

Regular Meeting

Thursday, December 19, 2024 6:00 PM

The Dalles Middle School - Commons, 1100 East 12th Street, The Dalles, Oregon 97058

1. **Call Meeting to Order and Pledge of Allegiance** **Presenter:** David Jones, Chair

2. **District Mission / Vision / Values**

3. **Review / Revision of the Agenda**

4. **Public Comment on Agenda Items Only**

5. **Consent Agenda**

5.a. School Board Meeting Minutes from November 21st, 2024

5.b. Personnel Report

5.c. Policy GCBDA/GDBDA: *Family Medical Leave*

5.d. Policy JEC: *Admissions - NEW POLICY*

5.e. Policy GCBDF/GDBDF: *Paid Family and Medical Leave Insurance*

5.f. AC: *Nondiscrimination*

6. **Board Action Calendar - Review**

7. **Student / Staff Recognition**

7.a. *Colonel Wright Troubadours Presentation*

8. **Student Representatives to the Board - Report:**

- *Kylee Rose*
- *Nancy Diaz Sanchez*

9. **Building Student Representative Reports:**

10. **Staff Reports:**

11. **School Board Sub Committee Reports**

12. **New Business:**

12.a. Presentations / Reports:

12.a.1. Superintendent's Report

Presenter: Dr. Carolyn Bernal, Superintendent

12.a.2. Chief Financial Officer's Report

Presenter: Randy Anderson, CFO

12.a.2.a. Action Item: *Approve Resolution 24-25-06 - Resolution Transferring Appropriations within Various Funds*

12.a.2.b. Financial Statements:

12.a.2.c. Student Enrollment:

12.a.3. Board Attorney's Report

Presenter: Jason
Corey, Board Attorney

13. Discussion / Action Items:

14. 1st Reading on School Board Policies
(*informational only*):

14.a. Policy JBA/GBN: Sexual Harassment

14.b. Policy JFE: Pregnant and/or Parenting
Students

14.c. Policy JHCD: Medications

15. Informational Only:

15.a. Policy GCBDA/GDBDA-AR(1): Family and
Medical Leave

15.b. Policy AC-AR(2): Sex-Based
Discrimination Under Title IX

15.c. Policy JFE-AR: Individualized Plan for
Pregnant and/or Parenting Students

15.d. Policy JHCD-AR: Medications

15.e. Policy GBN/JBA-AR(1): Sexual Harassment
Complaint Procedure

15.f. Policy GBN/JBA-AR(2): Federal Law (Title
IX) Sexual Harassment Complaint Procedure
(DELETE)

16. Comments from the Audience about Non Agenda
Items

17. Adjourn the Regular School Board Meeting



North Wasco County School District 21

School Board Meeting

November 21st, 2024

The Dalles Middle School – Commons

Mission Statement

“Educating each student to the highest standards while motivating them to reach their fullest potential and graduating them to be college, career and life ready.”

Minutes

(These minutes have not been approved by the Board)

Board Members Present: John Nelson, David Jones, Jose Aparicio, Adrian Lopez, Judy Richardson, Dayna Wynn-Elledge

Board Members Excused: Joel Vaught

District Staff Present: Dr. Carolyn Bernal, Cindy Miller, Jason Corey, Randy Anderson

1. Call the Regular Meeting to order & pledge of allegiance.

Vice Chair Richardson called the Regular Meeting to order at 6:00 PM.

2. District Mission & Vision Statement

Director Aparicio read the District Mission and Vision Statement.

3. Review / Revision of the Agenda

No revisions at this time.

4. Public Comments on Agenda Items Only

Vice Chair Richardson read the following statement before opening public comments on Agenda Items Only:

“A person speaking during the designated portion of the agenda for public comment 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 - Complaints for consideration of a legitimate complaint involving a staff member. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.”

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

There were no public comments for Agenda items only.

5. Consent Agenda

Motion by Director Nelson, seconded by Director Lopez, to approve the consent agenda as presented. Motion Passed Unanimously.

6. Board Action Calendar – Review

No revisions were made.

7. Staff Recognition:

Dr. Bernal recognized Vice Chair Judy Richardson for her successful presentation / session she hosted at the Oregon School Boards Association during their Annual Convention in early November. Dr. Richardson’s session was “Aligning Goals for Student Success”, which is about how School Boards and Superintendents work together to align their goals in order to support our students success in schools. Dr. Richardson’s presentation was very well attended by School Board Members across Oregon and received very positive feedback. Dr. Richardson was also invited by OSBA to become a consultant to do board development with other school boards across the state. Congratulations Vice Chair Richardson!

8. Student Representatives to the Board – Report:

Kylee Rose spoke to the school board – please see the report included in these minutes.

9. Building Student Representative Reports:

- **Colonel Wright Elementary: Madelyn Swanson & Silas Vaught**

No report this evening.

- **Chenowith Elementary: Elijah Kuehnl, Alexa Ortiz Moreno & Yoselin Reyes**

Elijah Kuehnl and Sofia Dominguez reported some highlights from recent and upcoming events at Chenowith Elementary School:

Burgerville Fundraiser: Our fundraiser is in full swing! Chenowith Elementary School will receive 20% of all sales, so be sure to stop by and support our school. Coin Challenge: The coin challenge is underway, and we’re excited to see contributions steadily increasing in each bucket. Every little bit counts! Spirit Week: We recently

held Spirit Week, and it was a fantastic time filled with fun and school pride. Thank you to everyone who participated! Choir Concert: Our talented 3rd-5th grade students delivered a wonderful choir concert. Kudos to all the performers and everyone who helped make it a success.

- **Dry Hollow Elementary**

Noah Anslinger & Everett Vodehnal-Gibson reported the Word of the Month is responsibility, which means being accountable for your actions. Dry Hollow students had the opportunity to watch the BYU Dance Group in a special performance for our 3rd-5th graders. It was a wonderful experience that everyone thoroughly enjoyed! Last Friday, students celebrated PJ and Stuffy Day after earning 1,500 PRIDE tickets for demonstrating respect, kindness, and responsibility. Our annual Veterans Day Assembly was a meaningful event with many veteran family members and eight special guests from the Oregon Veterans Home. Thank you to everyone who joined us to honor and celebrate our veterans. This week, students are celebrating our amazing ESP (Educational Support Professional) staff! We kicked off the week with cinnamon rolls and coffee and held an appreciation assembly to thank them for their hard work and dedication. Some upcoming events include parent/teacher conferences the week of December 3rd; the Book Fair will be available to attend all week during conference week and a Family Christmas Caroling festive evening of caroling in the gym on December 12th! This event is open to all Dry Hollow families.

- **The Dalles Middle School**

Rozlyn Elliott reported it's time for Winter Sports with Boys' basketball in full swing, and more sports, including wrestling and girls' basketball, will start closer to January. Our boys' basketball team played at Henkel last night, securing two wins and one hard-fought loss. Way to represent, Wildcats! Students at TDMS had the opportunity to attend a Shrek Swamp-Themed Dance which is our first dance of the year and was a hit! Students enjoyed glow sticks, a DJ, a photo booth, cornhole, Connect 4, and even a game of "Pin the Tail on the Donkey." Both TDMS and Innovation students joined in on the fun. TDMS is having a Canned Food Drive starting in December to benefit the Salvation Army. It's also a homeroom competition! The winning 6th, 7th, and 8th-grade homerooms will receive donuts as a prize. Students will be selling Candy Cane Grams from December 10th–16th for \$1 each. Each gram includes a personalized note and a candy cane, which will be delivered during first period. Send one to a friend or anyone in the school! Our holiday assembly is on December 13th, and we're gearing up for a day of fun and games! Students will compete against each other and teachers for spirit points. Last time, the 8th graders won and got cookies—will they keep their streak alive? This week, we celebrated our Educational Support Professionals (ESPs) with shout-outs in the announcements and goodie bags. We're so grateful for their hard work and dedication to making our school an amazing place. We're officially one-third of the way through the school year. We'll be holding a Spirit Week December 16th – 20th to get everyone in the holiday mood. Stay tuned for more details!

- **The Dalles High School**

Riley Elliott reported on several upcoming events. Last Friday, students who wore their PJs were treated to a cinnamon roll before school started. From November 4th–8th, ASB hosted a fundraiser benefiting the YES House. We raised \$700 and collected a significant amount of canned food. In the Penny War, students added pennies to their class stash while sabotaging others with silver coins and dollars. ASB hosted the annual Reverse River-Hawk Walk, giving out \$600 worth of candy, which was completely gone by the end of the night! It was great to see elementary students visiting TDHS and interacting with our high schoolers. The Graphics Club hosted their haunted house the weekend before Halloween. The scary actors were amazing, and the community turnout was fantastic,

with a line outside the door. The Drama Department premiered their latest play, *Deadline*, last weekend. The upcoming showtimes are Friday and Saturday at 7:00 PM. Fall Sports highlights are - Football: Finished 4th in the league, just one spot from playoffs, with 10 players earning All-League honors; Boys Soccer: Finished 2nd in the Tri-Valley Conference, won their home playoff game, and reached the quarterfinals; Girls Soccer: Tri-Valley Champions! They won their first playoff game but narrowly lost in the quarterfinals. Natalia Elias earned Player of the Year; Volleyball: Finished 2nd in the Tri-Valley Conference, advanced in playoffs, and placed 4th in the state tournament; Cross Country: Girls Team: Tri-Valley Conference Champions and placed 3rd in State. Elena Cassidy finished 2nd individually at State; Boys Team: 2nd in both Districts and State. Trey Hodges defied expectations by finishing 9th at State; Cheer - Our young cheer team performed well in a sideline competition in Sherwood on November 9th. We're excited to see their growth as they prepare for their competition season starting after winter break.

Winter sports are underway, including girls' and boys' basketball, wrestling, swimming, skiing, and cheer. Stay tuned for more updates! We'd like to thank the board members for their ongoing support. Be on the lookout for an email soon inviting you to one of our home games in January. We recently showed our gratitude for ESP staff with a soup potluck. Tomorrow, we'll recognize our substitute teachers with a celebration. Tomorrow after school, we'll host a Hawkful Party in the library. Students will share a potluck, enjoy tea, and write letters of gratitude to friends and family. We're planning our upcoming Trimester 1 Recap Assembly to celebrate the end of the trimester. Additionally, we'll hold a Winter Spirit Week before the holiday break to spread festive cheer. Stay updated with TDHS by checking out our weekly talk show, Hawk Talk! On behalf of ASB, thank you for your continued support of our teachers, school, and student body.

- **Innovations Academy: Adrian Miramontes**

No report this evening.

10. Staff Reports:

- D21 Education Association
- NW Education Support Professionals

Jodi Ketchum and Sonia Schatz reported the following in a joint report:

Recognized the Education Support Professionals (ESPs) for their hard work and dedication. We deeply appreciate each and every one of them for the time, care, and effort they give to our students every day. Our third annual food drive is currently underway, with donation tubs placed at all schools and the district office. The tubs will be picked up and organized tomorrow, and delivery is planned for Monday. Our goal is to provide food for six to 12 families, depending on the amount of donations received. A special thank-you to Ryan Allinger for making a personal donation to help with gift cards for perishable items. Each family typically receives a \$50 gift card to purchase essential perishables. We hope this effort helps ease the burden for these families as they head into the holiday season, allowing them to focus on quality time with their loved ones. As we wrap up the first trimester of the school year, teachers have been reflecting and would like to share some of their gratitude's with you:

- We are grateful for the successes we've seen with our students and look forward to new achievements in the upcoming trimesters.
- The opportunity to rest and rejuvenate during the break is much appreciated after an extremely busy trimester.
- We value our contract language, which allows teachers the flexibility to complete their grades off-campus if they choose.

Jodi & Sonia also extended their heartfelt thanks to ESPs - despite the challenges of this trimester, they continue to show up with smiles, making a meaningful difference in the lives of students every day. The district established a district-wide committee, as outlined in contract language, to review discipline data, student behaviors, and related policies and procedures. This committee includes Building administrators, District representatives and two members of the association. The committee will meet once every trimester. Our first meeting, held yesterday, went very well. We appreciated hearing perspectives from each building administrator and CJ Toole, who participated as the district representative.

11. Appoint School Board Members to standing committees:

- **Scholarship Committee: Director Wynn-Elledge** – no report this evening.
- **Community Outreach Team: Director Nelson** – no report this evening.
- **Wellness Committee: Director Richardson** – no report this evening.
- **Equity Committee: Director Wynn-Elledge** – Reported the Equity Committee will hold their first meeting on Monday, December 9th and they are continuing to recruit more members.
- **Wasco County Forest Collaborative: Director Nelson** – no report this evening.
- **D21 Education Foundation Committee: Director Aparicio** - no report this evening.
- **OSBA Legislative Policy Committee (Director Richardson):** Director Richardson reported the OSBA Legislative Policy Committee met briefly as the legislature will be going into their long session this next year, with advocates working to increase school funding. Will keep the board updated as we move through this session. The Governor's budget is due December 2nd, so we'll be watching that closely.

12. New Business

a. Presentations / Reports:

1. Superintendent's Report:

a. Report: AVID Program

Nick Nelson (AVID District Coordinator), Jim Taylor (AVID Site Coordinator), Gabe Judah (AVID Elective Teacher) and Kurt Evans (TDHS Principal) gave an update on the AVID program.

AVID is a dual-stream program aimed at enhancing academic achievement and preparing students for college and career readiness. The two main streams are: **AVID Elective** – A targeted class focusing on academic skills development and **AVID Schoolwide** – Strategies and supports integrated across the entire school. Key Components of the AVID Elective are the following:

- **Academic Rigor:** Focus on developing critical skills such as note-taking, time management, organization, and study strategies.

- **Tutorials:** Students participate in peer or cross-grade level tutoring sessions, emphasizing inquiry-based learning to solve problems through guided questioning rather than direct answers. Tutors, including college students when available, undergo rigorous training.
- **WICOR Framework:** Writing, Inquiry, Collaboration, Organization, and Reading are central strategies embedded in AVID lessons.
- **Support System:** Students receive targeted support through study groups, collaborative learning, and mentorship.

Some Outcomes and Proven Strengths of AVID include Increased academic achievement and higher college enrollment rates; Enhanced study and organizational skills; Improved confidence and self-efficacy; Development of a supportive community and equitable access to opportunities.

The Schoolwide AVID Impact is the incorporation of high-effect-size instructional strategies for all students, with professional development for staff through summer institutes, regional training, and collaborative PLCs. Encouragement for students to enroll in rigorous coursework such as AP, IB, and honors classes. Use of digital strategies like Fast Friday videos to share AVID techniques.

AVID focuses on College and Career Readiness by exposure to higher education through guest speakers, college visits, financial aid workshops, and career exploration activities. Support for underrepresented students, including those from low-income families, first-generation college students, and minority groups.

Jim Taylor and Gabe Judah shared personal experiences that highlighted the AVID program's impact on students. They emphasized the most important strategy within the program: fostering peer support to collaborate problem-solve. Instead of simply providing answers, students engage in **critical thinking** and employ diverse strategies to arrive at solutions together. This approach not only builds problem-solving skills but also strengthens their ability to work effectively in teams, a critical skill for both academic and professional success.

A student from The Dalles Middle School, Payton, shared with the school board her experiences with the AVID Program. She was very grateful for the opportunity to participate in this program and is looking forward to continuing at the high school next year.

Mr. Nelson suggested that he return to a future board meeting and present additional information about the AVID program, especially the broader schoolwide strategies and integration of high-effect-size instructional methods.

- b. **Action Item:** Approve the request for Out of State Travel for Principal Sherri Kilegore to attend the AVID Conference in December 2024.

Motion by Director Aparicio, seconded by Director Nelson to approve the Out of State Travel request for Principal Kilegore to attend the AVID NATCON December 12th – 14th, 2024, as presented. Motion Passed Unanimously.

- c. **Report:** 2023-2024 Integrated Program Annual Report

Director Shannon Brennan reported that the Integrated Program Annual Report presentation is a requirement to show the school board the district's progress and allowing board members to ask questions. No formal action is required.

Director Brennan noted the Performance Targets were set for improving four-year graduation rates, five-year completion rates, third-grade reading achievement, and more. Data for these metrics, which were finalized recently, will be shared next month.

The results of the data for Instruction reports that teachers are increasingly utilizing diagnostic tools like i-Ready for math and reading (K-8) to inform their instruction. Also noted at the Elementary schools, is the implementation of a structured intervention system, which provides 30-45 minutes daily for support in areas such as academics, social-emotional learning, and language development.

Our District's Diversity Initiatives continue to include efforts to reduce the gaps between staff demographics and our student population, which is supported by the district's "Grow Your Own" initiative and related grants.

Director Brennan reported student attendance milestones for regular attendance exceeded both baseline and gap-closing targets. The overall attendance target was 60%; with 62% achieved. The focal groups target is 52.9%; with 64% achieved.

Director Brennan reported on Community Engagement, that the district is reassessing its engagement strategies through a consulting group's community engagement assessment to align better with the preferences of families and the community.

Director Brennan included in the board agenda the Early Literacy Success Grant Report for school board members to review. She noted the data on the Summer Learning Grant's long-term impact is still pending.

Director Brennan noted that some key challenges found with Community and Family Engagement are that current methods may not resonate with community needs, and so the district will continue with their efforts to explore new strategies for meaningful engagement.

Director Brennan reported that the next steps for the Integrated Guidance Program will be to present to the school board at a future meeting the updated data on key metrics and focal areas. She noted that the district will continue to focus on improving student outcomes through actionable data and engagement strategies, and report those outcomes to the school board.

d. Report: JumpStart Kindergarten

Courtney Middleton, Site Director for the JumpStart Kindergarten Program, gave an overview of the program. She noted that the Jump Start Kindergarten program has been a cornerstone of our district's summer initiatives for several years. In the summer of 2024, the program was significantly expanded to serve 58 incoming kindergarteners, a notable increase from the previous average of 12 to 18 students per summer. Key enhancements included transitioning to full-day sessions of five hours, providing breakfast and lunch, and increasing staff support to include five teachers, seven instructional assistants, and four social-emotional learning assistants (SELAs). Transportation services continued, and daily professional development sessions were introduced for staff.

This year's program utilized the "Handwriting Without Tears" curriculum, tailored for pre-kindergarten to kindergarten transitions. The curriculum emphasized foundational skills in letter formation and numbers 1 through 5, employing hands-on and multisensory activities to accommodate varying skill levels. This approach ensured all students, regardless of prior experience, could engage and progress effectively.

Ms. Middleton reported the program's attendance were encouraging: 58 students attended regularly (at least three days); 43 students attended nine days, and 22 students achieved perfect attendance, attending all 12 days.

She reported enrollment by neighborhood school zone with 12 students from the Chenoweth zone; 18 students from the Dry Hollow zone (including three who enrolled in St. Mary's School) and 28 students from the Colonel Wright zone.

The teaching team included educators from across the district, supported by instructional assistants with diverse backgrounds, including some community hires. Each afternoon, staff participated in professional development sessions totaling eight hours. Topics included:

- Inclusive kindergarten practices led by Alyssa Jones, a learning specialist.
- Family engagement strategies presented by Vice Principal Mairead Beane-Kelly.
- Hands-on math training with Carolyn Felderman from the STEM Hub.
- The science of reading, presented by the site supervisor.
- Restorative practices for young learners, facilitated by Jeremiah Paulsen and Assistant Principal Kim Kiser.
- Playground and physical education strategies, culminating in interactive outdoor activities.

Ms. Middleton provided some positive feedback she received from parents:

- "Jump Start gave my child a sense of structure and prepared them for a typical classroom."
- "Regular communication from the teacher eased my anxiety and helped my child feel safe."
- "The bus service was excellent, and my child enjoyed every day of school."

Ms. Middleton reported the criteria of how students were selected to attend JumpStart Kindergarten was based on age eligibility (five years old by September 1st) and residence within the district. The program prioritized inclusivity, featuring diverse classrooms with students who had Individualized Family Service Plans (IFSPs) and dual-language learners.

She reported that preliminary data collection is underway to assess the long-term impact of the JumpStart Program on student performance during the school year. Additional updates will be shared as data becomes available. Ms. Middleton noted that by expanding the Jump Start Kindergarten program it exemplifies the district's commitment to early childhood education. By providing a structured, inclusive, and supportive learning environment, we are preparing our youngest learners for a successful transition into kindergarten and beyond.

2. Chief Financial Officer's Report

Randy Anderson, CFO, reported in the financial reports under State Grants that it shows a significant overdrawn balance, which is by design. Most of this funding relates to the Student Investment Account. The district has submitted payment claims and recently drew down 25% of the total allocation, approximately \$800,000. This correction will reflect in the November financial report, mitigating the overdrawn appearance.

Mr. Anderson reported the enrollment trend remains consistent with historical patterns. Typically, there is an initial increase at the start of the year, a decline during winter months, and a slight rise after students return from the holiday break. While the district adjusted enrollment estimates downward earlier this year, the state's payment in November was still based on the original estimate. We anticipate a recalculation before the December payment cycle.

Mr. Anderson announced the district finalized a contract with Sodexo for food service management. The new Food Service Director, Tamara Taylor, begins on December 2nd. The interim director will remain briefly to ensure a smooth transition.

The annual audit is underway. While auditors primarily express an opinion on financial statements, discussions are ongoing about how best to present certain elements. The process remains on track. Mr. Anderson noted that once the audit is completed, he will present the results at a school board meeting.

Mr. Anderson reported the preliminary budget planning for the upcoming year has begun. Early considerations include potential impacts from PERS (Public Employees Retirement System) obligations and the undetermined State School Fund allocation. While recent state revenue forecasts are optimistic, signaling a possible \$2 billion increase over the next biennium, long-term trends are still unclear. He noted the legislature allocated \$9 million statewide for special education stipends. Eligible recipients include licensed staff, classified employees, and administrators who spend at least 75% of their day supporting students with Individualized Education Plans (IEPs). Data collection for this allocation is ongoing, and payments are expected in May or June. He noted that the stipend does not cover payroll taxes, which leaves the district absorbing this cost.

Mr. Anderson reported that due to recent rainfall, three to four roof leaks were exposed, which were promptly addressed by the roofing company under our five-year warranty. The issues were resolved on the same day they were reported, ensuring minimal disruption.

3. Board Attorney's Report

Nothing to report this evening.

13. Discussion / Action Item:

- a. **Action Item: OSBA Resolution – Amend OSBA's Bylaws Relating to the PRIDE Caucus of the Oregon School Boards Association.**

Motion by Director Nelson, seconded by Director Wynn-Elledge to approve the OSBA Resolution & Amend OSBA's Bylaws Relating to the PRIDE Caucus of the Oregon School Boards Association, as presented. Motion Passed Unanimously.

- b. **Action Item: OSBA Resolution – Amend the OSBA Dues Schedule**

Motion by Director Nelson, seconded by Director Aparicio to approve to amend the OSBA Dues Schedule, as presented. Yes/Nelson, Aparicio, Lopez ... Abstained / Wynne-Elledge, Richardson ... Motion Failed.

- c. **Action Item: OSBA Resolution – Amend OSBA's 2023 Bylaws**

Motion by Director Nelson, seconded by Director Aparicio to approve to amend the OSBA 2023 Bylaws, as presented. Motion Passed Unanimously.

- d. **Action Item: Cooperative Sports Agreement with Dufur School District (Boys and Girls Wrestling)**

Motion by Director Nelson, seconded by Director Lopez to approve the Cooperative Sports Agreement with Dufur School District for both Boys and Girls Wrestling, as presented. Motion Passed Unanimously.

14. 1st Reading (no action requested):

- a. **Policy GCBDA/GDBDA: Family Medical Leave**
- b. **Policy JEC: Admissions**
- c. **Policy GCBDF/GDBDF: Paid Family and Medical Leave Insurance**
- d. **Policy AC: Nondiscrimination**

15. Information Only:

- a. **Policy AC-AR(1): Discrimination or Civil Rights Complaint Procedure**

16. Comments from the Audience about Non-Agenda Items Only

Chair Jones read the following statement before opening public comments on Non-Agenda Items only:

"A person speaking during the designated portion of the agenda for public comment 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 - Complaints for consideration of a legitimate complaint involving a staff member. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board."

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

Public Comments:

No public comments this evening.

17. Adjourn the School Board

Vice Chair Richardson adjourned the school board meeting at 7:45 PM.

Judy Richardson, Vice Chair

Dr. Carolyn Bernal, Superintendent

Cindy Miller, Recorder

North Wasco County School District

Human Resource Office • Sandra Harris - Director
3632 West 10th Street • The Dalles, Oregon 97058 • (541) 506-3420

PERSONNEL CHANGES AND VACANCIES School Board Meeting – December 19, 2024 *Current as of -December 12, 2024*

Reference ORS 332.505 (2b) A District Board may employ personnel, including teachers and administrators, necessary to carry out the duties and powers of the board and fix the duties, terms and conditions of employment and the compensation.

Licensed Staff – New Hires

NAME	POSITION	BUILDING	COMMENTS
Carol Dowsett	3rd Grade Teacher (Temporary)	DHE	Begins January 7, 2025

Licensed Staff – Internal Transfer and or Hires

NAME	CURRENT BUILDING AND ASSIGNMENT	NEW BUILDING AND ASSIGNMENT
N/A		

Licensed Staff – Resignation/Retirements/Separation of Employment

NAME	POSITION	BUILDING	COMMENTS
N/A			

Licensed Staff– Request for Leave of Absence

NAME	POSITION	BUILDING	COMMENTS
N/A			

Administrative Staff – New Hires

NAME	POSITION	BUILDING	COMMENTS
N/A			

Administrative Staff – Internal Transfer and or Hires

NAME	CURRENT BUILDING AND ASSIGNMENT	NEW BUILDING AND ASSIGNMENT
N/A		

Administrative Staff – Resignation/Retirements/Separation of Employment

NAME	POSITION	BUILDING	COMMENTS
N/A			

Administrative Staff– Request for Leave of Absence

NAME	POSITION	BUILDING	COMMENTS
N/A			

Please Note: The following information regarding ESP employment is presented to the Board for purposes of (Information Only) and requires no action.

ESP Staff – New Hires – No Action Required

NAME	POSITION	BUILDING	COMMENTS
Victor Cervantes	Maintenance I-Temporary 24'-25'	Operations/Facilities	Begins November 20, 2024
Mia Gonzalez	Ed Asst IV-SLC	CES	Begins December 2, 2024

ESP Staff –Transfers and Internal Hires – No Action Required

NAME	CURRENT BUILDING AND ASSIGNMENT	NEW BUILDING AND ASSIGNMENT
Shilo Newsom	TDHS/Maintenance I	Dist. Wide/Maintenance II

ESP Staff – Request for Leave of Absence – No Action Required

NAME	POSITION	BUILDING	COMMENTS
N/A			

ESP Staff – Resignation/Retirements/Separation of Employment – No Action Required

NAME	POSITION	BUILDING	COMMENTS
Christopher Kramer	Ed Asst IV-SPED	DHE	Resigning December 20, 2024
Mia Gonzalez	Ed Asst IV-SLC	CES	Resigning December 4, 2024

Confidential Staff – New Hires – No Action Required

NAME	POSITION	BUILDING	COMMENTS
N/A			

Confidential Staff – Internal Transfer and Hires

NAME	CURRENT BUILDING AND ASSIGNMENT	NEW BUILDING AND ASSIGNMENT
N/A		

Confidential Staff – Resignation/Retirements/Separation of Employment – No Action Required

NAME	POSITION	BUILDING	COMMENTS
Cindy Miller	Exec. Asst-Superintendent/Board	DO	Retiring January 31, 2025/rehire pending board approval

Coaching Staff – New Hires – No Action Required

NAME	POSITION	BUILDING	COMMENTS
Dylan Lyman	Asst Boys BB	TDMS	Begins November 18, 2024

Coaching Staff – Resignations/Separation of Employment – No Action Required

NAME	POSITION	BUILDING	COMMENTS
N/A			

Advertised Vacancies

Position	HRS/FTE	Building	Close Date	Comments
Ed Asst IV-SELA	7.5 Hrs	CES	Open Until Filled	Advertised
Bilingual Family Liaison-PT	3.75 Hrs	District Wide	Open Until Filled	Advertised
Ed Asst IV-SPED-Multiple Positions	7.5 Hrs	District Wide	Open Until Filled	Advertised
Physical Therapist	8 Hrs	District Wide	Open Until Filled	Advertised
Maintenance I	8 Hrs	District Wide	Open Until Filled	Advertised
Elementary Teacher-Resource Room (Temporary 24-25 SY)	8 Hrs	Elementary Schools	Open Until Filled	Advertised
Nutrition Services I	6 Hrs	NS	Open Until Filled	Advertised
Choir Teacher 24-25 SY (Temporary)	8 Hrs	TDMS	Open Until Filled	Advertised
Assistant Girls Basketball Coach	Seasonal	TDHS	Open Until Filled	Advertised
Assistant Softball Coach	Seasonal	TDHS	Open Until Filled	Advertised
Head Coach Girls Wrestling	Seasonal	TDHS	Open Until Filled	Advertised
Assistant Girls Basketball Coach 24-25 SY	Seasonal	TDMS	Open Until Filled	Advertised
Assistant Track Coach 24-25 SY	Seasonal	TDMS	Open Until Filled	Advertised
Bus Monitor/Aide	6 Hrs	Transportation	Open Until Filled	Advertised
Bus Driver-Regular Route	6 Hrs	Transportation	Open Until Filled	Advertised
Substitute Bus Driver (Pool)	Substitute	Transportation	Open Until Filled	Advertised

North Wasco County School District 21

Code: GCBDA/GDBDA
Adopted: 1/13/00
Revised/Readopted: 3/31/04; 12/17/15; 7/06/17;
1/25/24
Orig. Code: GCBDA/GDBDA

Family and Medical Leave *

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

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

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

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

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

~~Federal and state leave entitlements generally run concurrently.~~
Leave taken under OFLA is in addition to leave taken under PFMLI and cannot be taken concurrently; however, OFLA leave or PFMLI may run concurrently with leave available under ORS 653.601 - 653.661, FMLA, and other types of leave if provided by the district. Any leave taken under PFMLI must be taken concurrently with any leave taken under FMLA when for the same purpose.

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

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

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

³ Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA. {See SB 1515 (2024) Sections 4, 13, 21 and 25.}

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 657B.010](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

[ORS 659A.150 - 659A.186](#)

[OAR 839-009-0200 - 0320](#)

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

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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

Senate Bill 999 (2023).

North Wasco County School District

NEW Policy
2nd Reading & Adoption
No changes from 1st Reading

Code: JEC
Adopted:

Admissions**

The Board is committed to providing an educational program for all students living in the district. The Board believes all students living in the district who have not completed 12 years of education should regularly attend a public full-time school and be included in the available educational programs.

A child is considered to be six years of age if the sixth birthday of the child occurred on or before September 1 immediately preceding the beginning of the current school term.

All new students must register in the office. Students enrolled in the district shall comply with Oregon laws related to age, residence, health, attendance, and immunization.

Students located in the district shall not be excluded from admission solely because the student does not have a fixed, regular and adequate nighttime residence or solely because the student is not under the supervision of a parent.

Students located in the district shall not be excluded from admission where they are otherwise eligible, not receiving special education, and they have not yet attained the age of 19 prior to the beginning of the current school year.

The district may admit an otherwise eligible person who is not receiving special education and who has not yet attained 21 years of age prior to the beginning of the current school year if the person is shown to be in need of additional education to receive a high school diploma or a modified diploma.

Students who attend a district school on an interdistrict transfer or were admitted prior to 2019 through open enrollment are considered residents of the district.

Students living in the district who have attained the age of majority are considered residents of the district unless the student has transferred to another district via interdistrict transfer or open enrollment.

Minor students living with a parent or guardian who resides in the district are considered residents of the district unless the student has transferred to another district via interdistrict transfer or open enrollment.

Students who are in foster care¹ and who are placed in the district are residents of the district of origin, unless the court determines that attending in the district of residence is in the best interest of the student.

¹ “Foster care” does not mean care for children whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and for whom the child’s parent or guardian retains legal guardianship.

Students who are military children² are considered resident of the district if the district is the district of military residence³ for the military child. Parents of military students must provide proof of residency within 10 days after the date of military transfer or pending transfer indicated on the official military orders.

Students whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)
[ORS 336.092](#)
[ORS 339.010](#)
[ORS 339.115](#)
[ORS 339.125](#)
[ORS 339.133](#)
[ORS 339.134](#)
[ORS 339.139](#)
[ORS 433.267](#)
[OAR 581-022-2220](#)

² "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.

³ "School district of military residence" means the school district in which 1) the family of a military child intends to reside as the result of a military transfer; or 2) if the school district in which the family intends to reside is unknown, the school district in which the military installation identified in the official military order is located.

Illegal Immigration and Immigrant Responsibility Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1324, 1363, 1367 (2018).
McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act (ESSA), 42 U.S.C. §§ 11431, 11434a (2012).

North Wasco County School District 21

Code: GCBDF/GDBDF
Adopted: 10/26/23

Paid Family and Medical Leave Insurance *

The district provides an equivalent plan for paid family and medical leave and does not participate in Paid Leave Oregon. This plan has been approved by the [Oregon](#) Employment Department. The district will file the Oregon Quarterly Tax Report as required.

The district will make available a notice poster that outlines the requirements and procedures for the equivalent plan.¹ This poster will be displayed in each of the district's buildings or worksites in an area that is accessible to and regularly frequented by employees. This poster will be provided² to remote employees upon hire or assignment to remote work.

END OF POLICY

Legal Reference(s):

[ORS 657B.210 – 657B.260](#)

[OAR 471-070-2200 - 2460](#)

¹ For poster requirements, see OAR 471-070-2330.

² By hand delivery, regular mail, or through an electronic delivery method.

North Wasco County School District 21

Code: AC
Adopted: 2/12/98
Revised/Readopted: 4/24/08; 11/18/10; 5/10/12;
10/22/15; 11/21/17; 11/18/21
Orig. Code: AC

Nondiscrimination and Civil Rights

The district **does not discriminate on any basis listed below and** prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex², sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veteran's 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.

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, Title VI and Title 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.

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)).

²34 CFR § 106.10 provides "discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

Civil Rights Coordinator

The Human Resources Director is the district's civil rights coordinator. The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
 - a. The notice of nondiscrimination³ required by OAR 581-021-0045; and
 - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. Satisfy the following training requirements:
 - a. Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):
 - (1) The meaning of discrimination under state and federal nondiscrimination law, Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;

³ The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

- (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
 - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Identifying discrimination and reports of discrimination;
 - (5) Responding to reports of discrimination;
 - (6) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;
 - (7) Preventing discrimination in public school programs and activities;
 - (8) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;
 - (9) Tracking and documenting reports of discrimination.
- b. In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:
- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
 - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
 - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.⁴

END OF POLICY

Legal Reference(s):

⁴ Training must first be completed by June 30, 2025.

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[ORS 408.230](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850 - 659.860](#)
[ORS 659.865](#)
[ORS 659A.001](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.103 - 659A.145](#)
[ORS 659A.230 - 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)

[ORS 659A.409](#)
[OAR 581-002-0001 – 002-0005](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0047](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[OAR 839-003](#)

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).

Cross Reference(s):

ACB - All Students Belong

JBB - Educational Equity

GBA - Equal Employment Opportunity

JB - Equal Educational Opportunity

RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS FUNDS

RESOLUTION 24-25-06

Whereas, actual expenditures within certain funds of North Wasco County School District 21 occurred in areas other than those originally budgeted; and

Whereas, the District did not provide spending authority for these increases when the budget for fiscal year 2024-25 was created;

Therefore, be it resolved, that the appropriations for the fiscal year beginning July 1, 2024, are adjusted as shown below:

107 - TEXTBOOK REPLACEMENT FUND APPROPRIATION TRANSFER

	<u>Existing</u>	<u>Changes</u>	<u>Adjusted</u>
Instruction	\$ 405,000	\$ (5,000)	\$ 400,000
Support services	<u>20,000</u>	<u>5,000</u>	<u>25,000</u>
Total	<u>\$ 425,000</u>	<u>\$ -</u>	<u>\$ 425,000</u>

230 - LOCAL GRANTS FUND APPROPRIATION TRANSFER

	<u>Existing</u>	<u>Changes</u>	<u>Adjusted</u>
Instruction	\$ 558,091	\$ (60,000)	\$ 498,091
Support services	\$ 20,723	\$ 40,000	60,723
	<u>41,453</u>	<u>20,000</u>	<u>61,453</u>
Total	<u>\$ 620,267</u>	<u>\$ -</u>	<u>\$ 620,267</u>

401 - CAPITAL PROJECTS FUND APPROPRIATION TRANSFER

	<u>Existing</u>	<u>Changes</u>	<u>Adjusted</u>
Support services	\$ -	\$ 10,000	\$ 10,000
Capital outlay	<u>283,100</u>	<u>(10,000)</u>	<u>273,100</u>
Total	<u>\$ 283,100</u>	<u>\$ -</u>	<u>\$ 283,100</u>

Adopted this 19th day of December, 2024.

David Jones, Board Chair

Randal Anderson, CFO

NORTH WASCO COUNTY SCHOOL DISTRICT

Balance Sheet
November 30, 2024

Balance Sheet	General Fund	Federal Grants Fund	All State Grant Funds	Local Grants Fund	Special Revenue Funds	Reserve Funds	Nutrition Services Fund	Debt Service Funds	Capital Projects Fund	Internal Services Fund	District Totals
ASSETS:											
Cash & Investments	8,888,716	(342,228)	279,163	84,455	230,088	376,084	161,444	874,806	69,759	222,948	10,845,235
Accounts Receivable	483,560	-	2,778			-	-	-	-		486,338
Inventory/Prepaid expense	131,863	-	-			-	15,135	-	-		146,998
Total Assets	9,504,139	(342,228)	281,941	84,455	230,088	376,084	176,579	874,806	69,759	222,948	11,478,571
LIABILITIES:											
Accounts Payable	80,332					-	-	-	-		80,332
Payroll Liabilities	(74,550)	-				-	-	-	-		(74,550)
Deferred Revenue	466,894	-				-	16,201	-	-		483,095
Total Liabilities	472,676	-	-	-	-	-	16,201	-	-	-	488,877
FUND BALANCE:											
Total Fund Balance	9,031,463	(342,228)	281,941	84,455	230,088	376,084	160,378	874,806	69,759	222,948	10,989,694
Revenues & Expenditures: 2023-24 Year to Date											
Beginning Fund Balance	471,557	58,246	139,137	112,042	516,664	350,396	41,687	14,567	115,836	98,276	1,918,408
Year to Date Revenues	21,434,235	880,589	2,391,209	-	213,115	562,439	552,545	1,461,509	64,505	232,775	27,792,921
Year to Date Expenditures	12,874,329	1,281,063	2,248,405	27,587	499,691	536,751	433,854	601,270	110,582	108,103	18,721,635
Year to Date Net Income (Loss)	8,559,906	(400,474)	142,804	(27,587)	(286,576)	25,688	118,691	860,239	(46,077)	124,672	9,071,286
Ending Fund Balance	9,031,463	(342,228)	281,941	84,455	230,088	376,084	160,378	874,806	69,759	222,948	10,989,694

NORTH WASCO COUNTY SCHOOL DISTRICT

Expenditure Status Report

For the five months ending November 30, 2024

DESCRIPTION	Budget	Year to Date Expenditures	Encumbrances	Balance	% Budget Expended
100 General Fund					
1000 - Instruction	22,674,992	6,048,932	15,594,117	1,031,943	26.68%
2000 - Support Services	15,052,757	5,895,397	8,699,851	457,509	39.16%
5000 - Debt Service & Fund Transfers	2,505,000	930,000	-	1,575,000	37.13%
6000 - Contingency	300,000	-	-	300,000	0.00%
7000 - Unappropriated Ending Fund Balance	500,000	-	-	500,000	0.00%
Totals	41,032,749	12,874,329	24,293,968	3,864,452	31.38%
210 - Federal Programs Fund					
1000 - Instruction	2,467,085	1,107,669	1,044,203	315,213	44.90%
2000 - Support Services	859,446	135,274	74,332	649,840	15.74%
3000 - Enterprise & Community Services	98,263	38,120	-	60,143	38.79%
4000 - Capital Outlay	300,000	-	-	300,000	0.00%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	0.00%
Totals	3,724,794	1,281,063	1,118,535	1,325,196	34.39%
220 - State Grant Funds					
1000 - Instruction	1,767,436	637,290	502,880	627,266	36.06%
2000 - Support Services	474,727	142,330	27,117	305,280	29.98%
3000 - Enterprise & Community Services	46,626	55,204	-	(8,578)	118.40%
4000 - Capital Outlay	2,234,060	88,191	-	2,145,869	3.95%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	0.00%
Totals	4,522,849	923,015	529,997	3,069,837	20.41%
230 - Local Grants					
1000 - Instruction	60,179	22,059	41,082	(2,962)	36.66%
2000 - Support Services	41,650	5,408	-	36,242	12.98%
3000 - Enterprise & Community Services	-	120	534	(654)	-
5000 - Debt Service & Fund Transfers	-	-	-	-	-
Totals	101,829	27,587	41,616	32,626	27.09%
240 - Vocational Education Fund					
1000 - Instruction	30,000	-	-	30,000	0.00%
Totals	30,000	-	-	30,000	0.00%
242 - Enterprise Zone Funds					
1000 - Instruction	-	-	-	-	-
2000 - Support Services	540,000	499,691	-	40,309	92.54%
4000 - Capital Outlay	-	-	-	-	-
Totals	540,000	499,691	-	40,309	92.54%
251 - Student Investment Account					
1000 - Instruction	1,269,215	241,437	619,840	407,938	19.02%
2000 - Support Services	2,428,155	855,377	1,621,843	(49,065)	35.23%
3000 - Enterprise & Community Services	27,993	-	-	27,993	0.00%
4000 - Capital Outlay	-	-	-	-	0.00%
Totals	3,725,363	1,096,814	2,241,683	386,866	29.44%
252 - High School Success Account					
1000 - Instruction	657,479	191,817	276,892	188,770	29.17%
2000 - Support Services	93,349	36,759	37,911	18,679	39.38%
4000 - Capital Outlay	-	-	-	-	-
Totals	750,828	228,576	314,803	207,449	30.44%

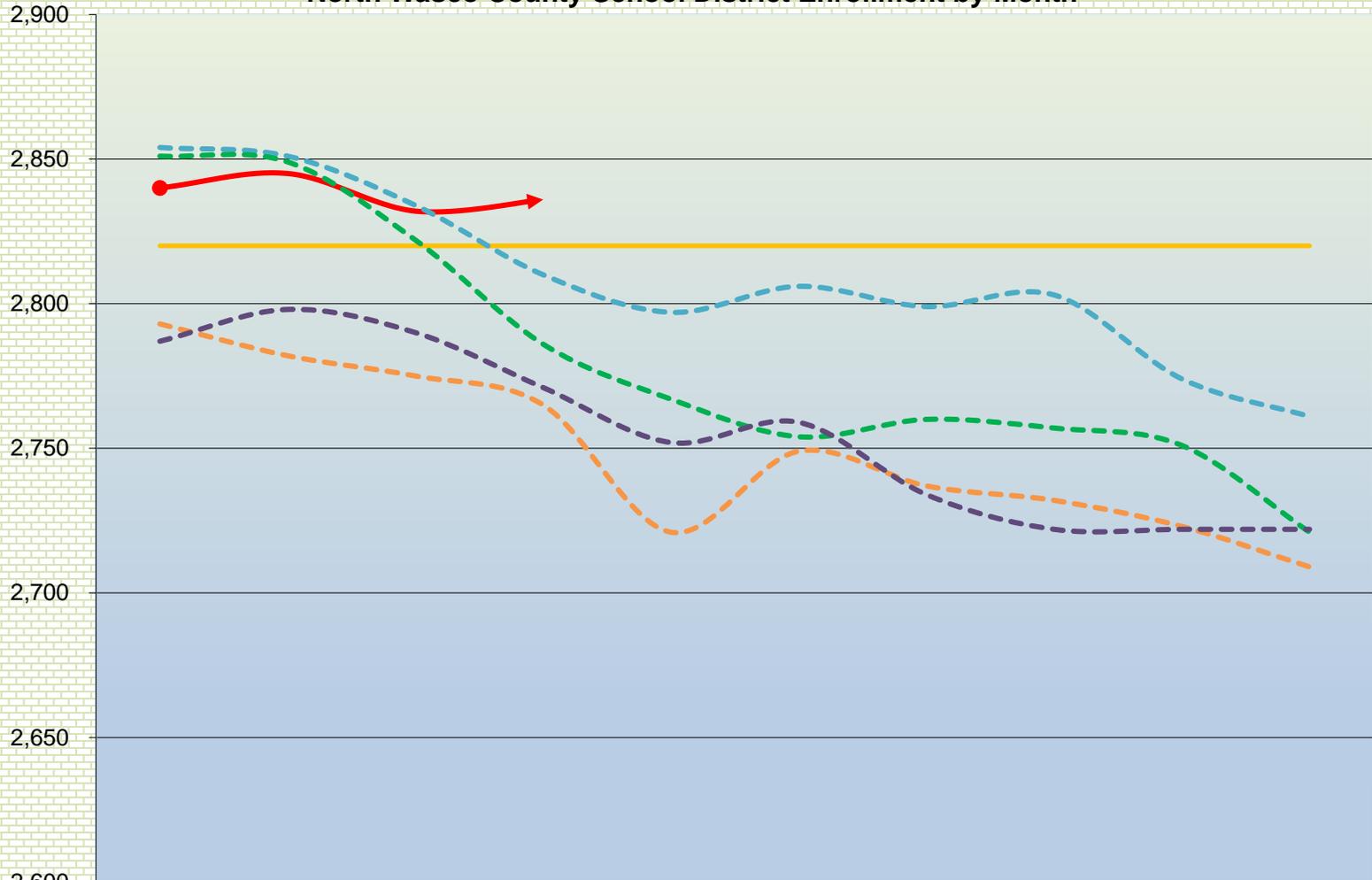
NORTH WASCO COUNTY SCHOOL DISTRICT

Expenditure Status Report (continued)

For the five months ending November 30, 2024

DESCRIPTION	Budget	Year to Date Expenditures	Encumbrances	Balance	% Budget Expende
295 - Bus Replacement Fund					
2000 - Support Services	385,000	-	-	385,000	0.00%
3000 - Enterprise & Community Services	-	-	-	-	-
Totals	385,000	-	-	385,000	0.00%
105 Technology Fund					
2000 - Support Services	325,000	237,958	13,021	74,021	73.22%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	-
Totals	325,000	237,958	13,021	74,021	73.22%
107 - Textbook Replacement Fund					
1000 - Instruction	405,000	229,662	73,075	102,263	56.71%
2000 - Support Services	20,000	22,200	-	(2,200)	111.00%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	-
Totals	425,000	251,862	73,075	100,063	59.26%
110 - Vehicle Replacement Fund					
2000 - Support Services	50,000	46,931	-	3,069	93.86%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	-
Totals	50,000	46,931	-	3,069	93.86%
299 - Nutrition Services Fund					
2000 - Support Services	2,500	193	-	2,307	7.72%
3000 - Enterprise & Community Services	1,883,611	433,661	675,635	774,315	23.02%
Totals	1,886,111	433,854	675,635	776,622	23.00%
303 - OSBA PERS Bonds					
5000 - Debt Service & Fund Transfers	2,019,484	184,742	-	1,834,742	9.15%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	-
Totals	2,019,484	184,742	-	1,834,742	9.15%
304 - Full Faith & Credit Obligation					
5000 - Debt Service & Fund Transfers	379,063	69,531	-	309,532	18.34%
7000 - Unappropriated Ending Fund Balance	5,937	-	-	5,937	0.00%
Totals	385,000	69,531	-	315,469	18.06%
305 - Bus Purchase Fund					
5000 - Short term debt servce	348,000	346,997	-	1,003	99.71%
7000 - Unappropriated Ending Fund Balance	-	-	-	-	-
Totals	348,000	346,997	-	1,003	99.71%
401 - Capital Improvements					
2000 - Support Services	-	4,149	-	(4,149)	-
4000 - Capital Outlay	283,100	106,433	-	176,667	37.60%
Totals	283,100	110,582	-	172,518	39.06%
601 - Internal Services					
2000 - Support Services	378,146	108,103	176,406	93,637	28.59%
5000 - Debt Service & Fund Transfers	465,000	-	-	465,000	0.00%
Totals	843,146	108,103	176,406	558,637	12.82%
Total All Funds	61,030,253	18,374,638	29,478,739	13,176,876	-

North Wasco County School District Enrollment by Month



	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
— ODE est.	2,820	2,820	2,820	2,820	2,820	2,820	2,820	2,820	2,820	2,820
●→ 2024-25	2,840	2,845	2,832	2,836						
- - - 2023-24	2,854	2,851	2,834	2,810	2,797	2,806	2,799	2,803	2,774	2,761
- - - 2022-23	2,851	2,849	2,822	2,786	2,767	2,754	2,760	2,757	2,751	2,721
- - - 2021-22	2,793	2,782	2,775	2,765	2,721	2,749	2,737	2,732	2,723	2,709
- - - 2020-21	2,787	2,798	2,790	2,771	2,752	2,759	2,734	2,722	2,722	2,722

Enrollment Summary by Building and Grade - 12/02/2024 (without LTCT)															
School	Name	K	1	2	3	4	5	6	7	8	9	10	11	12	Totals
1093	Chenowith Elementary	56	77	72	73	78	56	0	0	0	0	0	0	0	412
1097	Colonel Wright Elementary	45	40	52	44	55	52	0	0	0	0	0	0	0	288
1098	Dry Hollow Elementary	53	68	75	80	77	73	0	0	0	0	0	0	0	426
5250	Innovations Academy	0	0	0	0	0	0	0	0	19	23	26	25	15	108
5251	Innovations Virtual	1	1	1	0	5	2	6	20	12	12	25	34	41	160
1095	Mosier Community School	13	16	21	23	18	24	16	17	17	0	0	0	0	165
1101	The Dalles High School	0	0	0	0	0	0	0	0	0	203	208	202	166	779
1100	The Dalles Middle School	0	0	0	0	0	0	173	156	169	0	0	0	0	498
	Totals	168	202	221	220	233	207	195	193	217	238	259	261	222	2836

North Wasco County School District 21

Code: JBA/GBN
Adopted: 6/08/00
Revised/Readopted: 6/09/04; 12/15/16; 8/23/18;
6/18/20; 10/22/20; 5/23/24
Orig. Code: JBA/GBN

Sexual Harassment

¹The district is committed to the elimination of 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 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.~~

The district processes complaints or reports of sexual harassment using administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Additional requirements for processing complaints are included in this policy.²

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

¹ Sexual harassment is generally considered a type of sex-based discrimination. Consequently, additional laws and complaint procedures may apply.

² Other complaint policies and administrative regulations that may apply include, but are not limited to: AC – Nondiscrimination and Civil Rights; ACB – Every Student Belongs; GBEA – Workplace Harassment, GBNA – Hazing, Harassment, Intimidation, Menacing, or Cyberbullying – Staff; GBNA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements; GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements; and JFCF – [Hazing,] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence or Domestic Violence - Students.

Additional information regarding filing of a complaint or report may be obtained through the principal, Title IX Coordinator, civil rights coordinator, or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

~~OREGON DEFINITION AND PROCEDURES~~

Oregon Definition

Sexual harassment of students, staff members or third parties³

shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent.⁴

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

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of

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.

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.

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):

Position	Phone	Email
Director of Human Resources	541-506-3420	HR@nwasco.k12.or.us

The director of human resources is responsible for accepting and managing complaints of sexual harassment. Persons wishing to **make a report** should ~~contact them using~~ use the above **contact** information. **The person designated will coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure.** The director of human resources is also designated as the Title IX Coordinator. ~~See GBN/JBA-AR(1) – Sexual Harassment Complaint Procedure.~~

Response

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

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

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

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

Investigation

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

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;

4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

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

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

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

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

No Retaliation

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

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

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

Notice

When a person⁵ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁶:

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~~ 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.

⁵ 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.

⁶ Remember confidentiality laws when providing any information.

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

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

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

- ~~1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;~~
- ~~2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity⁴;~~
- ~~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;~~

⁴ "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))

5. ~~“Domestic Violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or~~
6. ~~“Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.~~

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

Federal Procedures

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

Reporting

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

~~The Director of Human Resources is designated as the Title IX Coordinator and can be contacted at 541-506-3420. 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.~~

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.⁵ The district shall treat complainants and respondents equitably by providing supportive measures to the complainant and by following a grievance procedure⁶ prior to imposing any disciplinary sanctions or other actions that are not~~

⁵(Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

⁶This 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).

~~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.⁷~~

~~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.⁸ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.~~

Notice

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

- ~~1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);~~
- ~~2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and~~
- ~~3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.~~

~~Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary⁹, or both.~~

No Retaliation

~~Neither the district or any person may retaliate¹⁰ 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.~~

⁷~~The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.~~

⁸~~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))~~

⁹~~Of the United States Department of Education.~~

¹⁰~~Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.~~

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

Publication

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

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

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

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Cross Reference(s):

GBN/JBA - Sexual Harassment

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff

JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence, or Domestic Violence – Student

JHFE - Reporting of Suspected Abuse of a Child

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

Code: JFE
Adopted: 6/08/00
Revised/Readopted: 6/09/04; 3/02/17
Orig. Code(s): JFE

Pregnant and/or Parenting Students**

The district shall not discriminate in its education program or activity against any student based on their current, potential, or past pregnancy, parenting, or related conditions. No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood. A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all school-sponsored activities unless physically unable. The district shall ensure that pregnant and/or parenting students receive special services as temporarily necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law.

~~No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood.~~

The district shall, in considering and obtaining special services for pregnant and/or parenting students:

1. Inform pregnant and parenting students and their parents of the availability of services in the school district, education service district or in the community;
2. Facilitate the provision of such services, including counseling, life skills and parenting education, childcare, transportation, career development and health and nutrition services to pregnant and/or parenting students;
3. Inform pregnant and/or parenting students and their parents of the availability of resources provided by other agencies, including health and social services;
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and/or parenting students;
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and/or parenting students when their educational needs cannot be met by the regularly provided school program.

When a district employee is notified of a student's pregnancy or related condition by the student or a person who has a legal right to act on behalf of the student, the employee will provide notice to that person. The notice will include:

1. The Title IX Coordinator's contact information;

2. That the Title IX Coordinator can coordinate specific actions to prevent discrimination and ensure the student's equal access to the district's education program or activity;
3. The district's responsibilities under Title IX; and
4. The district's notice of nondiscrimination.

The superintendent will develop administrative regulations as necessary to ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 109.520](#)

[ORS 336.640](#)

[OAR 581-021-0046](#)

North Wasco County School District 21

Code: JHCD/JHCDA
Adopted: 1/30/18
Revised/Readopted: 5/25/23

Medications**

The district recognizes that administering a medication to a student and/or permitting a student to administer a medication to ~~themselves~~ ~~themselves~~, may be necessary to allow the student to attend school. Therefore, the district allows medication, including injectable medications, to be administered to a student by designated personnel and the administration of medication by a student to themselves without assistance from designated personnel, subject to criteria established by the district and in accordance with Oregon law. ~~when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the district may administer or a student may be permitted to administer to themselves prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.~~

The district shall designate personnel authorized to administer medications to students. Medications, including injectable medications, may be administered by designated district personnel as part of a formal delegation by a registered nurse. Annual training shall be provided to designated personnel as required by law in accordance with law. The training will align with the ODE Medication Administration Training and include discussion of this policy, procedures and materials, including but not limited to, procedures outlined in administrative regulation JHCD-AR – Medications. ~~guidelines approved by the Oregon Department of Education (ODE).~~

When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon, treatment for adrenal insufficiency, or another medication to a student as prescribed and/or as otherwise allowed by Oregon law.

A current first-aid and CPR card is required for designated personnel.

The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The district may revoke permission given to a student to self-administer medication if the student does not responsibly self-administer the medication or abuses the use of the medication, as determined by district personnel.

Medications will be handled, stored, monitored, disposed of and records maintained in accordance with law and established district procedures governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

¹Under proper notice given to the district by a student or student's parent or guardian.

A process shall be established by which, upon parent or guardian written request, a backup medication is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

A non-injectable short-acting opioid antagonist may be administered to any student or other individual by district personnel (whether or not they have received training on administering medications) on district premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an opioid overdose.

A school administrator, teacher or other school employee, may administer a short-acting opioid antagonist to a student who experienced or is experiencing an opioid overdose without written permission and instructions of the student's parents or guardian.

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

~~The superintendent and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy or a need to manage asthma, and an individualized health care plan for every student for whom the district has been given proper notice of a diagnosis of adrenal insufficiency or insulin requiring diabetes. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity.~~

~~A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication.~~

~~A request to the district to administer or allow a student to self-administer prescription medication shall include a signed prescription and treatment plan from a prescriber annually.~~

~~A request to the district to administer or allow a student to self-administer nonprescription medication that is not approved by the Food and Drug Administration (FDA) shall include a written order from the student's prescriber that meets the requirement of law.~~

~~A written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law², is required and will be kept on file.~~

~~If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.~~

~~Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.~~

~~A process shall be established by which, upon parent or guardian written request, a back-up prescribed autoinjectable epinephrine is kept at a reasonably secure location in the student's classroom as provided by state law.~~

~~A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.~~

~~Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an overdose of an opioid drug.~~

~~This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.~~

~~A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration, in good faith and pursuant to state law, of prescription and/or nonprescription medication.~~

~~A school administrator, school nurse, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, as described in Oregon Revised Statute (ORS) 339.866, if that person in good faith and pursuant to state law, assisted the student in self-administration of the medication.~~

²Subject to ORS 109.610, 109.640 and 109.675.

~~A school administrator, school nurse, teacher or other district employee designated by the school administration is not liable in a criminal action or for civil damages as a result of the use of medication if that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy, who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who that person believes in good faith is experiencing an overdose of an opioid drug.~~

~~The district and the members of the Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith, on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district, administers autoinjectable epinephrine to a student or individual with a severe allergy who is unable to self-administer medication, regardless of whether the student or individual has a prescription for epinephrine or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who the person believes in good faith is experiencing an overdose of an opioid drug.~~

The superintendent shall develop administrative regulations as needed to meet the requirements of law and the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 109.610](#)

[ORS 109.640](#)

[ORS 109.675](#)

[ORS 332.107](#)

[ORS 339.866 - 339.871](#)

[ORS 433.800 - 433.830](#)

[ORS 475.005 - 475.285](#)

[OAR 166-400-0010\(17\)](#)

[OAR 166-400-0060\(29\)](#)

[OAR 333-055-0000 -055-0115](#)

[OAR 581-021-0037](#)

[OAR 581-022-2220](#)

[OAR 851-047-0030](#)

[OAR 851-047-0040](#)

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).

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.

North Wasco County School District 21

Code: GCBDA/GDBDA-AR(1)
 Adopted: 9/14/00
 Revised/Reviewed: 3/31/04; 10/09/08; 10/24/13;
 12/17/15; 7/06/17; 2/24/22;
 12/14/23; 3/21/24
 Orig. Code: GCBDA/GDBDA-AR

Family and Medical Leave *

Employee Eligibility

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

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

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

~~For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins; there is no minimum average number of hours worked per week.~~

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

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

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

1. Separates from employment with the covered employer, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and

¹ Thirty days during a declared public health emergency.

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

- b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
- a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

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

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

- 1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some of all of 12 weeks of OFLA leave for any other purpose, need not requalify **each time the employee takes OFLA leave within** the same leave year;
- 2. An employee who has taken **2 weeks of OFLA child placement leave need not requalify for up to an additional 12 weeks of parental leave need not requalify to take an additional 12 weeks within** the same leave year **when used for the purposes of OFLA for sick child leave;**
- 3. ~~An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.~~

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

- 4. ~~An employee who has taken serious health condition leave to care for a family member who dies during the employee's serious health condition need not requalify to take leave for the death of that family member.~~

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

³ As defined in ORS 656.005.

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

~~Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave.~~

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

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

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

Eligible employees may access OFLA [leave entitlements](#) for the following reasons:

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

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

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

1. ~~Serious health condition of the employee or the employee's covered family member. Serious health conditions means:~~

- a. ~~An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;~~
 - b. ~~An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;~~
 - c. ~~Any period of disability due to pregnancy, or period of absence for prenatal care; or~~
 - d. ~~Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.¹²~~
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
- a. ~~Bonding with and the care for the employee's newborn (within 12 months following birth);~~
 - b. ~~Bonding with and the care for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);~~
 - c. ~~Care for a newly adopted child or newly placed child in foster care over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);~~
 - d. ~~Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.~~
3. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including infertility treatment.
4. Sick Child Leave: leave taken to care for ~~non-serious health conditions of the~~ an employee's child suffering from an illness, injury, or condition that requires home care. ~~For~~ Under OFLA, sick child leave includes leave absence to care for an employee's child whose school or child care provider has been closed⁷ in conjunction with a statewide public health emergency declared by a public health official.⁸
5. Bereavement Leave: ~~leave related to the death of a covered family member.~~ leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.⁹

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

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

- 1. The name of the child being cared for;
- 2. The name of the school or child care provider that has closed or become unavailable;
- 3. A statement from the employee that no other family member of the child is willing and able to care for the child; Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

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

6. Leave previously protected by OFLA¹⁰: 1) leave to which an eligible employee was entitled under ORS 659A.150 - ORS 659A.186 on June 30, 2024; and 2) leave to which an eligible employee would not be entitled under ORS 659A.150 - ORS 659A.186 on July 1, 2024 and may now be entitled leave under Paid Family Medical Leave (ORS 657B).

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

~~The eligibility of an employee who takes multiple leaves for different qualified reasons during the same leave year may be reconfirmed at the start of each qualified leave requested.~~

Definitions

1. Family member:

- a. For the purposes of FMLA, “family member” means:

- (1) Spouse¹¹;
- (2) Parent¹²;
- (3) Child; or
- (4) Persons who are “in loco parentis”.

- b. For the purposes of OFLA, “family member” means **an eligible employee’s**:

- (1) Spouse or domestic partner;
- (2) Child or the child’s spouse or domestic partner;
- (3) Parent or the parent’s spouse or domestic partner;
- (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- (5) Grandparent or the grandparent’s spouse or domestic partner; or
- (6) Grandchild or the grandchild’s spouse or domestic partner; or
- (7) Any individual related by blood or affinity whose close association with ~~a covered individual~~ **an eligible employee** is the equivalent of a family relationship¹³.

¹⁰ OAR 839-009-0215. OFLA: Leave Previously Protected by OFLA.

¹¹ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

¹² “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

¹³ “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

2. Child:

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

3. In loco parentis:

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

4. Next of kin:

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

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

5. Covered servicemembers:

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

6. Covered veteran:

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

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

7. Public health emergency:

For OFLA a “public health emergency” means;

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

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use the 12-month period measured forward from the date any the employee’s first FMLA leave begins. ~~The same method for calculating the one-year period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated leave period described above.~~

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

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

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

Leave Duration

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

~~during the district’s designated leave period when the purpose of the leave is for the~~

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

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

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

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

An employee may also be entitled to take a total of 12 weeks of ~~OFLA pregnancy disability leave within the same leave year. parental leave during the designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the designated leave period, will be entitled to an additional~~

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order. ~~under OFLA. Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁴~~

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

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

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

¹⁵ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12.¹⁵

If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek.¹⁶

If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

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

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

Intermittent Leave

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

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

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32) (30)(a).

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

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

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

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

¹⁷ See 29 CFR § 825.200(h).

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

Alternate Work Assignment

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

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

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

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

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

The district may transfer an eligible employee who is on a intermittent OFLA leave to an alternate another position that with the same or different duties to accommodate OFLA pregnancy disability the leave, provided:

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

2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position to accommodate the employee's serious health condition, and as a result the employee works fewer hours than the employee was working worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee's normal worked in the original position schedule and the number of hours the employee actually works in the alternative position. during the leave period.

An employee is not on OFLA leave if the When an employee is has been transferred – as provided for in OAR 839-009-0245 (5) - to alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's unless all OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law. taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

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

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

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's

¹⁸ 29 CFR 825.600(c) uses "signers."

FMLA leave entitlement. In any such situation, the eligible ~~school~~ **instructional** employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

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

2. Limitation on Leave Near the End of the ~~Term School Year~~ **Term School Year** ■

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

- a. When the qualified leave begins more than five weeks before the end of the ~~term~~, **the district may require the employee to continue taking leave until the end of the term if:** ~~school year:~~
 - (1) ~~For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:~~
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
- b. ~~For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:~~
 - (a) ~~The leave will last at least three weeks; and~~

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

~~(b) — The employee's return to work would occur within three weeks of the end of the school year.~~

- c. ~~For the purposes of FMLA and/or OFLA leave, When the qualified leave begins within~~ **during a five weeks period before** ~~of the end of the school year term~~ and the purpose of such leave is parental leave, for the serious health condition of a family member or **to care for the serious health condition of a covered** ~~servicemember, the eligible school instructional employee may be required by the district to remain on leave until the end of the term if school year provided:~~
- (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the **term school year.**
- d. ~~For the purposes of FMLA and/or OFLA leave, When the qualified leave begins within three weeks of the end of the school year term~~ and the purpose of such leave is parental leave, for the serious health condition of a family member or **for the serious health condition of a covered** ~~servicemember, the eligible school instructional employee may be required to remain on leave until the end of the school year term provided if~~ the length of the leave will last more than five working days.

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

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

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family **and** Medical Leave Insurance (PMFLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with ~~OFLA and FMLA~~ **and leave available under ORS 653.601-653.661** when taken for the same purpose.

~~Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible~~ **An employee may elect** to use any available accrued **paid sick leave, including sick,** vacation or personal leave days ~~(or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period to the extent that the total amount of accrued paid leave and benefits received from PMFLI does not exceed an amount equal to the employee's full wage replacement during the period of leave. This includes when an employee is~~

²¹ Applies only to an employee who is employed principally in an instructional capacity by the district.

~~being paid through PMFLI.~~ The district will notify the eligible employee ~~that~~ when the requested leave has been designated as FMLA ~~and/or~~ OFLA leave and ask the employee about the use of available accrued paid leave.

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

Benefits and Insurance

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

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

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

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

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

Fitness-for-Duty Certification

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

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

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

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

Application

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

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

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

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

~~For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, and employee must give oral or written notice~~ within 24 hours before or after commencement of the leave. ~~When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.~~ In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

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

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

²⁴ See 29 CFR § 825.304.

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

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

Medical Certification-Verification

Under FMLA, the district shall may require an eligible employee to provide medical documentation, when appropriate ²⁶, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. ~~If the employee provides less than 30 days' notice,~~ The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate ²⁷, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

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

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

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

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

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

Posted Notice

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

Record Keeping

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

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

Federal vs. State Law

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

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

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

Code: AC-AR(2)
Revised/Reviewed: 12/19/24

Sex-Based Discrimination Under Title IX

Definitions

“Discrimination on the basis of sex” includes discrimination on the basis of sex-stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Complainant” means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the district’s education program or activity at the time of the alleged discrimination.

“Complaint” means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination.

“Consent” means the knowing, voluntary and clear agreement by all parties to participate in the specific act.

“Parental status” means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with response to such a person;
7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

“Peer retaliation” means retaliation by a student against another student.

“Pregnancy or related conditions” means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;

2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on bases described in 34 CFR § 106.10, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties’ age, roles within the district’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the district’s education program or activity; or
3. Specific offenses including sexual assault, dating violence, domestic violence, and stalking¹

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party’s access to the district’s education program or activity, including measures that are designed to protect the safety of the parties or the district’s educational environment; or
2. Provide support during the district’s grievance procedures under 34 CFR § 106.45, and if applicable 34 CFR § 106.46, or during the informal resolution process under 34 CFR § 106.44(k).

Notice of Nondiscrimination

The district will provide notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment and all unions and professional organizations holding collective bargaining or professional agreements with the district. This notice will be continuously available on the district website,

¹ See 34 CFR § 106.2, *Sex-based harassment* (3) *Specific offenses* for definitions.

be posted in multiple locations, be made available in the languages of the communities served by the district, and be disseminated annually to staff, students, and families in an accessible manner.² This includes, but is not limited to, each handbook, catalog, announcement, bulletin, and application form that the district makes available to persons entitled to the notice.

Training Requirements

The district will ensure the following individuals receive training related to their duties under Title IX promptly upon hiring or change of position which alters their duties under Title IX or this administrative regulation, and annually thereafter. The training must not rely on sex stereotypes.

1. All employees must be trained on:
 - a. The district’s obligation to address sex discrimination in its education program or activity;
 - b. The scope of conduct that constitutes sex discrimination under Title IX and regulation, including the definition of sex-based harassment; and
 - c. All applicable notification and information requirements.
2. All investigators, decisionmakers, and other persons³ who are responsible for implementing the district’s grievance procedures or have the authority to modify or terminate supportive measures must be trained on the following topics to the extent related to their responsibilities:
 - a. The district’s obligations under 34 CFR § 106.44 (District’s response to sex discrimination);
 - b. The district’s grievance procedures;
 - c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - d. The meaning and application of the term ‘relevant’ in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under law.
3. All facilitators⁴ of an informal resolution process must be trained on the rules and practices associated with the district’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias;
4. The Title IX Coordinator and any designees must be trained on their specific legal responsibilities⁵, the district’s recordkeeping system related requirements, and any other training necessary to coordinate the district’s compliance with Title IX.

The district will make all training materials available upon request for inspection by members of the public.

Title IX Coordinator Duties

The Title IX Coordinator is responsible for coordinating the district’s compliance with its obligations under Title IX.

² This reflects the requirements for the Title IX notice (34 CFR § 106.8(c)(1)) and Oregon law OAR 581-021-0045(4).

³ This requirement is in addition to the requirements in 1. above for all employees. This requirement may include board members.

⁴ This requirement is in addition to the requirements in 1. above for all employees.

⁵ See 34 CFR §§ 106.40(b)(3) and 106.44(f) and (g).

When notified of conduct that reasonably may constitute sex discrimination under Title IX, the Title IX Coordinator must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

1. Treat the complainant and respondent equitably;
2. Offer and coordinate supporting measures for complainant and respondent, as appropriate;
3. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct of the grievance procedures (including informal resolutions process as appropriate);
4. If a complaint is made, notify the respondent of the grievance procedures (including informal resolutions process as appropriate);
5. In response to a complaint, initiate the grievance procedures;
6. In the absence of a complaint or the withdrawal of any or all of the allegation in the complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination.⁷ If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the district from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint;
7. If initiating a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
8. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the district's education program or activity.

Additional Requirements under Title IX

If the district has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the district must respond promptly and effectively. Each district employee⁸ must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.⁹

The district will treat complainants and respondents equitably.¹⁰

⁷ To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint were not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the district;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedure.

⁸ Does not apply to confidential employees, as defined in 34 CFR § 106.2.

⁹ This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX.

The district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The district will follow timelines in AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. Timelines may be amended in accordance with that procedure.

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members of the student’s Individualized Education Program (IEP) team or the group of persons responsible for the student’s placement decision as required by law.

Records related to complaints, notifications and trainings will be kept in accordance with 34 CFR § 106.8(f).

The Title IX Coordinator must monitor the district’s education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

Complaint and Grievance Procedures

The district has adopted complaint procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. These procedures can be found in AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

The following persons have a right to make a complaint about sex discrimination, including complaints of sex-based harassment, requesting that the district investigate and make a determination about alleged discrimination under Title IX:

1. A “complainant,” includes:

¹⁰ 34 CFR § 106.45(b)(1).

¹¹ 34 CFR § 106.45(b)(2).

¹² 34 CFR § 106.45(b)(3).

¹³ 34 CFR § 106.45(b)(4).

¹⁴ 34 CFR § 106.8(e).

¹⁵ Records documenting the information resolution process, the grievance procedures, any resulting outcome, records documenting the actions the district took to meet obligations under this regulation and training materials must be kept for a minimum of seven years.

¹⁶ See 34 CFR §§ 106.8(b)(2) and 106.45.

- a. A student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. A person other than a student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the district's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 3. The district's Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment under Title IX only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with requirements of 34 CFR § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

1. Any student or employee of the district; or
2. Any person other than a student or employee who was participating or attempting to participate in the district's educational program or activity at the time of the alleged sex discrimination.

Individuals may be able to file complaints under different laws and procedures.

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Notice of Allegations

Upon initiation of the district's Title IX grievance procedures, the district will notify the parties in writing of the following:

1. The district's Title IX grievance procedures and any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
3. Retaliation is prohibited; and
4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the district provides a description of the evidence the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the district will notify the parties of the additional allegations.

Investigation

Using established investigative procedures, the district will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

1. The district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon request of the party;
2. The district will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
3. The district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

The district will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's consent or witness's voluntary, written consent for use in its grievance procedures; and
3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Determination whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.
5. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
6. Not discipline a party, witness, or others participating in the grievance procedures for making a false

statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Dismissal of Complaints

The district may dismiss a complaint of sex discrimination if:

1. The district is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the district's education program or activity and is not employed by the district;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
4. The district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the district will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the district will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX

regulations;

5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will, at a minimum:

1. Offer supportive measures to the complainant as appropriate;
2. If the respondent has been notified of the allegations, offer supportive measure to the respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the district's education program or activity.

Appeal of Determinations

Appeals may be filed in accordance with AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

Informal Resolutions

In lieu of resolving a complaint through the district's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The district does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local laws.

Supportive Measures

The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include **counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative.**

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions, and may also provide remedies, which may include:

Students: Restorative Practices Conversation, Warning, Mandatory Training, Loss of Privileges, No Contact Directive, Suspension, Expulsion; and

Staff: Written Reprimand, Mandatory Training, Reassignment, No Contact Directive, Termination of Employment, Referral to TSPC.

¹⁷ See 34 CFR § 106.44(g).

¹⁸ See 34 CFR § 106.44(f).

¹⁹ See 34 CFR § 106.44(k).

North Wasco County School District 21

Code: **JFE-AR**
Revised/Reviewed: 6/08/00; 6/09/14; 3/02/17
Orig. Code(s): JFE-AR

Individualized Plan for Pregnant and/or Parenting **Students** ~~Teens~~

District _____ School _____

Date _____

Student Information

Student Name: _____

Age: _____ Date of Birth: _____

Pregnant? Yes No Due Date: _____

Parenting? Yes No No. of Children: _____ Ages: _____

Living Situation: _____

Sources of Financial Support: _____

Education Status: Grade **completed** Standing: 6 7 8 9 10 11 12
On Track for Graduation? Yes No Number of Credits ~~Behind~~ **needed to be on track?** _____

Date of Enrollment in Individualized Plan: _____

Program Information:

Check whether service is to be provided and paid for by family, school or agency. If agency, please indicate source. Briefly describe service to be provided.

Education

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Transportation

Provided by:

Paid for by:

Description

- Family
- School
- Agency

- Family
- School
- Agency

Child Care

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Life Skills Training

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Parenting Education

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Career Development

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Health and Nutrition Services

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Counseling

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Other Social Services

Provided by:

- Family

Paid for by:

- Family

Description

- School
- Agency

- School
- Agency

I have been informed of the services available for pregnant and/or parenting students in the district and I have received information about the availability of resources provided by other agencies, including health and social services.

Signature of Student

Date

Signature of Parent/Guardian

Date

Signature of School Representative

Date

Termination Data

Date of termination from program: _____

- Reason (check one):
- Nonattendance
 - Moved
 - Completed diploma¹
 - Completed GED
 - Returned to regular school program
 - Other _____

Comments: _____

¹ A “diploma,” as it pertains to Board policy JFE – Pregnant and/or Parenting Students, means a diploma, a modified diploma, or an extended diploma.

North Wasco County School District 21

Code: JHCD/JHCDA-AR
 Revised/Reviewed: 4/12/01; 6/09/014; 2/10/11;
 3/02/17; 12/14/17; 8/23/18;
 3/16/23
 Orig. Code: JHCD-AR

Medications**/*

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to ~~themselves~~ ~~themselves~~.

1. Definitions¹

- a. “Administer” means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner or the practitioner’s authorized agent; or (2) the patient or research subject at the direction of the practitioner. (ORS 689.005)
- b. “Adrenal crisis” means a sudden, severe worsening of symptoms associated with adrenal insufficiency, such as severe pain in the lower back, abdomen or legs, vomiting, diarrhea, dehydration, low blood pressure or loss of consciousness. (ORS 433.800) ~~crisis as defined in Oregon Revised Statute (ORS) 433.800.~~
- c. “Adrenal insufficiency” means a hormonal disorder that occurs when the adrenal glands do not produce enough adrenal hormones. ~~insufficiency as defined in ORS 433.800.~~
- d. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention. (ORS 339.866)
- e. “Delegation” means a formal delegation of a nursing procedure by a registered nurse to district personnel in accordance with the Oregon Nurse Practice Act. (OAR Chapter 851)
- f. “Designated personnel” means the school personnel designated and trained to administer medication pursuant to district policy and procedure.
- g. “Medication” means ~~medication that is not injected; premeasured doses of epinephrine that are injected; medication that is available for treating adrenal insufficiency; and Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse and overdose of an opioid drug. any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. “Medication” also means includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. “Medication” does not include nonprescription sunscreen. (ORS 339.866; ORS 339.867) also includes naloxone or any similar medication that is in any form available for the safe administration and that is designed to rapidly reverse an overdose of an opioid drug.~~
- h. “Nonprescription medication” means nonprescription drugs as defined in ORS 689.005, which means drugs that may be sold without prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. (OAR 581-021-0037) ~~medication that under federal law does not require a prescription from a prescriber.~~

¹There are several laws that apply to medications in schools. Some of these laws have unique definitions that may apply in specific situations. If the applicable law uses a definition that varies from the definition here, use the definition in the law.

- i. “Notice of a diagnosis of adrenal insufficiency” means written notice to the district from a ~~student or~~ the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s primary care provider that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered. (OAR 581-021-0037)
- j. “Opioid overdose” means a medical condition that causes depressed consciousness, depressed respiratory function or the impairment of vital bodily functions as a result of ingesting opioids. (ORS 689.800)
- k. “Prescriber²” means a “practitioner” as defined in ORS 689.005, which means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research: (a) in this state; (b) in another state or territory of the US if the person does not reside in Oregon and is registered under the federal Controlled Substances Act. (OAR 581-021-0037) ~~doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, an Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.~~
- l. “Prescription medication” means a “prescription drug” as defined in ORS 689.005, which means a drug that is: required by federal law, prior to being dispensed or delivered, to be labeled with “Caution: Federal law prohibited dispensing without prescription” or “Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian”; or required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only. ~~any medication that under federal or state law requires a prescription by a prescriber.~~
- m. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, ~~or dust or insect sting.~~ (ORS 339.866)
- n. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust or insect sting.
- ~~o. — “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon, or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.~~

2. Designated Staff/Training

- a. Medications, including injectable medications, may be administered by trained personnel as part of a formal delegation by a registered nurse.
- b. The principal, **consultation with the school nurse**, will designate **district** personnel authorized to administer prescription or nonprescription medication to a students **which takes into account when the** ~~while the~~ student is in school, at a ~~school~~ **district**-sponsored activity, under the supervision of ~~school~~ **district** personnel, ~~in a before-school or after-school care programs on school-owned property and~~ **or** in transit to or from school or a ~~school~~ **district**-sponsored ~~activity~~ **activities**, and may include **when a student is in a before-school or after-school care**

² A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

program on school-owned property when required by law. ~~as required by Oregon law.~~ The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules, policy and this administrative regulation.

- c. The district will provide staff who are designated personnel to administer prescription or nonprescription medication access to a school nurse.
- d. The principal will ensure the annual training required by Oregon law is provided to designated district personnel. Training may be conducted by a qualified trainer, which is a person who is familiar with the delivery of health services in a school setting and who is either a registered nurse licensed by the Oregon State Board of Nursing or a prescriber. District personnel designated to administer epinephrine, glucagon, and medication to treat adrenal insufficiency shall be trained using related training developed by the Oregon Health Authority (OHA). The first training and every third training thereafter shall be provided in-person³. During subsequent years, designated district personnel may complete an online training so long as a trainer is available following the training to answer questions and provide clarification. ~~Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.~~
- e. The Training for district personnel will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, administration, handling and disposing of medications; accessibility of medication during an emergency; ~~monitoring medication supplies, disposing of medications,~~ record keeping; whether response to medication should be monitored by designated personnel and the role of the designated personnel in such monitoring; ~~and reporting of medication administration and errors in administration,~~ emergency medical response procedures following administration of the medication; confidentiality of health information; and assessment of gained knowledge. Training as recommended and/or approved by ODE will be used. ~~for life threatening side effects and allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.~~
- f. The district shall maintain documentation of district personnel's completion of training in accordance with OAR 166-400-0010. ~~A copy of the district's policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.~~
- g. ~~A statement that the designated personnel has received the required training, will be signed by the staff member and filed in the district office.~~

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained district, ~~designated~~ personnel to any student or other individual on school district premises who the person believes in good faith is

³ An online training may qualify as "in-person" when these measures are met: content is provided via synchronous, interactive online sessions with a trainer and learners visible on screen; trainers must be licensed and work within their scope of practice; and include in-person, skills demonstration for training developed by the Oregon Health Authority for epinephrine, glucagon, and for medication to treat adrenal insufficiency.

experiencing a severe allergic ~~response~~ ~~reaction~~, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering ~~Short-Acting Opioid Antagonists Naloxone or Other Similar Medication to a Student or Other Individual~~

A short-acting opioid antagonist may be administered by any district personnel⁴ to any student or other individual, on school premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an overdose of an opioid drug.

The ~~[principal] [or [school] [district] nurse]~~ shall immediately notify the parent or guardian of a minor student enrolled in a school within the district when a short-acting opioid antagonist is administered to the student while at school, on school property under the jurisdiction of the district or at any activity under the jurisdiction of the district.

The district shall provide to the parent or legal guardian of each minor student enrolled in a school in the district information regarding short-acting opioid antagonists. The information will include at least:

A description of short-acting opioid antagonists and their purpose;

A statement regarding, in an emergency situation, the risks of administering to an individual a short-acting opioid antagonist and the risks of not administering to an individual a short-acting opioid antagonist;

A statement identifying which schools in the district, if any, have short-acting opioid antagonists, and the necessary medical supplies to administer short-acting opioid antagonists, onsite and available for emergency situations; and

A statement that a representative of the district may administer a short-acting opioid antagonist to a student in an emergency if the student appears to be unconscious and experiencing an opioid overdose.

~~Naloxone or any other similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an opioid overdose.~~

5. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a ~~school~~ district-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a ~~school~~ district-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal ~~of the school the student attends~~ will designate one or more ~~school~~ district personnel to ~~receive training and~~ be responsible for administering the medication to treat adrenal insufficiency to a student in the event the student exhibits symptoms the district personnel believe in good faith indicate the student is experiencing symptoms of adrenal crisis;

⁴ Including district personnel who have not received medication administration training.

- b. The designated personnel will successfully complete **required** training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis ~~in accordance with the rules adopted by the Oregon Health Authority;~~
- c. ~~The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;~~
- d. The district will ~~require the development of~~ **develop** an individualized health care plan for the student; ~~that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;~~
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available **district** staff member will immediately call 911 and the student's parent or guardian.

6. Administering Medications to a Student

- a. **A** requests to permit designated personnel to administer medication to students may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian ~~or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;~~ and;
 - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions from the prescriber, if any; and
 - (vii) Signature of the prescriber.

The prescription **medication is provided in the original prescription packaging by the student's parent or guardian.** The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.

- (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:
 - (a) The nonprescription medication is necessary for the student to remain in school;
 - (b) The nonprescription medication:
 - (i) ~~is~~ Provided in the original manufacturer's container by the **student's parent or guardian of the student;** or
 - (ii) **Is part of the district's stock medication program in compliance with the Oregon Board of Pharmacy rules including OAR 855-035-0005.**

- (c) The written instruction **and permission** from the student's parent or guardian for the administration of the nonprescription medication includes:
- (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions, if any; and
 - (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:
- (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.

- b. ~~An individualized health care and~~ **The principal or designee will require an individualized health plan or allergy plan** will be developed for a **every** student with a **need to manage asthma or known life-threatening allergy. A plan** and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic **responses reactions and include provisions for administering medication and/or responding to emergency situations** while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity; ~~and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;~~
- c. **A student being administered a medication may be monitored by designated personnel to monitor the student's response to the medication;**
- d. **A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;**
- e. ~~It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent,~~ responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- f. ~~It is the student's parent or guardian's or the student's if the student is allowed to seek medical care without parental consent,~~ responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- g. ~~In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;~~
- h. Any error in administration of a medication will be reported to the parent or guardian immediately **and documented on a medication administration record.** ~~, except when a student is allowed to seek medical care without parental consent and documentation will be made on the district's Accident/Incident Report form.~~ Errors include, but are not limited to,

- administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- i. Medication shall not be administered until the necessary permission form and written instructions have been submitted **and received** as required by the district.

7. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K-12 with asthma, or severe allergies, ~~or insulin requiring diabetes~~, may be permitted to administer **prescription or nonprescription** medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) ~~A~~ **The written** permission form from a parent or guardian, ~~except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675~~, and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma, ~~diabetes and/or~~ a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before- school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a ~~school~~ **district** setting.
 - (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:
 - (a) The written permission of the student's parent or guardian; ~~except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675~~;
 - (b) The student's name affixed to the manufacturer's original container; and
 - (c) The permission to self-administer medication from a building administrator.
 - (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
 - (a) The written permission of the student's parent or guardian; ~~except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675~~; and
 - (b) A written order from the student's prescriber that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school; **at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school or district-sponsored activities**;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.

- b. A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. The A student may have in his/her their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- d. Sharing and/or borrowing by a student of any medication with another student is strictly prohibited;
- e. ~~For a students who has been prescribed bronchodilators or epinephrine,~~ The district designated personnel will request from the parent or guardian, that the parent or guardian provide backup medication, when the medication is to treat a student's asthma or severe allergy emergency, from the student's parent or guardian. ~~for emergency use by that student.~~ Backup medication, if provided by a student's parent or guardian, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
- f. ~~Upon written request from a parent or guardian, and with a prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;~~
- g. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
- h. The permission for a student to administer medication to themselves may be revoked if the student does not responsibly self-administer the medication or abuses the use of the medication as determined by district personnel; ~~violates the Board policy and/or this administrative regulation;~~
- i. A students may be subject to discipline, up to and including expulsion, as appropriate for violations of these procedures;
- j. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.
- k. [The district allows the application of and use by students of nonprescription sunscreen, including sunscreen that contains para-aminobenzoic acid, without any required documentation from a licensed health care professional per ORS 339.874.]

8. Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students

- a. ~~Any medication administered by designated personnel to a student and or self-administered by a student,~~ must be delivered to the school in its original manufacturer's or current prescription container, accompanied by the permission form and written instructions, as required above.
- b. Prescription medication must always be the most current prescription and kept in the original, labeled container.
- c. Nonprescription medication must be kept in original manufacturer's bottle or box.
- d. [Never administer medication sent to school in unlabeled containers.]
- e. [Never repackage medication into a plastic bag or other container for any reason.]
- f. Medication in any capsule or tablet form and categorized as a sedative, stimulant, anti-convulsant convulsive, narcotic analgesic or psychotropic medication will be counted or measured by designated personnel or parent or guardian in the presence of another district employee upon receipt [and initialed by the two individuals who counted or witnessed the procedure], documented in the student's medication administration record (MAR) log and routinely monitored during storage and administration. Any discrepancies will be reported to the [school nurse or] building principal immediately and documented in the student's MAR. ~~medication log.~~ For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.

- g. Designated personnel will follow the written instructions of the prescriber and ~~the student or the student's parent or guardian~~, and training guidelines as may be recommended by the Oregon Department of Education for administering all forms of prescription and/or nonprescription medications.
- h. Medication will be secured as follows:
 - ~~(1)~~ Nonrefrigerated medications will be stored in a locked cabinet, drawer or box **in a secure area; used solely for the storage of medication;**
 - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator **or in a separate refrigerator used solely for the storage of medication in a secure area;**
 - (3) Access to medication storage keys will be limited to the building principal and designated personnel.
- i. Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
- j. ~~In the event~~ **When** medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify student's the parent or guardian ~~or the student (in situations involving ORS 109.610, 109.640 and 109.675)~~ immediately.

9. Emergency Response

- a. Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life threatening side effects **and allergic reactions, including the administration of epinephrine.** ~~that result from district administered medication or from student self-medication or allergic reactions.~~ The parent or guardian, building principal and school nurse will be notified immediately.
- b. ~~Minor~~ Adverse reactions **that which** result from district administered medication or from student self-medication will be reported to the parent or guardian immediately, ~~except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.~~
- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis, ~~opioid overdose or a life threatening emergency~~ and plans to administer medication.
- d. **Any available staff will immediately call 911 when a short-acting opioid antagonist is administered to any student or other individual on district premises.**

10. Disposal of Medications

- a. Medication not picked up by the student's parent or guardian, ~~or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675,~~ at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel **in the presence of another school employee. The medication may be disposed through a designated drug take-back collection program** or in a nonrecoverable fashion as follows:
 - (1) Medication will be removed from its original container and personal information will be destroyed;
 - ~~(2) Crush Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water;~~
 - (3) Mixed with an undesirable substance, e.g., coffee grounds, **used** kitty litter, ~~flour;~~ **and**
 - (4) **Place in a plastic bag or other sealable container, e.g., such as an empty plastic container; and**
 - (5) **Place the sealed container with the mixture** ~~Placed in impermeable non-descriptive containers, e.g., empty cans or sealable bags,~~ and placed in the trash **as close to garbage pickup time as possible, to prevent theft and misuse.**

- (6) [Prescriptions will never be flushed down the toilet or drain or burnt with other waste.]
- (7) [Sharps and glass will be disposed of in accordance with state guidelines.]
- (8) [All medication will be disposed of by designated personnel following DEQ guidelines and documented on the student's MAR as described below.]
- (9) ~~Prescriptions will be flushed down the toilet only if the accompanying patient information specifically instructs it is safe to do so.~~
- (10) ~~Other medication will be disposed of in accordance with established training procedures including sharps and glass.~~

b. ~~All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in 10 below.~~

11. Transcribing, Recording and Record Keeping

- a. A medication **administration record (MAR)** ~~log~~ will be maintained for each student administered medication by the district. The **MAR medication log will be in paper or electronic form** and will include, but not be limited to:
 - (1) The **full name of the student, date of birth, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;**
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication;
 - (4) Incidents of emergency and minor adverse reaction by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. **A MAR for medication administered as part of an IEP goal should be maintained in the IEP record at the end of each school year.**
- c. All records relating to administration of medications, including permissions and written instructions, will be maintained. ~~in a separate, medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education plan.~~ Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and 166-400-0060(29).
- d. **All records relating to the training of designated district personnel will be maintained by the district in accordance with applicable provisions of OAR 166-400-0010.**
- e. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and ~~his/her~~ **their** parent or guardian. Information may be shared with ~~other staff~~ **school personnel** with a legitimate educational interest in the student or others ~~as may be~~ authorized by the parent or guardian in writing or others as allowed under state and federal law.

[Non-liability Provisions for Administration of Prescription and Nonprescription Medications and Short-Acting Opioid Antagonists]

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of nonprescription medication, if the school administrator, teacher or other school employee in good faith administers nonprescription medication to a student pursuant to written permission and instructions of the student's parents or guardian.

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription medication, if the school administrator, teacher or other school employee in compliance with the instructions of a physician, physician assistant, nurse practitioner, naturopathic physician or clinical nurse specialist, in good faith administers prescription medication to a student pursuant to written permission and instructions of the student's parents or guardian.

A person may not maintain an action for injury, death or loss that results from acts or omissions of a school administrator, teacher or other school employee during the administration of a short-acting opioid antagonist unless it is alleged and proved by the complaining party that the school administrator, teacher or other school employee was grossly negligent in administering the short-acting opioid antagonist unless other conditions exist and which are outlined in Oregon law in ORS 339.870.

The civil and criminal immunities provided for above do not apply to an act or omission accounting to gross negligence or willful and wanton misconduct.

Non-Liability Provisions for Self-Administration and Autoinjectable Epinephrine

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, as described in ORS 339.866, if the school administrator, school nurse, teacher or other school employee, in compliance with the instructions of the student's Oregon licensed health care professional, in good faith assists the student's self-administration of the medication, if the medication is available to the student pursuant to written permission and instructions of the student's parent, guardian or Oregon licensed health care professional.

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the use of medication if the school administrator, school nurse, teacher or other school employee in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication regardless of whether the student or individual has a prescription for epinephrine.

The district and the members of a district Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine; and the person administered the autoinjectable epinephrine on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district.

The civil and criminal immunities described above (which are identified in ORS 339.871) do not apply to an act or omission to gross negligence or willful and wanton misconduct.]

North Wasco County School District 21

**AR to be DELETED
In lieu of revised
Policy AC-AR(1) and
Policy AC-AR(2)**

Code: GBN/JBA-AR
Adopted: 8/12/99
Revised/Readopted: 3/31/04; 10/25/07; 12/15/16;
8/23/18; 5/28/20; 10/22/20
Orig. Code: GBN/JBA-AR

Sexual Harassment Complaint Procedure

Reports and complaints of sexual harassment should be made to the following individual(s):

Position	Phone	Email
<u>Director of Human Resources</u>	541-506-3420	HR@nwasco.k12.or.us

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 days working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 10 working days of receipt of the appeal. The superintendent shall provide a written decision to the complainant within 10 working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

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

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent. The superintendent will cause the required notices to be provided. The superintendent will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

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

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

DELETED

North Wasco County School District 21
3632 West 10th Street
The Dalles, Oregon 97058 - 541-506-3420

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

North Wasco County School District 21
3632 West 10th Street
The Dalles, Oregon 97058 - 541-506-3420

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

North Wasco County School District 21

Code: GBN/JBA-AR(2)
Adopted: 10/22/20

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁸ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

⁹ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹¹ standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity¹²; or
3. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the district; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹² Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility): 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹³ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁴

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.

¹³ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁴ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.