

Regular/Governance Meeting

Thursday, July 2, 2020 6:30 PM

Board Room, 12400 SE Freeman Way, Milwaukie, OR 97222

**6:30 Call to Order - Native Land
Acknowledgement**

6:35 Selection of Chair/Vice Chair - Action

Minutes - June 25, 2020

Consent Agenda

A. Employment Changes

B. Policy Revisions

C. NSBA Emergency Preparedness Grant

6:45 Community Requests

6:55 1. School Board Legal Counsel

7:15 2. Policy Revisions - Discussion

**7:25 3. Board Meeting Calendar Revision -
Discussion/Action**

**7:35 4. Declarations of Actual, Potential or
Perceived Conflict of Interest - Governance**

**7:45 5. Protocols and Operating Agreements -
Governance**

**7:55 6. Board Liaison Committee Assignments
- Governance**

**8:05 7. Mandatory Child Abuse Reporter
Training - Governance**

8:10 Adjourn



Native Land Acknowledgment

We acknowledge the land on which we sit and which we call the North Clackamas School District rests on the traditional and indigenous lands and village sites of the Native peoples of the Kalapuya, Chinook, Molalla, and the Clackamas. We take this opportunity to offer gratitude for the ability to learn, work, and be a community on this land, and we offer thanks to the original caretakers of this region. We recognize the historic policies of colonization, genocide, relocation, and assimilation that affected Indigenous and Native families both past and present and that will affect those in the future, and honor the resilience and revitalization of our Indigenous and Native communities. We pay our respects to the Elders, both past and present, who have been the stewards of this land throughout the generations.

SELECTION OF BOARD CHAIR AND VICE CHAIR

ACTION
July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

This time on the agenda is scheduled for the Board to select a chair and vice chair for 2020-21.

ORIGINATED BY:

This is an annual agenda item.

BACKGROUND:

As required by Oregon Revised Statutes (ORS 332.040), Board members must select a chair and vice chair for the year at the first meeting after July 1.

PRESENTER / STAFF CONTACT:

Matt Utterback, Superintendent

**NORTH CLACKAMAS SCHOOL DISTRICT 12
CLACKAMAS COUNTY, OREGON
MINUTES — BOARD OF DIRECTORS REGULAR MEETING
June 25, 2020
Zoom Meeting ID#5033536002**

Open Session

With due notice having been given and a quorum present, Chair Steven Schroedl convened open session at 6:30 p.m. with the following members present online in a virtual meeting:

Steven Schroedl	–	Chair
Kathy Wai	–	Vice Chair
Jena Benologa	–	Director
Libra Forde	–	Director
Mitzi Bauer	–	Director
Orlando Perez	–	Director
Tory McVay	–	Director
Matt Utterback	–	Superintendent
Sandra Henderson	–	Board Secretary

Also present were; Cindy Detchon, Gayellyn Jacobson, Khaliyah Williams-Rodriguez, Libby Miller, Mark Moser, Maureen Callahan, Petra Callin, Shay James, Shelly Reggiani, Tiffany Shireman, Tricia George, district employees, and community members.

Native Land Acknowledgement – Vice Chair Kathy Wai read the Native Land Acknowledgement.

Chair Steven Schroedl shared the passing away of Marilyn Wright, a former Board member who had served from 1976 to 1988.

R19/20-123 **Minutes** – Kathy Wai moved, Libra Forde seconded the motion to approve the minutes of the regular Board meeting held May 28, 2020. Motion passed unanimously.

R19/20-124 Mitzi Bauer moved, Tory McVay seconded the motion to approve the minutes of the regular Board meeting held June 4, 2020. Motion passed unanimously.

R19/20-125 **Consent Agenda** – Mitzi Bauer moved, Orlando Perez seconded the motion to adopt the consent agenda as recommended:

Employment Changes - Approve employment changes as listed, with a copy of the list made as part of the official minutes, as recommended by the Executive Director of Human Resources:

<i>Administrative</i>	–	appointment
<i>Licensed</i>	–	appointments, terminations

Alternative Placements 2020-2021 - Approve updated list of alternative placement facilities for the 2020-2021 school year.

Policy Revisions - Approve adoption and revisions to the following policies as recommended by the Policy Review Committee.

JHFE – Reporting of Suspected Abuse of a Child

JHFE-AR – Reporting of Suspected Abuse of a Child

LBE – Public Charter Schools

Approve deletion of JHFE/GHFE & JHFE/GHFE-AR

Motion passed unanimously.

Community Requests – Comments from the following community members were read into the record:

- Kyla Hill, Milwaukie, OR, in opposition of the Board adoption of complaint policies.
- Yvonne McVay, Milwaukie, OR, in opposition to changing the name of Milwaukie Elementary School.
- Marissa Farrow, Tigard, OR, advocating for the addition of School Social Workers within elementary schools.
- Andrea Anderson and Melinda Ryan, representing NCEA, requested the immediate removal of School Resource Officers from high schools in North Clackamas and asked to develop equity-aligned uses for the money that would be saved.

Board Recognition – Superintendent Matt Utterback presented Steven Schroedl a gift in recognition of his service as Board Chair for 2019-2021.

Ready Schools, Safe Learners 2020-21 Report – Superintendent Matt Utterback provided a report to the Board regarding high school graduation events and preparations being made for returning students to school in September.

Declaration of Interest in Board Chair and Vice Chair Positions – Steven Schroedl nominated Libra Forde to serve as Board Chair for the 2020-2021 school year. Libra Forde accepted the nomination. Mitzi Bauer offered to serve as Vice Chair. Kathy Wai expressed gratitude for having been Vice Chair this year and indicated she supported Libra Forde as Chair and Mitzi Bauer as Vice Chair.

Board Reports – Board members made brief reports on activities and events they had attended and commented on the Black Lives Matter rallies that were held in Happy Valley and Milwaukie, This is All of Us, a child abuse prevention presentation that Orlando Perez help to coordinate, and high school graduation events.

Kathy Wai requested to add a discussion item to a future Board meeting regarding District Legal Counsel's involvement in an incident at a Salem-Keizer School Board meeting. Other Board members expressed in support of adding this topic at a future Board meeting.

Policy Revisions – Chief of Staff Tiffany Shireman presented revisions to the following policies as recommended by the Policy Review Committee:

GCAB – Personal Electronic Devices and Social Media – Staff, revised due to Senate Bill 155.

JCAB – Use of Restraint or Seclusion, revised due to adopted revisions to restraint and seclusion in Oregon Administrative Rules and Senate Bill 963.

JHCD/JHCDA – Medications, revised due to Senate Bill 665.

JHCD/JHCDA-AR – Medications, same as above, AR requires Board approval.

R19/20-126

Complaint Policy Review – Kathy Wai moved, Libra Forde seconded the motion to approve the following Policy’s and ARs.

AC – Nondiscrimination and AC-AR – Discrimination Complaint Procedure

GBM – Staff Complaints

GBN/JBA – Sexual Harassment and GBN/JBA-AR – Sexual Harassment Complaint Procedure

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

GBNA/JFCF-AR – Hazing/Harassment/Intimidation/Bullying/Menacing/ Cyberbullying/Teen Dating Violence/Domestic Violence Complaint Procedures

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

KL – Public Complaints and KL-AR (1) – Public Complaint Procedure

Motion passed unanimously.

R19/20-127

Milwaukie Elementary and El Puente Elementary Renaming – Orlando Perez moved, Mitzi Bauer seconded the motion to rename the merged Milwaukie Elementary School and El Puente as “Milwaukie El Puente Elementary School.” Motion passed unanimously.

R19/20-128

2020-2021 Organization Resolution – Chief Financial Officer Gayellyn Jacobson presented the proposed resolution for Board consideration.

Jena Benologa moved, Steven Schroedl seconded the motion to designate Matt Utterback, Superintendent, as the Chief Administrative Officer and District Clerk of the Board of Directors with designated powers as stated in Board Policy, including administration of all local, state and federal funds and programs; designate Gayellyn Jacobson, Chief Financial Officer, as the Budget Officer; designate Gayellyn Jacobson, Chief Financial Officer, as the Deputy Clerk; designate the depositories for school funds to be qualified depositories for public funds as approved by the Oregon State Treasury under ORS 295.002; designate the Superintendent (Matt Utterback) and Chief Financial Officer (Gayellyn Jacobson) as custodian of funds and authorized to sign checks; designate Chief of Staff (Tiffany Shireman) and Assistant Superintendent of Operations (Cindy Detchon) authorized to sign checks; authorize facsimile signatures for checks written in amounts less than \$50,000; require checks of \$50,000 and over to have original signatures on a copy of the check (one for \$50,000 to \$99,999 and two for \$100,000 and

over); authorize the State of Oregon Local Investment Pool as an investing agent for the North Clackamas School District No. 12, Clackamas County, Oregon; authorize Superintendent (Matt Utterback) and Chief Financial Officer (Gayellyn Jacobson) to invest funds in accordance with district policy; designate Wilcox Arredondo & Co. as the independent audit firm; and designate the Clackamas Review as the official newspaper for the North Clackamas School District for the 2020-2021 school year; designate the Assistant Superintendent of Operations (Cindy Detchon), Chief Financial Officer (Gayellyn Jacobson) and Director of Business Operations (Kerensa Mauck) authority to enter into contracts. Motion passed unanimously.

R19/20-129 **Appropriations Transfer for Fiscal Year 2019-2020** – Mitzi Bauer moved, Kathy Wai seconded the motion to approve an appropriations transfer of \$500,000 from Support Services to Instruction and \$1,000,000 from Contingency to Instruction in the 2019-2020 Adopted General Fund Budget to meet budgeting requirements. Motion passed unanimously.

Water District Easement Resolutions

R19/20-130 **New Urban High School Resolution #1:** Mitzi Bauer moved, Steven Schroedl seconded the motion to adopt resolution granting an approximate 7 feet wide by an approximate 8.5 feet long water system utility easement to Oak Lodge Water Services District for a fire sprinkler water service, backflow, and associated equipment vault to be installed and maintained to serve New Urban High School. Motion passed unanimously.

R19/20-131 **New Urban High School Resolution #2:** Kathy Wai moved, Orlando Perez seconded the motion to adopt resolution granting an approximate 9 feet wide by an approximate 7 feet long water system utility easement to Oak Lodge Water Services District for a fire sprinkler water service, backflow, and associated equipment vault to be installed and maintained to serve New Urban High School. Motion passed unanimously.

R19/20-132 **Riverside Elementary Resolution:** Orlando Perez moved, Libra Forde seconded the motion to adopt resolution granting an approximate 20 feet wide by an approximate 12 feet long water system utility easement to Oak Lodge Water Services District for a fire sprinkler water service, backflow, and associated equipment vault to be installed and maintained to serve Riverside Elementary School. Motion passed unanimously.

R19/20-133 **View Acres Elementary Resolution:** Steven Schroedl moved, Orlando Perez seconded the motion to adopt resolution granting an approximate 17 feet wide by an approximate 12 feet long water system utility easement to Oak Lodge Water Services District for a fire sprinkler water service, backflow, and associated equipment vault to be installed and maintained to serve View Acres Elementary School. Motion passed unanimously.

There being no further business to come before the Board, the meeting adjourned at 7:47 p.m.

Unapproved

POLICY REVISIONS

CONSENT B
July 2, 2020

REASON FOR BOARD CONSIDERATION:

Approval of the attached revised policies.

COMMITTEE RECOMMENDATION:

The Policy Review Committee, with membership of both staff and Board, reviewed and recommends the following policy revisions.

BUDGET IMPACT/SOURCE OF FUNDS:

There are no known or anticipated increases to costs with the proposed policy change.

ATTACHMENTS:

Drafts of the following policies to review:

Policy	Title	Reason
GCAB	Personal Electronic Devices and Social Media - Staff	OSBA November 2019 Update, due to Senate Bill 155 regarding suspected sexual conduct and suspected child abuse.
JGAB	Use of Restraint or Seclusion	OSBA November 2019 Update, due to adopted revisions to restraint and seclusion in Oregon Administrative Rules and Senate Bill 963.
JHCD/JHCDA	Medications	OSBA November 2019 Update, due to Senate Bill 665 that gives the district the option to provide and administer naloxone or any similar medication.
JHCD/JHCDA-AR	Medications	OSBA November 2019 Update, due to same as above. AR requires Board approval.

PRESENTER / STAFF CONTACT:

Tiffany Shireman, Chief of Staff

Personal Electronic Devices and Social Media - Staff

1. Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent or designee. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision and instruction of students.
2. A “personal electronic device” is a device, not issued by the district, which is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.
3. Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment.
4. The district will not be liable for loss or damage to personal electronic devices brought to district property and district-sponsored activities.
5. Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social network sites, public websites, blogs and other social media, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal.
6. Social Media is an effective method of communicating and highlighting the events of school activities. Staff shall not create or use social media accounts for school or business purposes without proper authorization. Any staff wishing to create an account must follow procedures outlined by the district's community relations department, including registering the account with the district. Only district-issued email accounts shall be used to create social media accounts.
7. All electronic communications with students shall be appropriate and professional. When possible, all electronic communication should utilize district email. Any other electronic method of communication shall include at least three (3) people total or the subject and method of the communication shall be shared with the staff member’s supervisor in a timely manner. Repeated private communications with the same student(s) may be investigated for evidence of potential grooming behavior or other sexual conduct, and may result in a report to TSPC or ODE for further investigation.
8. All electronic communications with students while off duty is strongly discouraged.

The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, or otherwise

illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

ORS 163.432
ORS 163.433
ORS 163.684
ORS 163.686
ORS 163.687
ORS 163.688
ORS 163.689

ORS 163.693
ORS 163.700
ORS 167.057
ORS 326.011
ORS 326.051
ORS 332.072
ORS 332.107

ORS 336.840
ORS 339.372

[OAR 584-020-0000 – 020-0035]

Senate Bill 155 (2019)

18 U.S.C. § 1466A (2018).

18 U.S.C. § 1470 (2018).

20 U.S.C. § 7131 (2018).

20 U.S.C. § 7906 (2018).

Copyrights, Title 17, as amended, United States Code (2018); 19 C.F.R. Part 133 (2019).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).



Code: **JGAB**
Adopted: 9/20/07
Revised/Readopted: 4/19/12; 2/13/14; 4/24/14;
8/28/14; 9/12/19

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances which must exist and the requirements which must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another; Assisting a student to complete a task if the student does not resist the physical contact; or
- b. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"Seclusion" does not mean the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

5. “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

“Mechanical restraint” does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
6. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
 7. “Prone restraint” means a restraint in which a student is held face down on the floor.
 8. “Supine restraint” means a restraint in which a student is held face up on the floor.

Prohibited Restraint or Seclusion

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student’s movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student’s neck, throat, genitals or other intimate parts.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff’s own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student’s body.

10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Allowable Restraint or Seclusion

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in OAR 581-021-0568.

The district shall utilize the MANDT training program of physical restraints and seclusion in the district. In addition, until December 31, 2021, the SYNC system may also be used. As required by state regulation, the district will provide a training program which shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation, and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint or seclusion.

Annual Review and Report

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents of physical involving restraint;
2. The total number of incidents of involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or personnel staff as a result of the use of physical restraint or seclusion;
7. The total number of students placed in physical restraint and/or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of physical restraint and seclusion for each student;
8. The total number of physical restraint and or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom physical restraint and/or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office, on the district's website and to the Board.

At least once each school year the parents of students of the district shall be notified about how to access the report.

Complaints

The district shall investigate all complaints regarding the use of restraint or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR – Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

The complainant, who is a student, a parent of a student attending school in the district, or a person who resides in the district, may appeal a final decision to the Deputy Superintendent of Public Instruction pursuant to OAR 581-022-2370.

The superintendent or designee shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to use, reporting, and written documentation of the use of restraint or seclusion by district staff.

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

END OF POLICY

Legal Reference(s):

ORS 161.205	ORS 339.300	OAR 581-021-0559
ORS 339.250	ORS 339.303	OAR 581-021-0563
ORS 339.285		OAR 581-021-0566
ORS 339.288	OAR 581-021-0061	OAR 581-021-0568
ORS 339.291	OAR 581-021-0550	OAR 581-021-0569
ORS 339.294	OAR 581-021-0553	OAR 581-021-0570
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

Cross Reference(s):

JGA - Corporal Punishment
JGB - Detention of Students
JGDA/JGEA - Discipline of Students with Disabilities

Medications**

The district recognizes that administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary 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. Annual training shall be provided to designated personnel as required by law in accordance with 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 or another medication to a student as prescribed and/or allowed by Oregon law.

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 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. 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 prescriber².

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

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.

A request to the district to administer or allow a student to self-administer nonprescription that is not approved by the Food and Drug Administration (FDA) shall include a written order from the student's prescriber that meets the requirements 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 law³, 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 assisted the student in self-administration of the medication.

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

³ Subject to ORS 109.610, 109.640 and 109.675.

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 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 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, Oregon Administrative Rules and the implementation of this policy.

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

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](#)

Senate Bill 665 (2019)

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*.



Code: EEA
Adopted: 8/05/04
Revised/Readopted: 6/23/11; 5/02/13; 3/10/16;
2/14/19
Orig. Code: ~~EEA~~

Student Transportation Services

Definitions

1. Elementary School Student: Grades kindergarten through grade 5.
2. Middle School Student: Grades 6 through grade 8.
3. High School Student: Grades 9 through grade 12.
4. Neighborhood school: A school designated to the homes located within the designated individual school boundaries.
5. Walk Zone: Areas around schools that in general do not qualify for bus service. Walk zones are defined by a 1 mile walking distance for elementary and middle school students, and a 1.5 mile walking distance for high school students. Walking distance is the distance a student lives from school, measured from the closest, reasonable, and prudent point between the school property and the property where the student lives. The distance is measured over the shortest practicable route on maintained public roadways, or over existing pedestrian facilities.
6. Supplemental Plan: A plan adopted by the school board identifying areas within the 1 mile or 1.5 mile walk zones that qualify for an exception to receive transportation service. The exceptions are based on specific health or safety reasons (evaluated using a consistent adopted criteria), and accommodations for students with special needs.
7. School of origin means the school that a student attended when permanently housed or the school in which the student was last enrolled. When the student has completed the final grade served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

Services

The district will provide transportation services to North Clackamas School District students attending district schools in accordance with current state and federal laws, rules and regulations pertaining to student transportation and in accordance with this policy.

Students will receive transportation services to their assigned neighborhood school if their home is outside the designated walk zone. The following are acceptable distances from a home to the nearest bus stops; 0.25 mile elementary, 0.33 mile middle school, 0.40 mile high school.

Students may receive transportation services to their neighborhood school inside the walk zone if the Board has approved an exception to provide bus service through an approved Supplemental Plan.

Students with special needs who require transportation services may also receive transportation services inside the walk zones.

Students who voluntarily attend a school outside their neighborhood school's attendance boundary will not receive transportation services, except in the case of a North Clackamas School District magnet school or North Clackamas School district-initiated charter school.

Transportation will be provided as needed for students in foster care and in homeless situations to and from the student's school of origin as required by state and federal law. These services shall be provided throughout the regularly scheduled school year and during the regular school day.

Students living in the North Clackamas School District boundaries attending any private, parochial, or public charter school under the compulsory school attendance laws will be provided transportation if the home and school are near an existing bus route and there is capacity on the bus.

Transportation will be provided for 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.

Preschool students with disabilities who have transportation identified as a related service, and children from birth to age three who are enrolled in an eligible program shall be provided home to school transportation.

The district may also provide transportation using federal funds¹ or through cooperative agreements with local victims assistance units for a student to attend a safe district school² out of the student's attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous. If there are no other schools within the district a student may transfer to, the district may establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

Rules of Conduct

School buses carrying students will be considered extensions of the school experience. All students using school transportation will abide by the code of conduct posted in each school bus or school activity vehicle, abide by the student conduct rules for their school, and follow the direction of the school bus driver.

Violations of such rules or directives, as well as other conduct which is improper or which jeopardizes the safety of self or others, will be reported by the school bus driver to their supervisor and/or the building administrator as needed.

¹ Federal funds means funds available through Title IV, Part A, and Title V, Part A.

² If there is not another school in the district to which students can transfer, districts are encouraged, but not required, to explore other appropriate options, i.e., an agreement with a neighboring district.

Violators may be denied use of transportation for a period of time as deemed proper by the principal and/or transportation supervisor.

The district may install video cameras on district property and district vehicles for the sole purpose of ensuring the safety, health and welfare of all students, staff, community, and visitors to district property, and to safeguard district facilities and equipment. Video cameras on district vehicles may record audio.

District and Driver Responsibilities

The principal or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records. Information and/or training, including confidentiality requirements, will be provided to drivers as appropriate.

The school bus driver will be responsible for the school bus vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

Staff or volunteers that regularly ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 815.080	OAR 581-053-0040
ORS 327.033	ORS 820.100 - 820.190	OAR 581-053-0053
ORS 327.043		OAR 581-053-0060
ORS 332.405	OAR 581-021-0050 - 0075	OAR 581-053-0070
ORS 332.415	OAR 581-022-2345	OAR 581-053-0210
ORS 339.240 - 339.250	OAR 581-023-0040	OAR 581-053-0220
ORS 343.155 - 343.246	OAR 581-053-0002	OAR 581-053-0230
ORS 343.533	OAR 581-053-0003	OAR 581-053-0240
ORS 811.210	OAR 581-053-0004	OAR 735-102-0010
ORS 811.215	OAR 581-053-0010	
ORS 815.055	OAR 581-053-0031	Senate Bill 905 (2019)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6315, 7912 (2018).
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431-11435 (2012).

Cross Reference(s):

ECAC - Video Cameras for District Property and Vehicles
EEAC - School Bus Safety Program
EEACC - Student Conduct on School Buses



Code: **GBEDA**
 Adopted: 10/24/13
 Revised/Readopted: 2/13/14

Drug and Alcohol Testing and Record Query - Transportation Personnel

The district shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education. The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

The district’s program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)
[ORS 825.415](#)
[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(d\)](#)

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



Code: **JGAB**
Adopted: 9/20/07
Revised/Readopted: 4/19/12; 2/13/14; 4/24/14;
8/28/14; 9/12/19

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances which must exist and the requirements which must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another; Assisting a student to complete a task if the student does not resist the physical contact; or
- b. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"Seclusion" does not mean the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

5. “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

“Mechanical restraint” does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
6. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
 7. “Prone restraint” means a restraint in which a student is held face down on the floor.
 8. “Supine restraint” means a restraint in which a student is held face up on the floor.

Prohibited Restraint or Seclusion

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student’s movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student’s neck, throat, genitals or other intimate parts.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff’s own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student’s body.

10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Allowable Restraint or Seclusion

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in OAR 581-021-0568.

The district shall utilize the MANDT training program of physical restraints and seclusion in the district. In addition, until December 31, 2021, the SYNC system may also be used. As required by state regulation, the district will provide a training program which shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation, and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint or seclusion.

Annual Review and Report

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office, on the district's website and to the Board.

At least once each school year the parents of students of the district shall be notified about how to access the report.

Complaints

The district shall investigate all complaints regarding the use of restraint or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR – Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

The complainant, who is a student, a parent of a student attending school in the district, or a person who resides in the district, may appeal a final decision to the Deputy Superintendent of Public Instruction pursuant to OAR 581-022-2370.

The superintendent or designee shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to use, reporting, and written documentation of the use of restraint or seclusion by district staff.

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

END OF POLICY

Legal Reference(s):

ORS 161.205	ORS 339.300	OAR 581-021-0559
ORS 339.250	ORS 339.303	OAR 581-021-0563
ORS 339.285		OAR 581-021-0566
ORS 339.288	OAR 581-021-0061	OAR 581-021-0568
ORS 339.291	OAR 581-021-0550	OAR 581-021-0569
ORS 339.294	OAR 581-021-0553	OAR 581-021-0570
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

Cross Reference(s):

JGA - Corporal Punishment
JGB - Detention of Students
JGDA/JGEA - Discipline of Students with Disabilities

GRANT AWARD: NSBA EMERGENCY PREPAREDNESS

CONSENT C

July 2, 2020

SUPERINTENDENT’S RECOMMENDATION:

The Board approve the request to appropriate, and expend this grant.

BUDGET IMPACT/SOURCE OF FUNDS:

This Grant will provide the District hardware as well as software licenses and support services for a three year period at a value of \$78,748. The implementation of these resources will require time of employees in the Risk Management, Technology, and Facilities Departments.

BACKGROUND:

The grant is sponsored by Alertus and the National School Board Association (NSBA), providing software and hardware for the creation of an integrated system that allows for automated emergency notifications that may be triggered from multiple locations. This system would create the ability to communicate through mobile applications, district computers, and beacons at the exterior of the building. The ability to expand the District’s emergency notification system is consistent with recommendations from the 2018-19 Security Task Force specific to emergency response and communications.

The Emergency Preparedness Grant package includes the following resources:

- **Software:** Alertus Desktop Notification, Threatwatcher, and Mobile Applications
- **Hardware:** Up to 30 Alert Beacons (one per school) and 4 Activation Buttons (for District Level)
- **Support:** 3 Years of unlimited support and unlimited licensing

In learning North Clackamas was awarded this national grant, Jim Green, Executive Director of the Oregon School Boards Association (OSBA) has provided the following statement: “OSBA is excited to announce the North Clackamas School District as the winner of the Alterus School Safety Emergency Preparedness Grant. We are extremely proud to have this opportunity through the National School Boards Association and our shared vision of creating and fostering safe, secure and supportive learning environments for all students. North Clackamas has exemplified this vision, demonstrating an ongoing commitment to putting the wellbeing of their students and school community at the forefront of their work, which this grant will only help them to continue to build upon.”

PRESENTER / STAFF CONTACT:

Gayellyn Jacobson, Chief Financial Officer
David Kruse, Risk Manager

OTHERS NOTIFIED OF ITEM:

Kerensa Mauck, Director of Business Operations
Derrick Brown, Executive Director - Technology and Information Services

SCHOOL BOARD LEGAL COUNSEL REPRESENTATION

DISCUSSION

Agenda Item #1

July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

Time is set aside on the agenda for the School Board to discuss legal counsel representation.

BACKGROUND:

For many years, the legal firm of Garrett Hemann Robertson has served as the district's legal counsel. The school board's primary contact for legal representation has been Paul Dakopolos.

At the June 25 North Clackamas School Board Meeting, there was consensus among board members to discuss a recent racist act that occurred at a Salem-Keizer School Board meeting and its implications for North Clackamas School Board's legal representation.

Possible questions for exploration during this discussion could include:

- How does the District's commitment to equity serve as a guiding principle to the School Board's legal counsel?
- What considerations should be in place for determining the School Board's legal counsel?

ATTACHMENTS:

North Clackamas Equity Policy

North Clackamas Equity Lens

PRESENTER:

Board Chair



District Equity Policy

As each student enters a North Clackamas school, dreams are nurtured, history and cultural heritage are celebrated, love of learning is fostered, educational, physical, emotional and social needs are supported.

The North Clackamas School District is a community of learners committed to equity and the success of each student. This commitment means that student success will not be predicted nor predetermined by race, ethnicity, family economics, mobility, language, marital status, gender, sexual orientation, gender identity, disability, initial proficiencies or religion.

The principle of equity goes beyond formal equality where all persons are treated the same. Instead, equity fosters an inclusive and barrier-free environment in which everyone will fully benefit. The district will apply this principle of equity to all policies, programs, operations, practices and resource allocations. All students will have access and opportunity to a high-quality education.

The North Clackamas School District is committed to the following foundational beliefs:

1. Each student can learn with adequate support at the highest levels when all staff provide equitable access and opportunity for learning, and hold each student to high expectations;
2. Maximizing the academic achievement of every child requires allocating resources equitably, not necessarily equally;
3. Everyone in the district will act to eliminate disparities to prepare all students for college and career and;
4. An inclusive and welcoming environment plays a critical role in supporting a child's educational goals.

To realize our beliefs the North Clackamas School District will:

1. Systematically use districtwide and individual school level data, disaggregated by race, ethnicity, language, special education, gender, sexual orientation, socioeconomic background and mobility to inform district decision-making;
2. Provide students with equitable access to high quality curriculum, programs, teachers and administrators, extracurricular activities and support services, even when this means differentiating resource allocation;
3. Affirm the identity of each student, acknowledge and celebrate differences to create a sense of belonging for each student;

4. Incorporate the voice, culture and perspectives of students, staff, families and communities that reflect student demographics to support and enhance student success;
5. Identify and counteract biased practices that perpetuate achievement disparities and lead to disproportionate levels of student success;
6. Provide multiple and varied opportunities in order to meet the needs of the diverse student body;
7. Actively recruit, hire, and retain staff that reflect student demographics at all organizational levels and support employees to engage in culturally responsive practices and delivery of quality instruction and service; and
8. Ensure that the North Clackamas District Strategic Plan embraces the principle of equity as a key feature and presents measurable outcomes to prepare all students for college, career and life.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Equity Lens

When making decisions and taking action, utilize the following questions:

- Does this decision align with the District mission/vision?
- Whom does this decision affect both positively and negatively?
- Does the decision being made ignore or worsen existing disparities or produce other unintended consequences?
- Are those being affected by the decision included in the process?
- What other possibilities were explored?
- Is the decision/outcome sustainable?

POLICY REVISIONS

DISCUSSION
Agenda Item #2
July 2, 2020

REASON FOR BOARD CONSIDERATION:

First reading of the attached revised policies.

COMMITTEE RECOMMENDATION:

The Policy Review Committee, with membership of both staff and Board, reviewed and recommends the following policy revisions.

BUDGET IMPACT/SOURCE OF FUNDS:

There are no known or anticipated increases to costs with the proposed policy change.

ATTACHMENTS:

Drafts of the following policies to review:

Policy	Title	Reason
EEA	Student Transportation Services	November 2019 Update, due to Senate Bill 905 which addresses transportation for students placed outside the home.
GBEDA	Drug and Alcohol Testing and Record Query - Transportation Personnel	November 2019 Update, due to new rules adopted by the federal Department of Transportation (DOT) regarding the collection and maintenance of records on drivers made subject to testing and new reporting requirements.
GBEDA-AR	Drug and Alcohol Testing and Record Query - Transportation Personnel	November 2019 Update, same as above. AR requires Board approval.
JHH	Student Suicide Prevention	OSBA May 2020 Update, due to Senate Bill 52 also known as Adi's Act requiring a comprehensive plan on student suicide prevention for students in kindergarten through grade 12.

PRESENTER / STAFF CONTACT:

Tiffany Shireman, Chief of Staff



Code: EEA
Adopted: 8/05/04
Revised/Readopted: 6/23/11; 5/02/13; 3/10/16;
2/14/19
Orig. Code: ~~EEA~~

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Definitions

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Transportation will be provided for 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.

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The district may also provide transportation using federal funds¹ or through cooperative agreements with local victims assistance units for a student to attend a safe district school² out of the student's attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous. If there are no other schools within the district a student may transfer to, the district may establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

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¹ Federal funds means funds available through Title IV, Part A, and Title V, Part A.

² If there is not another school in the district to which students can transfer, districts are encouraged, but not required, to explore other appropriate options, i.e., an agreement with a neighboring district.

Violators may be denied use of transportation for a period of time as deemed proper by the principal and/or transportation supervisor.

The district may install video cameras on district property and district vehicles for the sole purpose of ensuring the safety, health and welfare of all students, staff, community, and visitors to district property, and to safeguard district facilities and equipment. Video cameras on district vehicles may record audio.

District and Driver Responsibilities

The principal or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records. Information and/or training, including confidentiality requirements, will be provided to drivers as appropriate.

The school bus driver will be responsible for the school bus vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

Staff or volunteers that regularly ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 815.080	OAR 581-053-0040
ORS 327.033	ORS 820.100 - 820.190	OAR 581-053-0053
ORS 327.043		OAR 581-053-0060
ORS 332.405	OAR 581-021-0050 - 0075	OAR 581-053-0070
ORS 332.415	OAR 581-022-2345	OAR 581-053-0210
ORS 339.240 - 339.250	OAR 581-023-0040	OAR 581-053-0220
ORS 343.155 - 343.246	OAR 581-053-0002	OAR 581-053-0230
ORS 343.533	OAR 581-053-0003	OAR 581-053-0240
ORS 811.210	OAR 581-053-0004	OAR 735-102-0010
ORS 811.215	OAR 581-053-0010	
ORS 815.055	OAR 581-053-0031	Senate Bill 905 (2019)

Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6315, 7912 (2018).
McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431-11435 (2012).

Cross Reference(s):

ECAC - Video Cameras for District Property and Vehicles
EEAC - School Bus Safety Program
EEACC - Student Conduct on School Buses



Code: **GBEDA**
 Adopted: 10/24/13
 Revised/Readopted: 2/13/14

Drug and Alcohol Testing and Record Query - Transportation Personnel

The district shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education. The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

The district’s program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)

[ORS 825.415](#)

[ORS 825.418](#)

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

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

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

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

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

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

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

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

Drug and Alcohol Testing and Record Query - Transportation Personnel

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

1. Program Coordinator

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

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting, or supervising loading or unloading, repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty, or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;
 - (11) Information on the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and

- (12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse¹:
- (a) A verified positive, adulterated, or substituted drug test result;
 - (b) An alcohol confirmation test with a concentration of 0.04 or higher;
 - (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
 - (d) An employer's report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:
 - (i) On duty alcohol use;
 - (ii) Pre-duty alcohol use;
 - (iii) Alcohol use following an accident;
 - (iv) Controlled substance use.
 - (e) A SAP's report of the successful completion of the return-to-duty process;
 - (f) A negative return-to-duty test; and
 - (g) An employer's report of completion of follow-up testing.
- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention, and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the ~~Department of Health and Human Services (DHHS)~~ Oregon Health Authority (OHA), Public Health Division to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
- (1) Information on the effects and consequences of drug and alcohol use on personal health, safety, and the work environment;
 - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
 - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
 - (5) Documentation of training given to employees.

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

- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;
- m. Ensure compliance with stand-down prohibitions as set forth by the OTETA. “Stand-down” means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the Federal Motor Carrier Safety Administration (FMCSA) below:
 - (1) The district may seek a waiver of the prohibition against standing down an employee;
 - (2) Requests which include all required information will be submitted to FMCSA for approval.

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

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

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

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

- b. The district will report³ to FMCSA the following personal information about a driver that is collected and maintained in connection with the district’s testing program:
 - (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;

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

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

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

The report will include, as applicable:

- (6) Reason for the test;
- (7) Driver's name, date of birth, and CDL number and State of issuance;
- (8) Employer name, address, and USDOT number;
- (9) Date of the test;
- (10) Date the result was reported; and
- (11) Test result. The test result must be one of the following:
 - (a) Negative (only required for return-to-duty tests administered in accordance with law);
 - (b) Positive; or
 - (c) Refusal to take a test.
- (12) An employer's report of a driver's refusal to submit⁴ to alcohol or drug testing must include the following information:
 - (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
 - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.
- (13) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident;
 - (d) Controlled substance use.

This report will include the following information:

- (e) Driver's name, date of birth, CDL number and State of issuance;
- (f) Employer name, address, and USDOT number, if applicable;
- (g) Date the employer obtained actual knowledge of the violation;
- (h) Witnesses to the violation, if any, including contact information;
- (i) Description of the violation;

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

- (j) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (k) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section as required by law.

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

3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years no later than 14 calendar days after the driver is used for the first time. The district will provide the driver's written permission for release of information to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information and will maintain the same for three years from the date the driver's service began.
- e. ⁵Requests received by the district for ~~release of such information~~ ~~may be by telephone, letters or any other method~~ to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a ~~written, confidential record of each past employer contacted~~ record and summary of information released, the date, and to whom the information was released;
- f. The district ~~will not use~~ must ask a driver ~~with a~~, and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer in the past two years unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample shall be tested for the presence of alcohol;
- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- i. Pre-employment drug and alcohol testing will be paid for by the district;
- j. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements will not be hired or transferred voluntarily or involuntarily to covered positions;

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

- k. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff;
- l. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
- m. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
- n. The individual may request a screening of the split specimen at ~~his/her~~ their own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.

4. Post-accident Testing

The district shall conduct post-accident testing as follows:

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

test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;

- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

5. Random Testing

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

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

(1) The district will meet minimum testing rates.

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

⁶Computerized system⁷:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers.

- e. All such testing shall be unannounced, and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year";
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Each employee selected for testing shall be tested during the selection period;
- h. Employees shall only be tested for alcohol just before the driver is scheduled to perform their safety-sensitive function, during or just after performing such function;
- i. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

⁶~~[The district should select either "computerized system" or "manual system" language reflected in brackets—not both.]~~

⁷~~The computerized system, when it can be utilized by the district, is the preferred selection method, under FMCSA guidance.~~

6. Reasonable Suspicion Testing

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

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech, or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or his/her designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

7. Referrals, Evaluation and Treatment

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

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

8. Return-to-Duty Testing

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

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

9. Follow-up Testing

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

- a. Follow-up testing will be conducted whenever an SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced⁸;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
 - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if ~~he/she~~ the SAP determines the testing is no longer needed.

10. Drug and Alcohol Testing Procedures

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

- a. Drugs
 - (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
 - (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
 - (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the ~~DHHSOHA~~ certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
 - (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
 - (5) The MRO will verify both negative and positive testing results;
 - (6) The MRO will report the verified negative testing results to the district;
 - (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
 - (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;

⁸ A follow-up test shall not also serve as a random test, and vice versa.

- (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
- (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the district;
- (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- (12) The MRO will report results of the second screening to the employee and the district;
- (13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;
- (14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

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

11. Positive Test Result

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

12. Record Keeping/Record Reporting

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

a. Records related to the collection process:

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

b. Records related to each query:

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

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

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

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

e. Records related to evaluations as follows:

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

f. Records related to education and training as follows:

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

- g. Records related to alcohol and drug testing as follows:
- (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
 - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
 - (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.
- h. Records will be retained by the district as follows:
- (1) Five Years:
 - (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
 - (b) Records of verified positive drug testing results;
 - (c) Documentation of refusals to take required drug and/or alcohol tests;
 - ~~(d) Drug testing custody and control forms;~~
 - (e) Employee evaluation and referrals;
 - (f) Testing program records including violations;
 - (g) A copy of each annual calendar year report summary;
 - (h) Equipment calibration documentation when required (See 12. a. (7))
 - (2) Three Years:
 - (a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
 - (b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.
 - (3) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).
 - (4) One Year:

Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.
 - (5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.
- i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:
- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing,

evaluation and treatment will be maintained separately from the employee's personnel file;

- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413~~(a)(1)~~)⁹;
- (5) The district will provide access to any drug and alcohol collection and/or testing facility records maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).

⁹ Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

Student Suicide Prevention**

The district shall develop a comprehensive student suicide prevention plan for students in kindergarten through grade 12.

The plan shall include, at a minimum:

1. Procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide;
2. Identification of the school officials responsible for responding to reports of suicidal risk;
3. A procedure by which a person may request the district to review the actions of a school in responding to suicidal risk;
4. Methods to address the needs of historically marginalized groups, including:
 - a. Youth bereaved by suicide;
 - b. Youth with disabilities, mental illness or substance abuse disorders;
 - c. Youth experiencing homelessness or out of home settings, such as foster care; and
 - d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, students whose language is other than English, and racial minority groups such as Native American, Black/African/African American, Latinx, Asian and Indigenous students.
5. A description of, and materials for, any training to be provided to employees as part of the plan, which must include:
 - a. When and how to refer youth and their families to appropriate mental health services; and
 - b. Programs that can be completed through self-review of suitable suicide prevention materials.
6. Supports that are culturally and linguistically responsive;
7. Procedures for reentry into a school environment following a hospitalization or behavioral health crisis¹; and
8. A process for designating staff to be trained in an evidence-based suicide prevention program.²

The plan must be written to ensure that a district employee acts only within the authorization and scope of

¹ “Behavioral health crisis” as defined by Oregon Administrative Rule (OAR) 581-022-2510, means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual’s mental or physical health.

² The Oregon Department of Education will provide a list of available programs.

the employee's credentials or licenses.

The plan must be available annually to the community of the district, including students, parents, employees and volunteers of the district. This plan should be readily available at the district office and on the district website.

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.343](#)

[OAR 581-022-2510](#)

PROPOSED

BOARD MEETING CALENDAR REVISION

DISCUSSION/ACTION

Agenda Item #3

July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

The Board Chair and Superintendent are recommending to reschedule the November 19, 2020 Board meeting to November 12, 2020.

ORIGINATED BY:

This item was originated due to the cancellation of the OSBA Annual Convention.

BACKGROUND:

Oregon law, ORS 332.045, requires that the Board establish the dates, time, and locations for regular meetings. On May 14, 2020, the Board approved the schedule of School Board meetings for the 2020-21 school year, which included a meeting on November 19, 2020.

ATTACHMENTS:

Revised 2020-2021 Board Meeting Calendar

PRESENTER / STAFF CONTACT:

Matt Utterback, Superintendent

North Clackamas School Board

2020-2021 Meeting Calendar

July 2020						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2020						
Su	M	Tu	W	Th	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2020						
Su	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2020						
Su	M	Tu	W	Th	F	S
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25	26	27	28	29	30	31

November 2020						
Su	M	Tu	W	Th	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2020						
Su	M	Tu	W	Th	F	S
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27	28	29	30	31		

January 2021						
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24	25	26	27	28	29	30
31						

February 2021						
Su	M	Tu	W	Th	F	S
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28						

March 2021						
Su	M	Tu	W	Th	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021						
Su	M	Tu	W	Th	F	S
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11	12	13	14	15	16	17
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25	26	27	28	29	30	

May 2021						
Su	M	Tu	W	Th	F	S
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021						
Su	M	Tu	W	Th	F	S
		1	2	3	4	5
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27	28	29	30			

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|--|--|
| <ul style="list-style-type: none"> Regular Board Meeting Governance Meeting Governance/Regular Meeting | <ul style="list-style-type: none"> School Closed/ Holidays Hold for Special Meeting NSBA/OSBA Conferences OSBA Cancelled Conferences |
|--|--|

**DECLARATIONS OF ACTUAL, POTENTIAL OR PERCEIVED
CONFLICTS OF INTEREST**

GOVERNANCE
Agenda Item #4
July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

This time on the agenda is scheduled for Board members to declare any actual, potential or perceived conflicts of interest.

ORIGINATED BY:

This is an annual agenda item.

BACKGROUND:

Board policy BBFA requires that Board members publically announce the nature of any potential, actual or perceived conflict of interest during open session of a Board meeting at the first board meeting every July.

ATTACHMENT:

[Policy BBFA - Board Member Ethics and Conflicts of Interest](#)

PRESENTER / STAFF CONTACT:

Matt Utterback, Superintendent

BOARD PROTOCOLS AND OPERATING AGREEMENTS

GOVERNANCE

Agenda Item #5

July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

This time on the agenda is scheduled for the Board to review the Board Protocols and Operating Agreements.

ORIGINATED BY:

Annual agenda item.

ATTACHMENTS:

Board Protocols and Operating Agreements

PRESENTER:

Board Chair

BOARD LIAISON COMMITTEE ASSIGNMENTS

GOVERNANCE

Agenda Item #6

July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

This time on the agenda is scheduled for board members to discuss committee assignments for 2020-2021

ORIGINATED BY:

Annual agenda item.

ATTACHMENTS:

2019-2020 Board Liaisons to District Committees

2020-2021 District Committees

[Policy BCE/BCF](#)

PRESENTER:

Board Chair

MANDATORY REPORTER TRAINING

GOVERNANCE

Agenda Item #7

July 2, 2020

SUPERINTENDENT'S RECOMMENDATION:

This time on the agenda is scheduled for Board members to review expectations regarding mandatory reporting of suspected abuse of a child.

BACKGROUND:

The Board on February 27, 2020 adopted Policy BBFC – Reporting of Suspected Abuse of a Child due to Senate Bill (SB) 415 (2019) which designates members of a school district board as mandatory reporters of suspected child abuse.

ATTACHMENTS:

[Board Policy BBFC](#)

Training Handout

PRESENTER / STAFF CONTACT:

Matt Utterback, Superintendent



Code: BBFC
Adopted: 2/27/20

Reporting of Suspected Abuse of a Child

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately notify the Oregon Department of Human Services (DHS) or local law enforcement pursuant to Oregon Revised Statute (ORS) 419B.015.

The Board member making a report of child abuse, as required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

The report shall contain, if known: the names and addresses of the child and the parents of the child or other persons responsible for the care of the child; the child's age; the nature and extent of the abuse, including any evidence of previous abuse; the explanation given for the abuse; and any other information that the Board member making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 419B.005](#)
[ORS 419B.010](#)
[ORS 419B.015](#)
[Senate Bill 415 \(2019\)](#)

Cross Reference(s):

BBF - Board Member Standards of Conduct