage of a restrictable disease, ~~including a communicable stage of COVID-19³~~, unless authorized to do so under Oregon law. When an administrator has reason to suspect that ~~an~~ a student or employee has a restrictable disease, the administrator shall send ~~the employee them~~ home.
2. An administrator shall exclude ~~an~~ a susceptible student or employee if the administrator has reason to suspect ~~that an employee has~~ they have been exposed to 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

¹ OAR 333-019-0010 lists restrictable diseases.

² ~~Added per OAR 333-019-1000(2).~~

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

make a determination as allowed by law. If the disease is reportable, the administrator ~~will or designee~~ may 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.~~

4.3. ~~An~~ A student or employee will be excluded in such instances until such time as the student or employee, respectively, 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 student or employee does not have or is not a carrier of any restrictable disease. An exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.

~~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.~~

6.4. More stringent exclusion standards for students or employees from school or work may be adopted by the local health department.

~~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 which~~ 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 who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, 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.

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

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 to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

OSBA Model Sample Policy

Code: GBEBA
Adopted:

D

Staff - HIV, AIDS, and HBV

(Recommend delete: the requirement for this policy was found in OAR 581-022-2220 which has since been revised in lieu of a new requirement for a Communicable Disease Plan.)

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 342.850\(8\)](#)
[ORS 433.008](#)
[ORS 433.045](#)

[ORS 433.260](#)
[OAR 333-017-0000](#)
[OAR 333-018-0000](#)

[OAR 333-018-0005](#)
[OAR 581-022-2220](#)

E

T

E

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

OSBA Model Sample Policy

Reg

Code: GBN/JBA
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al., OAR 581-021-0038 and federal Title IX laws.}

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* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures^{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

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 the district chooses to change these terms, new terms must be 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 GBNA/JHFF).}

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.

c. Creates an intimidating, offensive, or hostile environment.

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~~ consent⁴.^{5}

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

Examples of sexual harassment may include, but not be limited to, [⁶] 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
<u>Dr. Derek Fialkiewicz</u>	<u>Superintendent</u>	<u>503-261-4200</u>	<u>dfialkiewicz@corbett</u>

[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.~~]^{7} See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

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

⁴ "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

⁵ {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). If the district would like to include the full statutory definition, it can do so.}

⁶ {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.}

⁷ {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

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

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

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

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; *yes*
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. ^{8}]

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; *yes*
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and

⁸ {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.}

6. Increased notifications regarding district procedures and resources.]

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

1. [Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.]

No Retaliation

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

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

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

Notice

When a person⁹ 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.

⁹ 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.

The written notification must include¹⁰:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the ~~[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

¹⁰ Remember confidentiality laws when providing any information.

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 activity¹¹;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

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

Reporting

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

¹¹ "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))

Superintendent

503-261-4200

[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. {¹²}

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.¹³ The district shall treat complainants and respondents equitably by providing supportive measures¹⁴ to the complainant and by following a grievance procedure¹⁵ 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.¹⁶

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.¹⁷ 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);

¹² {Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

¹³ (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.

¹⁴ (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.¹⁴ 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))

¹⁵ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

¹⁶ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁷ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

[Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary¹⁸, or both.] *yes*

No Retaliation

Neither the district or any person may retaliate¹⁹ 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 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	OAR 581-021-0038
ORS 342.700	ORS 659.850	OAR 584-020-0040
ORS 342.704	ORS 659A.006	OAR 584-020-0041
ORS 342.708	ORS 659A.029	

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

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

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

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

¹⁸ Of the United States Department of Education.

¹⁹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

OSBA Model Sample Policy

Add
Req

Code: GBNAB/JHFE
Adopted:

Suspected Abuse of a Child Reporting Requirements**

{Required policy. ORS 339.372 requires school boards to adopt policy on reporting of suspected child abuse.}

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall ~~orally report or cause an oral report~~ immediately ~~by telephone or otherwise to the local office of~~ make a report to the Oregon Department of Human Services (DHS) ~~or its designee~~ through the centralized child abuse reporting system^[2] or to ~~the a~~ law enforcement agency within the county where the person making the report is located at the time of the contact ~~pursuant to Oregon Revised Statute (ORS) 419B.010~~. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~described above to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010~~.

~~If known,~~ The report shall ~~must~~ contain, ~~if known,~~ the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

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

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

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

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

³ “Person” could include adult, student or other child.

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

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

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

The district will designate a {⁷} licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the [~~insert {⁸} licensed administrator position title~~] ^{Student Services Director} who shall also report to the Board chair.

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

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

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

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

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

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

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

⁷ {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

⁸ {A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

[OAR 581-022-2205](#)

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

~~Senate Bill 51 (2021).~~

R10/05/214/04/24 | LF

Suspected Abuse of a Child Reporting Requirements** – GBNA/JHFE

OSBA Model Sample Policy

Reg

Code: GBNAB/JHFE-AR(1)

Revised/Reviewed:

Reporting of Suspected Abuse of a Child

{Required administrative regulation. ORS 339.372 requires school boards to have procedures for reporting on, and responding to reports of, suspected abuse of a child.}

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall ~~orally make a report or cause an oral report~~ immediately ~~by telephone or otherwise to the local office of the~~ to the Oregon Department of Human Services (DHS) ~~or its designee through the centralized child abuse reporting system^[2]~~ or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.~~

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

~~If known,~~ The report shall ~~must~~ contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the ~~[insert {4}]~~ ^{Student Services Director} licensed administrator position title] who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the

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

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

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

⁴ {A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of district administrator who received a copy of the written report.

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

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave⁵ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor^{6}, agent or 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 the report of suspected abuse, the district shall *yes* 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 *yes* suspected abuse has been investigated⁷ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.]

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

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

⁵ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁶ {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.}

⁷ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS ~~or its designee~~ or law enforcement pursuant to law.

district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Definitions

1. Oregon law ~~recognizes these and other types of abuse~~ defines “abuse” in ORS 419B.005(1):.

- ~~Physical;~~
- ~~Neglect;~~
- ~~Mental injury;~~
- ~~Threat of harm;~~
- ~~Sexual abuse and sexual exploitation.~~

7.2. “Child” means an unmarried person who is under 18 years of age or is ~~under 21 years of age and residing in or receiving care or services at a child-caring agency~~ a child in care, as defined in ORS 418.257.

8.3. [A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.] *yes*

Confidentiality of Records

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

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

Failure to Comply

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

Cooperation with Investigator

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

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

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

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

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

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

OSBA Model Sample Policy

Code: GCDA/GDDA
Adopted:

D

Criminal Records Checks and Fingerprinting *

(Delete and see new version of this required model policy.)

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

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

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

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

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.

³ [If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct criminal records checks on these volunteers.]

[The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions⁴:

1. [Head coach;]
2. [Assistant coach;]
3. [Overnight chaperone;]
4. [Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity] [;] [.]
5. [List of other positions subject to this fingerprinting, if any.]]

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

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

The district [shall] [shall not] begin the employment of a subject individual or terms of a district contractor [on a probationary basis pending] [before] the return and disposition of the required criminal records checks.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated. When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual [may] [will not] be employed or contracted with by the district, or if employed by the district [may] [will] 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] [will not] 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] [will not] begin [on a probationary basis pending] [before] the return and disposition of a criminal records check.]

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

[A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another

⁴ [If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the positions in the district that require such fingerprinting.]

jurisdiction or in Oregon under a different statutory name or number [may] [will] result in immediate termination from the ability to volunteer in the district.]

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 under ORS 183.413 – 183.470.

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

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).

E

T

E

OSBA Model Sample Policy

Reg

Code: GCDA/GDDA
Adopted:

Criminal Records Checks and Fingerprinting *

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

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

~~Requirements for Employees ⁽¹⁾ not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)~~

All newly hired employees² not identified under Oregon Revised Statutes (ORS) 342.223³ are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district⁴ or private school, and has not resided outside the state between the two periods of employment⁵.

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

The district ~~shall not~~ ^{may⁶} begin the employment of an individual ~~before~~ ^{on a probationary basis pending} the return and disposition of the required criminal records checks.

When the criminal records check indicates an individual has been convicted of any crimes⁷ prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any

¹ {If the district wants to include the larger section on TSPC-licensed employees (see p. 2), keep this bracketed language. If the district does not want to include the larger section on TSPC-licensed individuals, omit this bracketed language.}

² Any individual hired within the last three months. This does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

³ ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

⁴ As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

⁵ {Additional exception applies through July 1, 2024. See ORS 326.603(4)(b).}

⁶ Decisions regarding which employees may begin before the return of the required criminal records checks must be made in a nondiscriminatory manner.

⁷ See OAR 581-021-0511(8).

?
crime, the individual [may] [will not] be employed by the district, or if employed by the district [may] [will] be terminated. An 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 ~~[will not]~~ be employed by the district. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

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

~~OR~~

~~[Requirements for TSPC Licensed, Certified or Registered Individuals]~~

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

Requirements for Contractors^{8}

All individuals employed as or by a contractor and considered by the district to have direct, unsupervised contact with students⁹ or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

⁸ {The district should include language regarding background checks in any contract that includes direct, unsupervised contact with students whenever applicable.}

⁹ "Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

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

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

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification¹⁰ from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

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

Requirements for Volunteers

{¹¹} The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Head coach;
2. Assistant coach;
3. Overnight chaperone;
4. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity;
5. List of other positions subject to this fingerprinting, if any.

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

{¹²} Volunteers allowed by the district into a position designated by the district to have direct, unsupervised contact with students shall submit to an in-state criminal records check.

¹⁰ 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.

¹¹ {If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the positions in the district which require such fingerprinting.}

¹² {If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct criminal records checks on these volunteers.}

[The service of a volunteer allowed to have direct, unsupervised contact with students ^{yes} ~~(may)~~ ~~(will not)~~, begin on a probationary basis pending ~~[before]~~ the return and disposition of a criminal records check.]

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

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

~~[Fees associated with a required fingerprinting for volunteers shall be paid by the ~~[individual]~~ ~~[district].~~ Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the ~~[individual]~~ ~~[district].~~]~~

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

Requirements for Others

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

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

Notification

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

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

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers ~~[or the ability to volunteer]~~ are contingent upon the results of such checks; ^{yes}
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment [.] [or] contract status [or the ability to volunteer in the district];
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the district may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;

5. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts[,] (or) ODE forms [(written or electronic)] [may] (will) result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status[;] [.]
7. [A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number [may] (will) result in immediate termination from the ability to volunteer in the district.] [The district [may] (will) remove the volunteer from the position allowing direct, unsupervised contact with students.]

Processing and Reporting Procedures

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

Fingerprints may be collected by one of the following:

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 332.107](#)

[ORS 336.631](#)
[ORS 342.143](#)
[ORS 342.223](#)
[OAR 414-061-0010 – 061-0030](#)
[OAR 581-021-0510 – 021-0512](#)

[OAR 581-022-2430](#)
[OAR 584-050-0012](#)
[OAR 584-050-0100](#)

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

OSBA Model Sample Policy

Code: GCDA/GDDA-AR
Revised/Reviewed:

Criminal Records Checks and Fingerprinting *(Delete in lieu of the new version of required model policy GCDA/GDDA.)*

Requirements

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

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

5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a 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 a criminal records check and fingerprinting.
7. {³} A volunteer allowed by the district into a position that has direct, unsupervised contact with students shall undergo an 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 and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

³ {If the district allows volunteers to have direct, unsupervised contact with students, districts are required to conduct criminal records checks on these volunteers. Choose the bracketed language options in 7, 8 and/or 9 of this policy that aligns with district practice. If the district allows volunteers to have direct, unsupervised contact with students the presented language is required. Align policy IICC – Volunteers with chosen language here.}

8. [A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy⁴ by the district as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.]
9. [A volunteer that is not likely to have direct, unsupervised contact with students [will] [will not] be required to undergo an in-state criminal records check.]

Exceptions

A newly hired employee⁵ is not subject to fingerprinting if:

1. The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or
2. {⁶} The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the TSPC.

Notification

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

⁴ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

⁵ Any individual hired within the last three months.

⁶ {This revision to TSPC rules sunsets July 1, 2024.}

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

Processing and Reporting Procedures

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

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁷, shall be paid by the [individual] [district].
2. [An individual offered a contract or employment by the district may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.]
3. Fees associated with required criminal records checks for volunteers shall be paid by the [individual] [district].
4. [Fees associated with a required fingerprinting for volunteers shall be paid by the [individual] [district].]

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

1. 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 district upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or

⁷ A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

- b. Notification⁸ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. A subject individual [may] [will] be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. [A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.]
5. [If the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual [will] [may] be denied the ability to volunteer.]
6. [A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form [will] [may] be denied the ability to volunteer in the district.]

Appeals

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

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

⁸ 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.

OSBA Model Sample Policy

Reg

Code: IGBAF-AR
Revised/Reviewed:

Special Education - Individualized Education Program (IEP)**/*

{Required administrative regulation (AR). This AR is designated as required because the district is required to do everything in this AR; having this AR may help demonstrate compliance during the ODE audit process.}

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). This includes all district employees assigned to work with a student with specialized needs to assist with the educational, behavioral, medical, health or disability-related support needs of the student.
- 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.
- b. 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.

d. Participation by other employees:

All district employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support needs of the student must be consulted with when the IEP for the student is being developed, reviewed or revised. This includes being invited to, and compensated for attending, meetings regarding the student's IEP and other meetings regarding the student, when the decisions made and issues discussed are related to the responsibilities of the employee to support the student or when the employee has unique information about the student's needs and present level of performance.

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. Individualized COVID-19 Recovery Services[†]~~

~~Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:~~

- ~~a. Special education and related services;~~
- ~~a. Supplementary aides and services;~~
- ~~b. Additional or intensified instruction;~~
- ~~e. Social emotional learning support; and~~
- ~~d. Peer or adult support.~~

~~The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.~~

- ~~a. IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.~~
- ~~b. For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.~~
- ~~e. For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.~~

~~Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.~~

- ~~a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.~~
- ~~b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.~~

[†]The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

~~When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.~~

~~The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.~~

~~After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:~~

- ~~a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;~~
- ~~b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services~~
- ~~c. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.~~

~~If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.~~

~~Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.~~

~~Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.~~

7.6. 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.

8.7. 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 their 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;
 - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) 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 first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), 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.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon

Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) 411-345-0020.

Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).

- (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.
- e. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

9.8. 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.

10.9. 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.

11.10. 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 FAPE. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.**

12.11. 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 FAPE 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 FAPE 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 the OARs.
- (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.

13.12. Abbreviated School Day

“Abbreviated school day” means any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student’s resident school district.

“Abbreviated school day program” means an education program:

- a. In which a school district restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district; and
- b. That results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

Abbreviated school day programs are only allowed when all requirements in state law are met.²

Informed and written consent from the parent or foster parent is necessary prior to implementing an abbreviated school day program. A parent or a foster parent may, at any time, revoke consent for the placement of a student on an abbreviated school day program. Revoking consent or objecting to an abbreviated school day program shall be in writing.

Abbreviated school day programs limitations do not apply to students who are exempt per ORS 343.331.

² See ORS 343.324.

Reg

OSBA Model Sample Policy

Code: IGBAG

Adopted:

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.

Procedural Safeguards Notice

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

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.

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.

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.

Access to Records

A parent is entitled at any reasonable time to examine all of the records of the district pertaining to the identification, evaluation and educational placement of their child and the provision of FAPE to their child. Records must be provided without undue delay, which may not exceed 10 business days, as defined

in ORS 192.311, from the date of the request for the records. Records may be redacted only to the extent necessary to protect personally identifiable information of other children unless disclosure is authorized by law or court order.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.165](#)

[ORS 343.173](#)

[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 - 300.505, 300.515, 300.517.

OSBA Model Sample Policy

Reg

Code: JBA/GBN
Adopted:

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al., OAR 581-021-0038 and federal Title IX laws.}

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

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 the district chooses to change these terms, new terms must be 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.

c. Creates an intimidating, offensive, or hostile environment.

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~~ consent⁴.^{5}

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

Examples of sexual harassment may include, but not be limited to, [⁶] 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
<u>Dr. Derek Fialkiewicz</u>	<u>Superintendent</u>	<u>503-261-4200</u>	<u>dfialkiewicz@cabott</u>
_____	_____	_____	_____

[This] [These] individual[s] ^{yes} [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. {7}]~~ See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall ^{yes} [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;

⁴ "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

⁵ {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). If the district would like to include the full statutory definition, it can do so.}

⁶ {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.}

⁷ {This must be communicated elsewhere, but it is a good reason to specify it here as well.}

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

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

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

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. {⁸}]

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.]

⁸ {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.}

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

1. [Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school; yes
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 person⁹ 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.

⁹ 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.

The written notification must include¹⁰:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the ~~[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

yes

¹⁰ Remember confidentiality laws when providing any information.

yes

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 activity¹¹;
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.

¹¹ "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))

Superintendent

503-261-4200

[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 policy. The district prominently will display the contact information for the Title IX coordinator on the district website and in each handbook. {¹²}

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.¹³ The district shall treat complainants and respondents equitably by providing supportive measures¹⁴ to the complainant and by following a grievance procedure¹⁵ 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.¹⁶

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.¹⁷ 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);

¹² {Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

¹³ (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.

¹⁴ (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.¹⁴ 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))

¹⁵ 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).

¹⁶ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁷ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

[Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary¹⁸, or both.] *yes*

No Retaliation

Neither the district or any person may retaliate¹⁹ 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 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	
ORS 342.700	ORS 659.850	OAR 581-021-0038
ORS 342.704	ORS 659A.006	OAR 584-020-0040
ORS 342.708	ORS 659A.029	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).

¹⁸ Of the United States Department of Education.

¹⁹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

OSBA Model Sample Policy

Code: JBAA
Adopted:

Section 504 – Students** (Version 2)

In compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008 (ADA), the district shall ensure that no otherwise qualified individual with disabilities shall, solely by reason of a disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the district or those provided by the district through contractual or other arrangements. Programs and activities shall be accessible and usable by individuals with disabilities as prescribed by law.

The superintendent will ensure all students are identified annually who qualify for Section 504. Students will be evaluated by a team of individuals knowledgeable about the student, the meaning of the evaluation data and placement options. Services will be provided as required by law.

The superintendent will develop administrative regulations as needed for the implementation of this policy and to meet the requirements of state and federal law. Regulations will include provisions to ensure notice of the district’s responsibilities are provided as required and that procedures are established for students, parents and staff with complaints concerning district compliance with the provisions of law.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[ORS 343.068](#)
[ORS 659.850](#)
[ORS 659.865](#)

[ORS 659A.103](#)
[ORS 659A.109](#)

[OAR 581-015-2030](#)
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-021-0049](#)
[OAR 581-022-2310](#)

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).
Nondiscrimination on the Basis of Handicap in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 104 (2017).

Rehabilitation Act of 1973, 29 U.S.C. § § 791, 793-794 (2012).

Americans with Disabilities Act Amendments Act of 2008.

OSBA Model Sample Policy

HR

Code: JBAA-AR
Revised/Reviewed:

Section 504 – Students**/*

In order to meet the requirements of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), the following procedures have been established:

Definitions

1. A student is considered a “qualified individual with disabilities” under Section 504 if the student:
 - a. Has a physical or mental impairment which substantially limits one or more major life activities, even when mitigating measures, such as medication, prosthetics, hearing aids, etc., ameliorate the effects of the disability (e.g., any student receiving services under the Individuals with Disabilities Education Act (IDEA), students with diabetes). The term does not cover students disadvantaged by cultural, environmental or economic factors;
 - b. Has a record or history of such an impairment (e.g., a student with learning disabilities who has been decertified as eligible to receive special education under IDEA, a student who had cancer, a student in recovery from chemical dependencies);
 - c. Is regarded as having such an impairment. A person can be found eligible under this provision if the student:
 - (1) Has a physical or mental impairment that does not substantially limit a major life activity but is treated by the district as having such a limitation;
 - (2) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment (e.g., a student who is obese); or
 - (3) Has no physical or mental impairment but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV¹ virus but has no physical effects from it).
 - d. Has a qualifying disability that is episodic or in remission.
2. “Physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities;
3. “Major life activities,” as defined by the ADA, means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major

¹ HIV - Human Immunodeficiency Virus

bodily functions including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions;

4. “Program or activity” includes all district programs and activities. The district will also ensure that contracts with those who provide services to the district, such as alternative programs, also provide students with disabilities an equal opportunity to participate in the program or activity;
5. “Potentially disabling conditions” under Section 504, if they substantially limit a major life activity, may include, but are not limited to:
 - a. Attention deficit disorder (ADD);
 - b. Behavior disorders;
 - c. Chronic asthma and severe allergies;
 - d. Physical disabilities such as spina bifida, hemophilia and conditions requiring students to use crutches;
 - e. Diabetes.

District Responsibilities

The superintendent or designee will:

1. Provide written assurance of nondiscrimination whenever the district receives federal money in accordance with application guidelines;
2. Designate an employee to coordinate the district’s compliance efforts with Section 504;
3. Provide procedures to resolve student, parent and employee complaints of discrimination;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district’s policy of compliance with Section 504 prohibiting nondiscrimination in admission or access to or treatment or employment in district programs or activities. District aids, benefits and services will afford students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities, in the most integrated setting appropriate to the student’s needs. Notice will specify the employee designated by the district to coordinate the district’s Section 504 compliance efforts;
5. Annually identify and locate students with disabilities who are Section 504 qualified in the district and who qualify for services;
6. Annually notify students with disabilities and their parents or guardians of the district’s responsibilities under Section 504;
7. Provide parents or guardians with procedural safeguards:
 - a. Notice of their rights under Section 504, including the right to request an impartial hearing as provided by Oregon Administrative Rule (OAR) 581-015-2390;
 - b. An opportunity to review relevant records.

8. Provide all employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support access to the 504 Plan.

Transportation

1. If the district proposes to terminate transportation services for a student who qualifies for services under Section 504, the district will first determine the relationship between the student's behavior and disability and provide the parent with notice of rights.
2. If the district places a student in a program not operated by the district, the district will ensure that adequate transportation to and from the program is provided at no additional cost to the parent or student than would be incurred if the student were placed in programs operated by the district.

Evaluation

1. The district will conduct an evaluation of any student who, because of a disability, needs or is believed to need accommodations or related services. Such evaluation will be completed by an evaluation team comprised of a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options. The team will be appointed by the superintendent or designee. Such evaluation will be completed before any action is taken with respect to the initial placement of the student in a regular or special education program and any subsequent, significant change in placement.

All employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support needs of the student must be consulted with when the 504 Plan for the student is being developed, reviewed or revised. This includes being invited to, and compensated for attending, meetings regarding the students 504 Plan and other meetings regarding the student, when the decisions made and issues discussed are related to the responsibilities of the employee to support the student or when the employee has unique information about the student's needs and present level of performance.

2. Tests and other evaluation materials will:
 - a. Be validated and administered by trained personnel;
 - b. Tailored to assess educational need and not merely based on IQ scores;
 - c. Reflect aptitude or achievement. All tests must measure what they purport to measure.

Placement

In interpreting evaluation data and making placement decisions, the evaluation team will:

1. Draw upon information from a variety of sources;
2. Ensure that all relevant information is documented and considered;
3. Ensure that the student is educated with students without disabilities to the maximum extent possible.

Reevaluations

1. The evaluation team will periodically reevaluate all students identified as qualified to receive services under Section 504. Minimally, students will be reevaluated every three years.
2. A reevaluation will be conducted by the evaluation team whenever a significant change in placement occurs. Examples of significant changes in placement include, but are not limited to:
 - a. Expulsion;
 - b. Serial suspensions which exceed 10 school days in a school year. Consideration will be given to the frequency of suspensions, the length of each and their proximity to one another;
 - c. Transferring or placing the student in alternative education or other such programs;
 - d. Graduation;
 - e. Significantly changing the composition of the student's class schedule (e.g., moving the student from regular education to the resource room, etc.).

Discipline

1. Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with disabilities under Section 504, the evaluation team will conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate:
 - a. If it is determined that the misconduct of the student is caused by the student's disability, the evaluation team will continue the evaluation, following the requirements of Section 504 and the ADA for evaluation and placement, to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of IDEA may be used to meet the procedural safeguards of law;
 - b. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.
2. When the placement of a student with disabilities under Section 504 is changed for disciplinary reasons, the student and parents are entitled to the procedural protections as specified above. These protections include appropriate notice to parents, an opportunity for their examination of pertinent records, an impartial hearing with the participation of the parents and an opportunity for representation by counsel and a review procedure.
3. The district may take disciplinary action against a student with disabilities under Section 504 who is engaged currently in the use of alcohol or illegal drugs to the same extent that it takes disciplinary action against students not having disabilities. As provided by law, due process procedures specified above will not apply to disciplinary actions arising from the use or possession of alcohol or illegal drugs. Regularly established district due process procedures will, however, be provided.
4. Students with disabilities under Section 504 who are also covered by IDEA will be disciplined in accordance with Board policy JGDA - Discipline of Students with Disabilities and the accompanying administrative regulation.

Complaints

Student, parent or staff complaints of noncompliance with the provisions of Section 504 will be reported to the superintendent or designee and processed ~~as provided in Board policy AC - Nondiscrimination and~~

~~the accompanying administrative regulation]~~ [in accordance with established district complaint procedures].

OSBA Model Sample Policy

HR

Code: JEA
Adopted:

Compulsory Attendance**

{Highly Recommended. ORS 339.010 requires the attendance of children between the ages of 6 and 18 years who have not completed grade 12 in public school; ORS 339.020 compels parents or guardians of the child to maintain attendance in public school unless otherwise exempted.}

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

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

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

yes keep

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

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

Exemptions from Compulsory School Attendance

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

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

- a. [When a student is taught or is withdrawn from a public school to be taught by a parent, **legal guardian** or private teacher, the parent, **legal guardian** or **private** teacher must notify the [] Education Service District (ESD) in writing within 10 days of such occurrence. In addition,

yes

when such a ~~home-schooled~~ student moves to a new ESD, the parent, **guardian or private teacher** shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, the school districts of ~~home-schooled~~ students who **are registered with the ESD and** reside in their district;

b. Each child being taught ~~by a parent or private teacher~~ as described above shall be examined no later than August 15, following grades 3, 5, 8 and 10:

- (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew **from public school**;
- (2) If the child never attended public or private school, the first examination shall be administered prior to the end of grade 3.

c. Procedures for homeschooling students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029;

d. Examinations ~~testing each child~~ shall be from the list of approved examinations from the State Board of Education;

e. The examination must be administered by a neutral, individual qualified to administer tests on the approved list provided by the Oregon Department of Education;

f. The person administering the examination shall score the examination and report the results to the parent **or guardian**. Upon request of the ESD superintendent, the parent **or guardian** shall submit the results of the examination to the ESD;

g. All costs for the test instrument, administration and scoring are the responsibility of the parent **or guardian**;

h. In the event the ESD superintendent finds that the child is not showing satisfactory educational progress, the ESD superintendent shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.]

6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.

7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.

8. Children excluded from attendance as provided by law.

9. Children who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.

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

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

END OF POLICY

Legal Reference(s):

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

[ORS 339.990](#)
~~[ORS 807.065](#)~~
~~[ORS 807.066](#)~~

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

OSBA Model Sample Policy

Code: JEA-AR
Revised/Reviewed:

Compulsory Attendance Notices[and Citations]**

{Highly Recommended. Compulsory attendance for education and/or registering homeschool students with the local ESD are statutory requirements of persons in charge of students ages 6 through to 18. This administrative regulation supports procedures required of public education providers. The district should consult with the ESD on which superintendent will issue a citation, if at all, for violations of ORS 339.035 before adopting bracketed language.}

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

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

1. Attendance Supervisor

The attendance supervisor shall:

- a. Determine ~~that the~~ whether a parent or guardian has failed to enroll their child and to maintain the child in regular attendance at a public school. "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which school is in session;
- b. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification notification of the violation from the proper authority. If the student is a youth offender an adjudicated youth on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the student's parole or probation officer of the student's absence;
- c. Serve the notification personally or by certified mail. The notification will be written in the native home language of the parent or guardian of the student;
- d. Ensure that notification includes a statement requiring the student to appear at the public school on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- e. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP) or Section 504 plan ("504 plan"); ~~if the child does not currently have an IEP,~~ or right to request a review of their child's current IEP or 504 plan;
- f. Provide a copy of the notice and pertinent attendance records to the superintendent or designee{²} at the time notice is given to the parent or guardian;

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

² {OAR 581-021-0077, requires such notice to the superintendent, a principal or other appropriate school official.}

~~Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.~~ The attendance supervisor, within three days of knowledge of noncompliance by the parent or guardian, shall notify the superintendent.

2. [Superintendent or Designee

The superintendent or designee will:

yes

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

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

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

3. [Conference

yes

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

- a. Review Oregon's ~~compulsory~~ attendance law and the student's attendance record;
- b. Determine the reasons for the noncompliance;
- c. Develop a plan for student attendance improvement (i.e., contract, etc.);
- d. Inform the parent and student of other available resources in the district and community, if available;
- e. Discuss the potential consequences for continued ~~compulsory~~ attendance noncompliance, including the potential for the issuance of a citation ~~and the consequences for violation of the Board's student conduct and truancy policies,~~ if applicable.]

4. ~~[Citation~~

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

The superintendent or designee shall:

- ~~a. Determine that the parent or guardian has continued to fail to enroll their student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;~~
- ~~a. Contact the clerk of the court for the county and determine which court will hear the case and when;~~
- ~~a. Ensure the official representing the district will be available to present evidence of the violation at the time and date specified;~~
- ~~a. Determine whether the local court's interpretation of Oregon Revised Statute (ORS) 339.095 requires the student be named as defendant. Complete form accordingly;~~
- ~~a. Complete Uniform Compulsory Attendance Citation and Complaint form as follows:

 - ~~(0) Specify appropriate court, district, circuit, municipal or justice;~~
 - ~~(0) Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;~~
 - ~~(0) Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant;~~
 - ~~(0) Provide all pertinent offense information, including the period of time during which the absences occurred;~~
 - ~~(0) Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation;~~
 - ~~(0) Provide all pertinent student information including the grade, date of birth, length of time in the district and parent(s) name(s);~~
 - ~~(0) Provide date of superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;~~
 - ~~(0) Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;~~
 - ~~(0) Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form;~~
 - ~~(0) Personally serve (not mail) the citation;~~
 - ~~(0) Complete time and date citation was issued, name, title and signature of district official serving the citation;~~
 - ~~(0) Ensure the parent or guardian is provided the citation;~~
 - ~~(0) Ensure the designated court is appropriately notified immediately after the citation is served;~~
 - ~~(0) Ensure the district retains a copy of the citation;~~
 - ~~(0) Consult with district's attorney to assist in these procedures, as necessary.~~~~
- ~~a. Maintain student attendance records in accordance with applicable education records laws.]~~

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

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

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

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

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

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

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

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

Sincerely,

[Attendance Supervisor] [Principal]

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

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

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

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

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

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

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

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

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

Sincerely,

[Attendance Supervisor] [Principal]

[cc: [Principal] [/Superintendent]]

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

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

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

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

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

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

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

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

- ~~1. Oregon's compulsory attendance law and your child's attendance record;~~
- ~~2. The reasons for your noncompliance;~~
- ~~3.1. The development of a plan for improvement;~~
- ~~4.2. Resources available to help your child be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;~~
- ~~5.3. Any questions you may have concerning the potential consequences for continued noncompliance with Oregon's compulsory attendance law, as set forth above and as provided in Board student conduct and truancy policies~~ district programs and resources to help your child attend regularly.

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

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

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

Sincerely,

[Superintendent]/[Designee]]

OSBA Model Sample Policy

Reg

Code: JGAB
Adopted:

Use of Restraint or Seclusion**

{Required policy. The requirement for this policy comes from OAR 581-021-0556(12).}

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, or volunteer, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting a student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:

- (1) Break up a physical fight;
- (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
- (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door

for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Seclusion cell" means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.
4. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
5. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.
6. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
7. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.
 8. "Prone restraint" means a restraint in which a student is held face down on the floor.
 9. "Supine restraint" means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The district shall **only** utilize ~~the {²}~~ a training program ~~of for~~ restraint or seclusion ~~for use~~ to train staff and use in the district. ~~As required by state regulation, the selected program shall be one which has been approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and seclusion.~~

The district shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without alteration in accordance with law.

² {The district must identify the program utilized for training.}

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics³ of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office and on the district's website, and to the Board. At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

The complainant, whether an organization or an individual, may appeal a district's final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023. [This appeal process is ~~identified~~ represented in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.] *yes*

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written

³ Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

documentation of the use of restraint or seclusion by district staff. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.285](#)
[ORS 339.288](#)
[ORS 339.291](#)
[ORS 339.294](#)
[ORS 339.297](#)

[ORS 339.300](#)
[ORS 339.303](#)

[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)

[OAR 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2267](#)
[OAR 581-022-2370](#)

OSBA Model Sample Policy

Reg

Code: JGAB-AR
Revised/Reviewed:

Use of Restraint or Seclusion**

{Required administrative regulation. ORS 339.294 requires a district to establish procedures to follow during and after an incident involving the use of restraint or seclusion. This administrative regulation helps support those procedures.}

Procedure

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
 - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b. Written documentation of the incident within 24 hours that provides:
 - (1) A description of the restraint or seclusion including:
 - (a) The date of the restraint or seclusion;
 - (b) The times the restraint or seclusion began and ended; and
 - (c) The location of the incident.
 - (2) A description of the student's activity that prompted the use of restraint or seclusion;
 - (3) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted;
 - (4) The names of staff of the district who administered the restraint or seclusion;
 - (5) A description of the training status of the staff of the district who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - c. Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
 - d. Immediate¹, written notification of the existence of any records^{2} related to an incident of restraint or seclusion (including photos or audio or video recording).
3. If the restraint or seclusion was administered by a person without training, the administrator will ensure written notice is issued to the parent or guardian of the student ~~that~~ which includes notice of the lack of training; and the reason ~~why a person without training administered the~~ restraint or

¹ "Immediate" means to act as soon as possible without undue delay, but in no case later than within 24 hours of the incident. (OAR 581-021-0556 (2)(e))

² {Such records shall be maintained in accordance with ORS 339.294(9).}

seclusion was administered by a person without training. The administrator will ensure written notice of the same to the superintendent.

4. An administrator will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the district must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, staff of the district will immediately attempt to verbally or electronically notify a parent or guardian.
6. A district Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:
 - a. Name of the student;
 - b. Name of staff member(s) administering the restraint or seclusion;
 - c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
 - d. Location of the restraint or seclusion;
 - e. A description of the restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
 - i. Information documenting parent or guardian contact and notification.
7. A documented debriefing meeting must be held within two school days after the use of restraint or seclusion. The parent or guardian of the student must be invited to attend the meeting³, and the meeting will include staff members involved in the intervention **must be included in the meeting** and any other appropriate personnel. The debriefing team shall include an administrator. At the debriefing meeting, the district shall review, in its entirety, any audio or video recording⁴ preserved as a record of the incident involving restraint or seclusion in accordance with law. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

³ "Meeting" means the debriefing meeting at which the audio or video recording will be viewed. (OAR 581-021-0556(9))

⁴ [To the extent practicable without altering the meaning of the record, the district shall segregate or redact from such a record any personally identifiable information of other students before disclosure to the student's parent or guardian. If the district is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the district shall disclose the record to the student's parent or guardian in its original format and without any alteration. "Disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student's parent or guardian upon request in its original and unaltered format except to the extent that the redaction is needed to protect the personally identifiable information of another student. (ORS 339.294; OAR 581-021-0556(10))]

The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting scheduled to be held within two school days of the incident.

8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion:
 - a. Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Oregon Department of Human Services (DHS); and
 - b. ~~w~~Written notification of the incident must be provided to ~~the Department of Human Services~~DHS within 24 hours of the incident.
9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the superintendent, to the Superintendent of Public Instruction ~~within 24 hours of the incident, or~~ and, if applicable, to the union representative for the affected person, ~~if applicable~~.
10. The district ~~will~~ shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.
11. [The district, upon request from DHS regarding an investigation of an incident of restraint or seclusion as suspected child abuse, shall disclose any records preserved to DHS or its designee which are deemed relevant to the subject investigation, in its original format and without any alteration.]

Yes

Restraint and/or seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or Section 504 plan.

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, including a behavioral specialist and a district representative who is familiar with the restraint and seclusion training practices adopted by the district.
3. Prior to the implementation of any behavioral support plan that includes restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. ~~[When a behavior support plan includes restraint or seclusion the parents [will] [may] be provided a copy of the district Use of Restraint or Seclusion policy at the time the plan is developed.]~~
5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

Use of restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming themselves, other students or school staff.

Use of restraint and/or seclusion under these circumstances with a student who does not have restraint and/or seclusion as a part of their IEP or Section 504 plan, is subject to all of the requirements established by Board policy and this administrative regulation with the exception of those specific to plans developed in an IEP or 504 plan.

OSBA Model Sample Policy

Code: JHC
Adopted:

Student Health Services and Requirements** *(Delete in lieu of new board policy using code EBBA - Student Health Services**)* ← ?

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

[The district shall staff nursing services appropriate for students with medical needs and prevention-oriented health services per applicable requirements of Oregon Revised Statutes (ORS) 336.201 and Oregon Administrative Rule (OAR) 581-022-2220.]

The district shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The district may use the most cost effective means available to meet the above requirements.

[The nurse(s) employed by the district shall be licensed to practice as a registered nurse or nurse practitioner in Oregon and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.]

[Any nurse(s) providing services on behalf of the district shall follow all applicable requirements of ORS Chapter 678 and OAR Chapter 851. This includes, but is not limited to, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of the patient prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.¹]

The district shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems;
3. Health counseling for students and parents, when appropriate;

¹ For additional delegation requirements, see OAR [851-047-0030](#).

4. Health care and first-aid assistance that are appropriately supervised and isolate the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
7. Services for students who are medically fragile or have special health care needs;
8. Integration of school health services with school health education programs.

The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the district recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination² or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The district will abide by those requests.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 336.201](#)

[ORS 336.211](#)
[OAR 581-022-2050](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).

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

² The term “invasive physical examination,” as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

OSBA Model Sample Policy

HR

Code: JHCA/JHCB
Adopted:

Immunization, ~~Physical Examination, Vision Screening/Eye Examination and Dental Screening~~ and School Sports Participation** {Highly recommended policy.}

Immunization

Proof of immunization must be presented at the time of initial enrollment¹ in school or within 30 days of transfer to the district in accordance with Oregon law. Proof consists of a signed Certificate of Immunization Status form documenting either evidence of immunization, a religious, philosophical beliefs and/or medical exemption or immunity documentation.²

~~Physical Examination~~ School Sports Participation

A student participating in extracurricular sports in grades 7 through 12 is required to submit to an appropriate School Sports Pre-Participation Examination³ prior to their initial participation in a related district program. The form⁴ is to be completed and signed by a parent or guardian giving permission for the student to participate and signed by a medical provider authorized by law⁵ who has examined and evaluated the student. The completed form(s) must be returned ~~[as directed] [to the school office].~~ ~~The Board recommends that all students initially enrolling in school have a physical examination. Parents will be asked to complete a district [Health History form] when initially enrolling their student in the district and when registering them for grade 7.~~

~~All students participating in athletic programs are required to submit to the district a School Sports Pre-participation Examination form prior to their initial participation in a district athletic program. The form is to be completed and signed by a parent or guardian and physician giving permission for the student to participate.~~

A student who is subsequently diagnosed with a significant illness or has had a major surgery is required to have a physical examination prior to further participation ~~in extracurricular sports.~~

¹ The district shall immediately enroll a ~~homeless~~ student experiencing houselessness in the school selected even if the student is unable to produce records normally required for enrollment.

² Documentation requirements for exemptions are outlined in ORS 433.267.

³ The required form is available at <https://www.osaa.org/governance/forms>, a copy may be obtained from a school office, or a form generated by the medical provider may be used if it meets requirements of law in OAR 581-021-0041.

⁴ The form may be used in either a hard copy or electronic format.

⁵ This physical examination must be conducted by a physician possessing an unrestricted license to practice medicine, a licensed naturopathic physician, a licensed physician assistant, a licensed nurse practitioner or a licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects.

A student who exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body, or who has been diagnosed with a concussion will not be allowed to participate in any athletic event or training on that day, unless an athletic trainer licensed by the Board of Athletic Trainers or a physician licensed pursuant to ORS 677.100 - 677.228 has determined the student has not suffered a concussion.⁶ Except as allowed above, a student excluded for concussion reasons will not be allowed to return to participate in an athletic event or training until the following three conditions have been met:

1. It is not the same day as the student exhibited signs, symptoms or behaviors, experienced a blow to the head or body, or was diagnosed with a concussion;
2. The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and
3. The student has received a medical release form from a health care professional⁷.

A student who continues to participate in extracurricular sports in grades 7 through 12 shall be required to complete a **physical sports** examination once every two years, thereafter.

Vision Screening or Eye Examination

~~The parent or guardian of a student who is 7 years of age or younger and is beginning an education program with the district for the first time shall, within 120 days of beginning the education program, submit a certification that the student has received:~~

- ~~1. — A vision screening or eye examination; and~~
- ~~2. — Any further examination, treatments or assistance necessary.~~

~~The certification is not required if the parent or guardian provides a statement to the district that:~~

- ~~1. — The student submitted a certification to a prior education provider; or~~
- ~~2. — The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.~~

Dental Screening

~~The district shall file in the students dental health record any dental screening certifications and any results of a dental screening known by the district. The district will provide to the parent or guardian of each student, standardized information developed by the Oregon Health Authoritys dental director regarding dental screenings, further examinations or necessary treatments and preventative care including fluoride varnish, sealants and daily brushing and flossing.~~

⁶ For more information regarding medical releases for students in grades 9-12, see OSAA rules.

⁷ “Health care professional” includes a chiropractic physician, a naturopathic physician, a psychologist, a physical therapist, an occupational therapist, a physician assistant or a nurse practitioner who is licensed or registered under the laws of Oregon.

The parent or guardian of a student who is 7 years of age or younger, and is beginning an education program with the district for the first time, shall submit a certification within 120 days of beginning the education program that the student has received a dental screening within the previous 12 months.

The certification is not required if the parent or guardian provides a statement to the district that:

1. The student submitted a certification to a prior education provider;
2. The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or
3. The dental screening is a burden for the student or the parent or guardian of the student in the following ways:
 - a. The cost of obtaining the dental screening is too high;
 - b. The student does not have access to an approved screener;
 - c. The student was unable to obtain an appointment with an approved screener.

The certification may be provided by a licensed dentist, a dental hygienist or a health care practitioner as defined by state law. The certification must include the:

1. Student's name;
2. Date of screening; and
3. Name of entity conducting the dental screening.

The district shall submit to the Oregon Department of Education a report that identifies the percentage of students who failed to submit the certification for the previous year, no later than October 1 of each year.

If the district is causing the dental screening to be conducted, the district will follow the notice requirements in accordance with law.

END OF POLICY

Legal Reference(s):

ORS 326.580	ORS 336.485 - ORS 336.490	OAR 581-021-0031
ORS 336.211	ORS 433.235 - 433.280	OAR 581-021-0041
ORS 336.213	OAR 333-019-0010	OAR 581-022-2220
ORS 336.214	OAR 333-050-0010 - 050-0120	
ORS 336.479	OAR 581-021-0017	

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 (2018).
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 (2020/2024).
~~OREGON SCHOOL ACTIVITIES ASSOCIATION, *OSAA HANDBOOK*.~~

OSBA Model Sample Policy

Code: JHCCA
Adopted: D

Students - HIV, HBV and AIDS**

(Recommend delete: the requirement for this policy was found in OAR 581-022-2220, which has since been revised in lieu of a new requirement for a Communicable Disease Plan.)

The district will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV or diagnosed with AIDS¹.

The district recognizes a parent (student) has no obligation to inform the district of an HIV, HBV or AIDS condition, and that the student has a right to attend school. If the district is informed of such a student, written guidelines shall be requested of the parent (student). These guidelines shall include 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.

When informed of the infection, and with written permission from the parent (student), the district will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the student's condition. The district will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

Notification of alternative education programs shall be made to the parent or eligible student, if an HIV, HBV or AIDS student withdraws from school.

[The district may also develop procedures for rumor control, infection control, student accommodations and public relations/media.]

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 336.615 to -336.665](#)

[ORS 339.030](#)
[ORS 339.250](#)
[ORS 433.008](#)
[ORS 433.045](#)
[OAR 333-018-0000](#)

[OAR 333-018-0005](#)
[OAR 581-022-2060](#)
[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).

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

OSBA Model Sample Policy

Req

Code: JHFE/GBNAB
Adopted:

Suspected Abuse of a Child Reporting Requirements**

{Required policy. ORS 339.372 requires school boards to adopt policy on reporting of suspected child abuse.}

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall ~~orally report or cause an oral report immediately by telephone or otherwise to the local office of~~ make a report to the Oregon Department of Human Services (DHS) ~~or its designee~~ through the centralized child abuse reporting system^[2] or to ~~the~~ a law enforcement agency within the county where the person making the report is located at the time of the contact ~~pursuant to Oregon Revised Statute (ORS) 419B.010~~. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~described above to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010~~.

~~If known,~~ The report shall ~~must~~ contain, ~~if known~~, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

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

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

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

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

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

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

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

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

The district will designate a {⁷} licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the ~~[insert {⁸} licensed administrator position title]~~ ^{Student Services Director} who shall also report to the Board chair.

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

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

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

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

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

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

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

⁷ {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

⁸ {A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

[OAR 581-022-2205](#)

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

~~Senate Bill 51 (2021).~~

OSBA Model Sample Policy

Reg

Code: JHFE/GBNAB-AR(1)
Revised/Reviewed:

Reporting of Suspected Abuse of a Child

{Required administrative regulation. ORS 339.372 requires school boards to have procedures for reporting on, and responding to reports of, suspected abuse of a child.}

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall ~~orally make a report or cause an oral report~~ immediately ~~by telephone or otherwise to the local office of the~~ to the Oregon Department of Human Services (DHS) ~~or its designee through the centralized child abuse reporting system^[2]~~ or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.~~

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

~~If known,~~ The report shall ~~must~~ contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the ~~[insert {+} licensed administrator position title]~~ ^{Student Services Director} who shall refer the report to the Board chair.

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

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

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

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

⁴ {A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

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

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

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave⁵ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor^{6}, agent or 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 the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services.] [The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁷ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.] yes

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

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. [The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.] ~~[The employee may appeal the employment action taken through an appeal process administered by a neutral third party.]~~ yes

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

⁵ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁶ {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.}

⁷ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS ~~or its designee~~ or law enforcement pursuant to law.

district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Definitions

1. Oregon law ~~recognizes these and other types of abuse~~ defines “abuse” in ORS 419B.005(1):

- ~~Physical;~~
- ~~Neglect;~~
- ~~Mental injury;~~
- ~~Threat of harm;~~
- ~~Sexual abuse and sexual exploitation.~~

7.2. “Child” means an unmarried person who is under 18 years of age or is ~~under 21 years of age and residing in or receiving care or services at a child caring agency~~ a child in care, as defined in ORS 418.257.

8.3. [A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.] *yes*

Confidentiality of Records

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

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

Failure to Comply

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

Cooperation with Investigator

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

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

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

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

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

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

OSBA Model Sample Policy

HR

Code: KBA-AR
Revised/Reviewed:

Public Records Request

{Highly recommended administrative regulation}

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. A public records request shall be submitted in writing through the ~~[district office]~~ at [address] to ~~[name of superintendent or other designee]~~.
Superintendent's office
3500 ..
Dr. Derek Fialkiewicz
2. Upon receipt of a written request, the district shall respond within five business days² acknowledging receipt of the request or completing³ the district's response to the request.

If the district provides an acknowledgment of the request, it must:

- a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
 4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:

¹ {ORS 192.324(7) requires the a public body to include the name of one or more individuals to whom a public records request may be sent, with addresses, in written procedures. If the district does not have other written procedures which includes this required designation besides a KBA-AR, add the required name(s) here per ORS 192.324(7).}

² "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

³ The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

- a. The staff or volunteers⁴ necessary to complete a response to the public records request are unavailable;
- b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the district.

In these situations, the district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.
6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.
7. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.
8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
9. Where the labor effort exceeds [30 minutes], labor, material and out-of-pocket charges will be ~~reimbursed to the district~~ charged to the requester. ~~Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of [\$.25 per page].~~

[⁵] Costs will be as follows:

- a. Clerical time: \$40 per hour;
- b. Administrator time: \$90 per hour;
- c. Attorney time: \$300 per hour;

⁴ Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

⁵ {ORS 192.324(7) requires the public body to include "the amounts of and the manner of calculating fees that the public body charges for responding to requests of public records." If the district does not have other written procedures which include this required information besides a KBA-AR, add this information here. Dollar amounts should be reviewed to reflect actual district costs.}

d. Printing: \$0.25 per page.]

Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

