

Rescheduled - North Clackamas School Board

Tuesday, September 15, 2020 6:00 PM

Zoom/YouTube, 12400 SE Freeman Way, Milwaukie, OR 97222

**6:00 Call to Order - Native Land
Acknowledgement**

Minutes - August 27, 2020

Consent Agenda

A. Employment Changes

B. OSEA Memorandum of Understanding

C. Rescind Declaration of Surplus
Property and Authorization to Sell

6:05 1. Community Requests

**6:20 2. Hispanic & Latino Heritage Month -
Proclamation**

**6:25 3. 2020-2021 School Year Re-entry
Plans - Report**

**6:55 4. Student Investment Account Update -
Report**

**7:15 5. 2021-2022 Budget Calendar -
Discussion**

**7:25 6. 2020-2021 Revised School Calendars -
Discussion/Action**

7:40 7. Complaint Appeal - Action

**7:50 8. Oregon School Boards Association
Board Nomination - Action**

8:00 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.

**NORTH CLACKAMAS SCHOOL DISTRICT 12
CLACKAMAS COUNTY, OREGON
MINUTES — BOARD OF DIRECTORS REGULAR MEETING
August 27, 2020
Zoom/YouTube**

Open Session

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

Libra Forde	–	Chair
Mitzi Bauer	–	Vice Chair
Jena Benologa	–	Director
Kathy Wai	–	Director
Orlando Perez	–	Director
Steven Schroedl	–	Director
Tory McVay	–	Director (entered online meeting at 7:25)
Matt Utterback	–	Superintendent
Sandra Henderson	–	Board Secretary

Also present were Cindy Detchon, Derrick Brown, Gayellyn Jacobson, Khaliyah Williams-Rodriguez, Libby Miller, Mark Moser, Maureen Callahan, Petra Callin, Shay James, Shelly Reggiani, Tiffany Shireman, Vivian Garrison and district staff. Community members and other district employees were provided a live stream on YouTube.

Vice Chair Mitzi Bauer read the Native Land Acknowledgement.

R20/21-14

Consent Agenda – Steven Schroedl 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>	–	appointments
<i>Licensed</i>	–	appointments, additional assignments, leaves of absence, terminations

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

- EEA - Student Transportation Services
- GCBDA/GDBDAA - COVID-19 Related Leave
- GCDA/GDDA - Criminal Records Check and Fingerprinting
- IGBAH-AR - Special Education - Evaluation and Eligibility Procedures
- ICC - Volunteers
- JEA - Compulsory Attendance
- JECA - Admission of Resident Student

Jena Benologa, Kathy Wai, Libra Forde, Mitzi Bauer, Orlando Perez, and Steven Schroedl voted to approve. Tory McVay was not present. Motion was approved.

R20/21-15

Minutes – Mitzi Bauer moved, Steven Schroedl seconded the motion to approve the minutes of the regular Board meeting held August 13, 2020. Jena Benologa, Kathy Wai, Libra Forde, Mitzi Bauer, Orlando Perez, and Steven Schroedl voted to approve. Tory McVay was not present. Motion was approved.

Community Requests – Irene Scruggs, Happy Valley, OR, commented on not being selected for the Virtual Online Program. She also requested that the District begin developing a plan for a full year option for families not comfortable with sending their student back to in-person learning.

New Administrator Introductions/Superintendent's Report – Superintendent Matt Utterback asked each of the following new administrators to introduce themselves to the Board:

- Glory Okeke, Assistant Principal, Lot Whitcomb and Milwaukie El Puente Elementary Schools
- Katherine Howard, Assistant Principal, Alder Creek Middle School
- Nabil Zerizef, Principal, Wilbur Rowe Middle School
- Nate Munoz, Principal, Clackamas High School
- Curtis Bullock, Principal, Owen Sabin-Ben Schellenberg Professional Technical Center
- Kara Mortimer, Associate Director, Teaching and Learning
- Derrick Brown, Executive Director, Technology and Information Services

Board Reports – Board members made brief reports on activities and events they had attended or participated in.

2020/2021 School Year Re-entry Plans – Superintendent Matt Utterback, Chief of Staff Tiffany Shireman, Assistant Superintendent of Education Shay James and Assistant Superintendent of Operations Cindy Detchon presented a report on the school reopening plans. Updates regarding delivery models, professional development, student/family orientation, technology, food delivery and returning to the worksites were provided.

Capital Construction Bond Update – Senior Director of Capital Projects Ron Stewart, Chief Financial Officer Gayellyn Jacobson, and Assistant Superintendent of Operations Cindy Detchon provided information and responded to questions regarding the status of the capital construction bond program.

Quarterly Financials Report – Chief Financial Officer Gayellyn Jacobson presented a report on the financial status of the district. Questions and comments from the Board were addressed.

Rescind Declaration of Surplus Property and Authorization to Sell – Assistant Superintendent of Operations Cindy Detchon provided background regarding the previous declaration of surplus of the former administration office property. A Strategic

Partnership agreement with North Clackamas Parks and Recreation originally included the property as part of the Hood View Park exchange, but was later revised not to include it. The property is now being utilized by the Technology and Information Services Department.

R20/21-16

Board Protocols/Operating Agreements – Tory McVay moved, Steven Schroedl seconded the motion to approve the Board Protocols and Operating Agreements as amended. Motion passed unanimously. The Board discussed considering changes to Policy BBAA - Individual Board Member's Authority and Responsibilities in order to further clarify Board members ability to request information.

There being no further business to come before the Board, the meeting adjourned at 8:38 p.m.

Unapproved

DRAFT

OREGON SCHOOL EMPLOYEES ASSOCIATION
MEMORANDUM OF UNDERSTANDING FOR 2020-2021

CONSENT B
September 15, 2020

SUPERINTENDENT'S RECOMMENDATION:

Approve the Oregon School Employees Association (OSEA) Chapter 71 memorandum of understanding, which maintains pre-layoff health insurance through December 31, 2020 for those fully or partially laid off during the month of September 2020.

BUDGET IMPACT/SOURCE OF FUNDS:

The costs of this memorandum of understanding is estimated to be approximately \$800,000. These funds will come from the fund balance in the District's insurance fund.

BACKGROUND

The pandemic, and the resulting need to be in a comprehensive distance learning model, has had a disproportionate impact on the employment of staff in the CARE Program, Nutrition Services, Transportation Department and the Early Learning and PACE programs at Sabin-Schellenberg Professional Technical Center. To support those staff laid off, and to ensure the effective and successful recall of these employees, the District and OSEA have a common interest in maintaining the health insurance of these impacted staff through December 31, 2020.

STAFF CONTACT:

Matt Utterback, Superintendent
Mark Moser, Executive Director Human Resources

OTHERS NOTIFIED OF ITEM:

April Biancone, OSEA Chapter 71 President

ATTACHMENT:

OSEA Memo of Understanding

Memorandum of Understanding between the
Oregon School Employees Association, Chapter 71
and North Clackamas School District

The goals of this portion of the agreement between the North Clackamas Schools (District) and the Oregon School Employees Association, Chapter 71 (OSEA) are to support those classified staff laid off during the COVID-19 pandemic and to create incentives for these staff to return to District employment when the work is available. The terms include:

1. For employees with a layoff date during the month of September 2020, the District will pay the District and employee's portion of the health insurance premium (i.e. medical, dental, vision, District provided basic life) at the level of coverage the employee had on the date of official layoff. This level of health insurance will be maintained by the District through December 31, 2020.
2. For those employees whose hours are reduced enough to impact their benefit level beginning the month of September 2020, the District will pay the District and employee's portion of the health insurance premium at the level of coverage the employee had on the date of official layoff. This level of health insurance will be maintained by the District through December 31, 2020.
3. For employees with a layoff date during the month of September 2020, the District will pay for the costs of maintaining the Cascade Employee Assistance Program through December 31, 2020.
4. Employees who are called back to work prior to January 1, 2021 at the same level of FTE and step/level placement held just prior to layoff, who do not accept the recalled position, shall be responsible to reimburse the District the full cost of the premiums paid by the District during the time of the employee's layoff. This amount will be made payable to the District within 90 calendar days from the date on the official written notice of recall.

5. Employees may choose to opt out of this agreement by contacting the Associate Director of Human Resources, Chelsi Reno in writing no later than September 30, 2020. For example, an employee may have the option to be covered by other means (e.g. spouse, Oregon Health Plan, Affordable Care Act exchange, etc.).
6. Unanticipated circumstances that are unique will require agreement between OSEA and the District.
7. If approved by the District, employees in layoff status will be allowed to substitute in classified or licensed (TSPC license required) positions.

This agreement expires on December 31, 2020 and is not precedent setting. By signing below, both parties agree to the above terms. All contractual provisions not listed below remain in effect.

For Oregon School Employees Association, Chapter 71

Date

NCSD Board of Directors Chair

Date

**RESCIND DECLARATION OF SURPLUS PROPERTY
AND AUTHORIZATION TO SELL**

CONSENT C
September 15, 2020

SUPERINTENDENT'S RECOMMENDATION:

Approve staff recommendation to rescind Resolution R14/15-75 declaring surplus and authorization to sell district land and property located at 4444 SE Lake Road, Milwaukie.

REASON FOR BOARD CONSIDERATION:

With Board approval, the district entered into a different property agreement with the North Clackamas Parks and Recreation District (NCPRD) which resulted in the district retaining the property at 4444 SE Lake Road. That building has since been remodeled to accommodate the Technology and Information Systems department. While the Board entered into a new agreement and different property sale with NCPRD, the Lake Road property was never brought to the Board to remove the declaration of surplus property.

BACKGROUND:

April 23, 2015: The Board approved staff recommendation to approve a resolution that declared the former administration building located at 4444 SE Lake Road as surplus. The District then entered discussion with North Clackamas Parks and Recreation District regarding a possible partnership that included their interest in some of the district's vacant properties.

March 2016: The district vacated the Lake Road site and consolidated the administrative functions at one office building located at 12400 SE Freeman Way.

March 9, 2017: The Board approved the original agreement to sell the administration office building to NCPRD.

Over the next several months and as part of the due diligence period NCPRD proposed revising the Strategic Partnership to not include the vacant administration building on Lake Rd. and instead include Clackamas Elementary School and Wichita Center for Family and Community along with Concord Elementary and bond funds.

February 8, 2018: The Board approve the revised strategic partnership with NCPRD which included Clackamas Elementary, Concord Elementary and Wichita Center for Family and Community in exchange for Hood View Park and some additional payments.

June 2019: Technology and Information Services moved into the Lake Road site, making room on the Sabin-Schellenberg North Campus for new learning spaces for students.

ATTACHMENT:

Resolution #R14/15-17

PRESENTER / STAFF CONTACT:

Cindy Detchon, Assistant Superintendent of Operations

RESOLUTION NO. R14/15-75

A RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH CLACKAMAS SCHOOL DISTRICT NO. 12, DECLARING CERTAIN PROPERTY OF THE DISTRICT TO BE SURPLUS AND UNNEEDED FOR SCHOOL DISTRICT PURPOSES AND AUTHORIZING THE SUPERINTENDENT TO MARKET THE PROPERTY;

WHEREAS, the Board of Directors ("Board") of the North Clackamas School District ("District") is authorized pursuant to ORS 332.155(1) to dispose of surplus property no longer needed for the purpose of building schoolhouses and for school purposes, and pursuant to ORS 332.155(5) to sell all surplus property of the District as may not, in the judgment of the Board, be needed for school purposes;

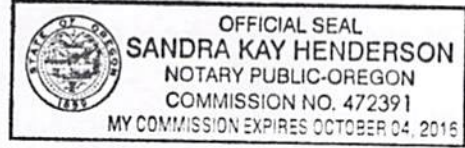
WHEREAS, the current administration building and property (2.53 acres and approximately 9,000 square foot 2-story building located at 4444 SE Lake Rd.) is planned to be vacated in January 2016;

WHEREAS, the current administration building and property will not be needed by the District in the future;

BE IT RESOLVED:

1. Pursuant to ORS 332.155(5), the Board hereby declares the property described above to be unneeded for school purposes and directs staff to market, work to maximize the value of the property, and sell the property subject to Board final approval.
2. The Board hereby authorizes the Superintendent or his designee to be the chief negotiator for the District and to execute all contracts and other documents necessary to market and sell the property, including professional services contracts for property, environmental, real estate services (e.g. for appraisal purposes), and other services as needed.

DATED this 23rd day of April, 2015.



Kyle K. Walker
North Clackamas School District Board of Directors

ATTEST:
Sandra Kay Henderson

PROCLAMATION:
HISPANIC & LATINO HERITAGE MONTH

ACTION
Agenda Item #2
September 15, 2020

SUPERINTENDENT'S RECOMMENDATION:

That the Board adopt the proclamation recognizing September 15 through October 15, 2020 as Hispanic and Latino Heritage Month in North Clackamas School District.

ORIGINATED BY:

Board Chairs request.

BACKGROUND:

Each year, Americans observe National Hispanic Heritage Month from September 15 to October 15, by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America whose rich culture and history are important to recognize in how they identify as either Hispanic or Latino.

The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15. It was enacted into law on August 17, 1988, on the approval of Public Law 100-402.

The day of September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively.

ATTACHMENTS:

Proclamation

PRESENTER:

Libra Forde, Board Chair

Hispanic & Latino Heritage Month

in

North Clackamas School District

WHEREAS, each year, the United States observes National Hispanic Heritage Month by celebrating the culture, heritage and countless contributions of those whose ancestors were indigenous to North America as well as those who came from Spain, Mexico, the Caribbean, Central America and South America; and

WHEREAS, what began in 1968 as Hispanic Heritage Week under President Johnson and was expanded by President Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15; and

WHEREAS, this year's theme, "Hispanics: Be Proud of Your Past, Embrace the Future" invites us to reflect on the legacy of Hispanic and Latino Americans who have served our country in the past and also those who continue to serve in significant and enduring ways today, whose rich culture and history are important to recognize in how they identify as either Hispanic or Latino; and

WHEREAS, although too numerous to recognize individually by name, Hispanics and Latinos serve as civil rights leaders and community organizers, politicians, soldiers, educators, journalists, first responders, pioneers in art and science, healthcare professionals, athletes, inventors, entertainers and so much more; and

WHEREAS, Hispanics and Latinos continue their rich history of significant and diverse contributions to the cultural, educational, economic and political vitality of our communities;

NOW, THEREFORE, BE IT RESOLVED, that the North Clackamas School District hereby proclaims September 15th – October 15th, 2020 as Hispanic & Latino Heritage Month and encourage all residents to honor the rich diversity of the Hispanic and Latino communities and celebrate the many ways they contribute to our nation and society.

Adopted this 15th day of September, 2020.

Signed:

Chair, Libra Forde, School District Board of Directors

2020-2021 SCHOOL YEAR RE-ENTRY PLANS

REPORT
Agenda Item #3
September 15, 2020

SUPERINTENDENT’S RECOMMENDATION:

Time is set aside on the agenda for District staff to update the Board on this year’s re-entry plans.

BACKGROUND:

In response to the COVID-19 pandemic and its effects on public schools, NCSD must develop educational delivery models and safety practices that provide for the social-emotional and academic needs of kindergartners through high school seniors while also maintaining healthy learning and work environments.

On July 10, 2020, the District released preliminary educational delivery model information for the 2020-2021 school year.

On July 16, 2020, District representatives updated the School Board on its planning for returning to school for the 2020-2021 school year and sought input from the School Board.

On July 30, 2020, District representatives provided additional updates to the School Board on its planning for returning to school for the 2020-2021 school year and sought input from the School Board.

Since that time, the District has continued:

- to monitor local COVID-19 virus transmission,
- to review and respond to evolving guidance from state authorities,
- to survey parents on the two educational delivery model options,
- to develop greater clarity and details regarding each delivery model via workgroups,
- to communicate with stakeholders.

On July 28, 2020, the Oregon Health Authority released three levels of public health data metrics that will govern schools’ planning regarding educational delivery models for the 2020-2021 school year. With few exceptions, the metrics require the following prior to engaging in in-person teaching and learning:

County Metrics - metrics to be met three weeks in a row

- Case rate: ≤ 10 cases per 100,000 population in the preceding 7 days
- Test positivity: $\leq 5\%$ in the preceding 7 days

and

State Metric - metric to be met three weeks in a row

- Test positivity: $\leq 5\%$ in the preceding 7 days

*In addition, for a school district that draws substantial numbers of students or staff from multiple counties, the case rate and test positivity rate should be considered in each of those counties.

On August 13, 2020 the Board took the following actions regarding the reopening of school for the 2020-2021 school year:

- North Clackamas Schools will open under the Comprehensive Distance Learning educational delivery model through at least November 10, 2020, and authorized the Superintendent:
- to transition to the Hybrid Learning educational delivery model after consultation with the School Board, with state officials, and with consideration of the public health related metrics distributed by local health officials,
- to establish a temporary, one school-year virtual online program learning option to be called North Clackamas Virtual Online Program,
- to temporarily adjust the adopted district calendars and seek retroactive Board approval within 30 calendar days of any adjustment, and
- to establish temporary physical distancing and other public health related requirements on school district property.

On August 27, 2020, District representatives updated the School Board on its planning for returning to school for the 2020-2021. Information was shared in the following areas:

- The lottery for entry into the North Clackamas Virtual Online Program and notification to families
- Adjustment of staffing as a result of opening the North Clackamas Virtual Online Program
- The lay-off process in several departments as a result of a reduction in local revenue and state grant funds
- The continued refinement of the comprehensive distance learning models and schedules
- The professional development plan for all staff as a result of moving to fully online educational models
- The parent technology survey and the continued preparations for technology distribution to students
- The parent Nutrition Services parent survey and design plans to push-out food delivery into neighborhoods
- The continued holding on bringing students back on campuses for childcare, athletics/activities, and small group instruction
- District guidance for staff returning to the worksite and began the distribution of personal protection equipment to District units

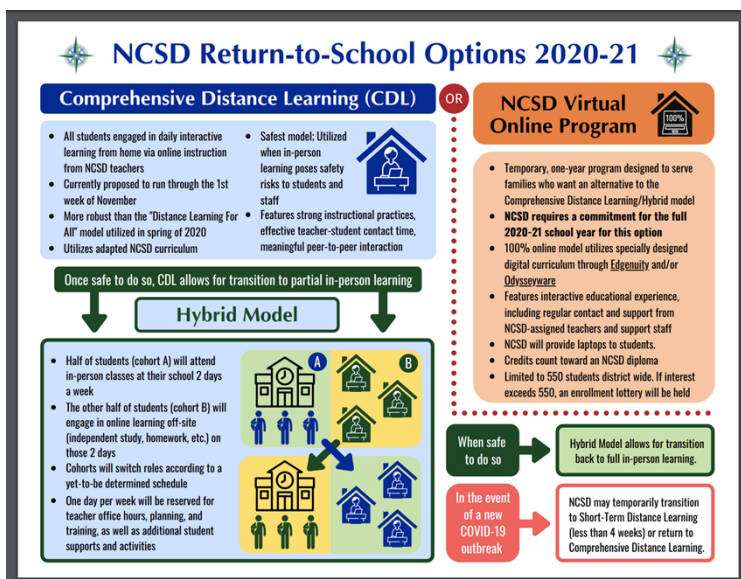
Since the August 27, 2020 School Board Meeting, district staff has:

- Provided initial professional development to staff on the new educational delivery models, technology tools, and instructional strategies
- Held orientation activities with students and staff
- Distributed technology (Chromebooks and Hotspots) to over 4,000 families and initiated a Technology Help Desk
- Adjusted staff and school calendars to reflect the new educational delivery models and better align calendars among levels. The Board will be asked to adopt revised calendars on September 10, 2020.
- Initiated the North Clackamas Virtual Online Program
- Trained staff in workplace safety expectations in light of the coronavirus pandemic

Educational Delivery Models:

Following are the educational delivery models that are being developed in alignment with the current Ready Schools, Safe Learners guidance from the Oregon Department of Education:

- Comprehensive Distance Learning (CDL) Model: All students are engaged in daily interactive learning through virtual instruction utilizing North Clackamas teachers. CDL is rooted in strong instructional practices, effective teacher-student contact time, meaningful peer-to-peer interaction, equitable learning opportunities, and a consistent schedule.
 - Hybrid Learning Model: CDL can transfer to the Hybrid Learning Model when it is safe to do so. In the Hybrid Learning Model, student groups have access to in-person instruction using staggered schedules in accordance with public health requirements. Under current state guidelines, North Clackamas' Hybrid Learning model could include two days per week of in-person instruction and three days at home with applied learning.
- NCSO Virtual Online Program: This is a one-year optional, temporary program requiring families to commit to a full year of online education utilizing curriculum through Edgenuity and/or Odysseyware. Both systems feature courses that are standards-aligned and include learning objectives, units, lessons, projects, and assessments. Students access this fully online curriculum with regular contact and support from teachers and support staff.



COMPREHENSIVE DISTANCE LEARNING



Daily learning is teacher directed and features both live and recorded instruction. Pace is guided by the teacher and based more on the classroom group.

NCS D-adopted curriculum taught by NCS D teachers through Google Classroom and other district-adopted applications

Students will be organized into classrooms (virtually) with classmates and teachers from their regular neighborhood (or magnet) school.

Continued access to district programs and classes such as Sabin-Schellenberg, music, dual immersion, and International Baccalaureate.

This model allows NCS D to transition into a Hybrid model (partial in-person learning) only when state and county benchmarks for safety are met.

NCS D VIRTUAL ONLINE PROGRAM



Learning is more independent and self-paced by students. Features regular, weekly check-ins from staff. Adult guidance in the home is crucial.

Online curriculum and platform through contracted companies — Odysseyware and Edgenuity.

Students have access to NCS D staff, but not necessarily from their neighborhood school. Peer interaction will be less than in CDL and only with other Virtual Online Program students from all over the district.

Access to some elective courses

Requires a yearlong commitment. Students cannot switch to CDL (or Hybrid Model if/when that transition is made) during the 2020-21 school year.

- Homeschooling is not applicable to either of these models. Families choosing to homeschool are responsible for obtaining curriculum and materials and must register with the Clackamas Education Service District (CESD). Families would be able to enroll in CDL to start the year, then move to homeschooling if/when the district moves into a Hybrid model (partial in-person learning).



NCSD Standard Educational Delivery Model (September through early November):

While continuing to plan for the 2020-2021 school year, the cases of coronavirus across the country and across the state continue to be significant. Schools and universities across the country who opened schools with in-person learning have seen outbreaks.

In meetings with state officials, NCSD staff were told that if returning to in-person learning, even with the required safety protocols, physical distancing, cohort requirements, and contact tracing, schools would have virus outbreaks. Not only would outbreaks have potentially serious health ramifications for those infected (and their families), outbreaks would require the quarantine of students and staff for several weeks and require the shutdown of in-person learning. Repeated opening and closing of classrooms and schools would continue until the virus is better contained. This unpredictability of opening and closing schools over and over is not an effective way of operating a school system and has the potential to produce further trauma to students. This disruption would also put a strain on families not knowing from day to day or week to week whether a school will be open or closed.

Opening schools with in-person instruction would put students and staff at-risk for contracting the virus. For some, this could result in serious health implications, including death. Also, reopening schools to in-person interaction would contribute to the spread of the virus in the community.

The North Clackamas School District is one of the largest employers in Clackamas County with over 2,000 employees. Recently, a staff survey revealed that:

- 50 percent of teachers and 59 percent of support staff are at-risk or have a family member who lives with them who is at-risk.
- 31 percent of teachers and 7 percent of support staff say they are considering leaving the profession, retiring early, or seeking a leave of absence.

It is likely NCSD would not have the necessary staff to open schools to in-person learning given this data. NCSD has historically struggled to fill substitute and vacant positions prior to this pandemic and expect it would be far more difficult now.

While analyzing all of this information and determining what model to use to start the 2020-2021 school year, the Oregon Health Authority released its COVID-19 related community public health data metrics that require districts to use Comprehensive Distance Learning until specific county-wide metrics are met. Clackamas County does not currently meet the required COVID-19 related public health data markers to re-open for in-person teaching and learning. In addition, North Clackamas is a school district that draws staff from multiple counties. Before the District would consider reopening to in-person learning, the case rate and test positivity rate should be considered in each of those counties.

Given all these factors, NCSD determined to return to school in the fall utilizing the Comprehensive Distance Learning (CDL) model through at least the first academic grading period (early November). Also, the NCSD Virtual Online Program will be provided as a learning option for families.

NCSD Educational Delivery Model (early November through June, 2021):

Determining when and how to transition out of CDL to a Hybrid Learning Model that includes in-person instruction for students will be considered in consultation with the School Board, with state education officials, and with consideration of the public health related metrics distributed by local health officials.

Also, the NCSD Virtual Online Program will be provided as an option for families.

Continuing CDL after moving into the Hybrid Model:

Some parents have asked that the District continue the CDL model after the District returns to in-person learning. At this moment, the District is focusing time and energy establishing the CDL model and the Virtual Online Program for September. Given the changing nature of this virus and its transmission rates, the District has learned that planning for what education will look like beyond the next two to three months is not the best use of resources.

When returning to in-person learning becomes more of a possibility, the District will reevaluate the number of students served in the Virtual Online Program as well as the possibility of maintaining some form of CDL.

The District will be cautious before returning students to in-person learning. Student, staff, and family safety is the District's top priority. The District will continue to hold to a high safety standard before returning to in-person learning as the District continues to navigate this pandemic.

Other Planning:

The District has staff workgroups or individuals continuing to work in a variety of areas. Work continues in these areas:

- Communicable Disease Management Plan
- Physical Distancing Protocols
- Screening and Cohort Tracking Protocols
- Hygiene Protocols
- Cleaning/Disinfecting/Ventilation Protocols
- Enrollment/Attendance Protocols
- Technology
- Transportation
- Nutrition Services
- Communication Protocols
- Instructional Delivery Model/Schedule Development
- Charter Schools Liaison
- Facility Use and CARE Programming
- Extracurricular and Athletics

- Employee Association Agreements and Contract Management
- Supply Purchasing and Expenditure Tracking
- Training and Professional Development

ATTACHMENTS:

PowerPoint Slides on Reopening Schools, September 10, 2020
Student and Parent Resource Flyer

PRESENTERS:

Matt Utterback, Superintendent

Tiffany Shireman, Chief of Staff

Cindy Detchon, Assistant Superintendent of Operations

Shay James, Assistant Superintendent of Education

Maureen Callahan, Executive Director of Teaching and Learning

Shelly Reggiani, Executive Director of Equity & Instructional Services



How do I access...?



A Mental Health Counselor

I have private health insurance



Western Psychological & Counseling Services

971-808-3643
schools@westernpsych.com



Referral Form

I have Oregon Health Plan



Trillium Family Services

503-813-7732
jescobar@trilliumfamily.org



Referral Form

I may or may not have health insurance

School-Based Health & Wellness Centers

Milwaukie High School or **Putnam High School**
503-353-5847 or 503-353-5884

Medical Care (non-emergency)

NCSD School-Based Health & Wellness Centers

Routine physical exams, treatment of illness and injury, dental services, age-appropriate reproductive health services, vaccines, and more

Open to all NCSD students:

Milwaukie High School or **Putnam High School**
503-353-5847 or 503-353-5884

Call 9-1-1 or go to the nearest emergency room, if you are having a medical emergency.

Contact your **school counselor** for more information or help accessing any student & parent resources.

Food

NCSD Food Pantry
at Wichita Center
Tuesdays & Thursdays, 10am-2pm

Housing Support

Family Support Center
503-353-5663

Dental Care

NCSD Smile Squad
503-353-6096



Someone to speak with right now

Clackamas County Mental Health

24/7 Crisis Clinic: 503-655-8585
Non-Urgent: 503-742-5335

Youth Line

877-968-8491 or
Text "teen2teen" to 839863

Abuse or threat reporting

Clackamas County DHS
855-503-7233

SafeOregon
844-472-3367
tip@safepacific.com



**STUDENT SUCCESS ACT: STUDENT INVESTMENT ACCOUNT
REVISED PROPOSAL UPDATE**

REPORT
Agenda Item #4
September 15, 2020

SUPERINTENDENT'S RECOMMENDATION:

This item is presented for Board information.

ORIGINATED BY:

For the 2020-21 school year, the Student Investment Account funds will be distributed at a reduced rate.

BUDGET IMPACT/SOURCE OF FUNDS:

The preliminary allocation for 2020-21 from the Student Investment Account to North Clackamas School District and its eligible charter schools was \$13,594,925.98. The new proposed allocation for 2020-21 from the Student Investment Account to North Clackamas School District and its eligible charter schools is \$4,313,087.74

BACKGROUND:

For the 2020-21 school year, the Student Investment Account will continue to be funded by the Corporate Activity Tax (CAT), with the amount available for these grants **reduced to a level of \$150M.**

As part of [HB 4304](#), Section 70, the following adjustments have been made for the 2020-21 school year only:

- Grant recipients may submit an amended grant application through a process that may be modified by ODE based on rules adopted by the State Board of Education
- Grant recipients will not be required to meet longitudinal performance growth targets for the five common metrics (regular attendance, third grade reading, ninth grade on-track, four year graduation, and five year completion); however, ODE may develop alternative and applicable performance growth targets and indicators of progress
- Grant recipients are encouraged to prioritize the use of grant funds to meet student mental or behavioral health needs

North Clackamas School District expects to be able to access a total of \$4.3 million for the 2020-21 school year (approximately \$4.2 million for the district, and \$110,000 for eligible charter schools). This represents about 2% of the district's current general fund budget. Funds may be spent in some or all of four key areas for improvement:

- Reducing class size
- Increasing instructional time
- Addressing health and safety needs
- Ensuring a well rounded education

Key themes have emerged from the district's need assessment which included a data review and community, staff, student engagement process. The themes that were identified as most urgent were:

- Increase Mental Health Supports
- Retain/Recruit Diverse Staff
- Lower Class Size/Caseload
- Strengthen Culturally Relevant Practices Throughout System
- Develop Community Partnerships
- Review Models – Special Education/English Language Development
- Increase Proficiency in Literacy (Grades K-3rd)
- Expand Social Services to Students and Families

These themes of the most urgent needs helped inform the development of the revised proposal for the Student Investment Account funds. The presentation will share how the district is proposing to reduce the planned activities originally submitted.

Next steps in this process include:

Once NCSD receives the grant agreement from the Oregon Department of Education, the district will:

- share the grant agreement in an oral presentation at an open public meeting;
- allow for public comment;
- make the grant agreement available on the district webpage; and
- have the local school board approve the grant agreement before it can be fully executed.

ATTACHMENTS:

- Presentation Slides
- Student Investment Account Revised Proposal

PRESENTER / STAFF CONTACT:

Joel Stuart, Student Success Act - Lead Administrator

Student Investment Account Revised Proposal

North Clackamas School District
September 15, 2020



Our Students. Our Success.



Student Investment Account

What is the Purpose of the Student Investment Account?

1. Meet students' mental and behavioral health needs.
2. Increase academic achievement and reduce academic disparities for:
 - Students of color;
 - Students with disabilities;
 - Emerging bilingual students; and
 - Students navigating poverty, homelessness, and foster care; and other students who have historically experienced disparities in our schools.

Results of Engagement

Most Urgent Needs -

- Increase Mental Health Supports
- Retain/Recruit Diverse Staff
- Lower Class Size/Caseload
- Strengthen Culturally Relevant Practices Throughout System
- Develop Community Partnerships
- Review Service Models – SPED/ELD
- Increase Proficiency in Literacy (K-3)
- Expand Social Services to Students and Families

Outcomes

Outcome	Cultivating a safe, caring and inclusive learning environment where the success of each student is not be predicted by race, ethnicity, language, gender, gender identity, country of origin, disability, sexual orientation, socio economics, religion, marital status, or initial proficiencies.
Outcome	Attract, hire and retain high-quality staff that reflect the student demographics of the school district while elevating the professional capacity of our workforce to meet the needs of today's learners.
Outcome	Each adult in the system addresses and responds to each student's academic, social, emotional, and physical needs.
Outcome	Support student learning with rigorous, culturally relevant, consistent curriculum and clear expectations for teaching and learning while providing instructional supports and systems to meet the needs of all students.
Outcome	Strengthen connections between our students, our schools and our community.

Funding - \$4,313,087.74



Original Allocation: \$13,594,925.98

New Revised Proposal for Student Investment Account Funding

Original SIA Plan (\$13,797,860.14)	Proposed New SIA Plan (\$4,313,087.74)	Allocated as of 9/1/2020
Maintain Counselor Positions from 2019-20: 5 FTE	Maintain Counselor Positions from 2019-20: 5 FTE	Maintain Counselor Positions from 2019-20: 5 FTE (\$550,000)
Maintain Elementary School Wellness Teachers from 2019-20: 8.5 FTE	Maintain Elementary School Wellness Teachers from 2019-20: 8.5 FTE	Maintain Elementary School Wellness Teachers from 2019-20: 8.5 FTE (\$945,246)
Maintain Special Education Staff from 2019-20: 5.2 FTE	Maintain Special Education Staff from 2019-20: 5.2 FTE	Maintain Special Education Staff from 2019-20: 5.2 FTE (\$626,484)
Special Education Staff: (Psychologist, Learning Specialist) 5.0 FTE	2.0 FTE Special Education Staff – Virtual Online Program	2.0 FTE Special Education Staff – Virtual Online Program (\$220,000)
Black/African American & Native Hawaiian-Pacific Islander Community Outreach Facilitator: 2.0 FTE	Black/African American & Native Hawaiian-Pacific Islander Community Outreach Facilitator: 2.0 FTE	Black/African American & Native Hawaiian-Pacific Islander Community Outreach Facilitator: 2.0 FTE - (\$155,000)
Counselors: (MS/HS) 7.0 FTE – (4.0 MS & 3.0 HS)	1.0 FTE Counselor: Virtual Online Program	1.0 FTE Counselor: Virtual Online Program (\$110,000)

New Revised Proposal for Student Investment Account Funding

Original SIA Plan (\$13,797,860.14)	Proposed New SIA Plan (\$4,313,087.74)	Allocated as of 9/1/2020
Contracted Mental Health Services: \$360,000	Contracted Mental Health Services: \$250,000	
Ready, Set, Go Program: Maintain current program and expand at one Title 1 Site: \$200,000	Maintain Current Program at <u>Bilquist</u> and Wichita Family Center: \$75,000	
Early Learning Coordinator (Administrator): 1.0 FTE	Early Learning Coordinator (Administrator): 1.0 FTE (\$140,000)	
Professional Development Specialists (MS & HS) 4.0 FTE	\$330,000 for K-12 teachers (Academic Support) to develop/support teachers in online learning to reach each student	
Social Workers: (HS/MS) 4.0 FTE	Social Workers: K-12 Focus 4.0 FTE (\$440,000)	
Academic Intervention/tutorial Support at MHS/MAA: \$100,000	Contracted Services for MHS/MAA with REAP @ \$75,000 and academic supports @ \$25,000	

New Revised Proposal for Student Investment Account Funding

Charter Schools:		
Cascade Heights Charter School: \$150,329.53 – 2.5% back to district	Cascade Heights Charter School: \$49,114.52 – 2.5% back to district	Cascade Heights Charter School: \$49,114.52 – 2.5% back to district = \$47,886.66
Clackamas Middle College: \$202,573.73 – 2.5% back to district	Clackamas Middle College: \$63,130.38 – 2.5% back to district	Clackamas Middle College: \$63,130.38 – 2.5% back to district = \$61,552.12
Milwaukie High School and Milwaukie Academy of the Arts – Funds go with district Funds/Access to District supports		
Administrative Costs: \$500,000	\$215,654.00	\$215,654.00 (Part of total: 4.3 mil)
Total: (\$13,797,860.14)	Total: (\$4,266,822.78)	Total: (\$2,931,822.78)

Next Steps

communication
parents important know
programs counselors elementary
think safe large learning
sports behavior welcoming
focus mental health education
feel support sizes equity
district staff smaller class children
time help care avid kids lunch
families better good
improve like



Questions?

Our Students. Our Success.





Student Investment Account Revised Proposal

Original SIA Plan (\$13,797,860.14)	Proposed New SIA Plan (\$4,313,087.74)	Allocated as of 9/1/2020
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Maintain Elementary School Wellness Teachers from 2019-20: 8.5 FTE	Maintain Elementary School Wellness Teachers from 2019-20: 8.5 FTE	Maintain Elementary School Wellness Teachers from 2019-20: 8.5 FTE (\$945,246)
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Counselors: (MS/HS) 7.0 FTE – (4.0 MS & 3.0 HS)	1.0 FTE Counselor: Virtual Online Program	1.0 FTE Counselor: Virtual Online Program (\$110,000)
Contracted Mental Health Services: \$360,000	Contracted Mental Health Services: \$250,000	
Ready, Set, Go Program: Maintain current program and expand at one Title 1 Site: \$200,000	Maintain Current Program at Bilquist and Wichita Family Center: \$75,000	
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Social Workers: (HS/MS) 4.0 FTE	Social Workers: K-12 Focus 4.0 FTE (\$440,000)	
Academic Intervention/tutorial Support at MHS/MAA: \$100,000	Contracted Services for MHS/MAA with REAP @ \$75,000 and academic supports @ \$25,000	
Contracted Services for Family Engagement @ Whitcomb Elementary (Greater Than Organization) \$200,000		
Middle School Teacher FTE (ELA, Math, Science) 11 FTE		
High School Teacher FTE (ELA, Math, Science) 12 FTE		
Elementary School Teacher FTE (K-2 Focus) 29.5 FTE		
Elementary School Specialists (Music, PE, Wellness) 3.9 FTE		
Instructional Assistant Elementary (Kindergarten) 3.0 FTE		
Provide Elementary Professional Development K-5: (Focus on Literacy) - \$50,000		
Family Resource Specialists/Family Advocates: (Elementary) 7.0 FTE		
Coordinator of Family Support: (Administrator) 1.0 FTE		
Nurses: 2.0 FTE		
Eliminate/Reduce Summer School Fees for HS students: \$20,000		

Charter Schools:		
Cascade Heights Charter School: \$150,329.53 – 2.5% back to district	Cascade Heights Charter School: \$49,114.52 – 2.5% back to district	Cascade Heights Charter School: \$49,114.52 – 2.5% back to district = \$47,886.66
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Total: (\$13,797,860.14)	Total: (\$4,266,822.78)	Total: (\$2,931,822.78)

NORTH CLACKAMAS SCHOOL DISTRICT 2021-2022
BUDGET CALENDAR

DISCUSSION
Agenda Item #5
September 15, 2020

SUPERINTENDENT'S RECOMMENDATION:

Staff recommends approval of 2021-2022 Budget Calendar.

ORIGINATED BY:

As provided by law, the Board will annually adopt a budget calendar, which will identify dates and deadlines required for the legal presentation and adoption of the budget.

BACKGROUND:

The proposed calendar includes informational meetings scheduled in March and April 2021. The first Budget Committee Meeting will begin on May 11, 2021, followed by an additional meeting scheduled (if needed) for May 25, 2021. Adoption of the budget is scheduled for June 10, 2021 at the regular monthly meeting of the Board.

ATTACHMENTS:

Budget Calendar 2021-2022 Budget

PRESENTER / STAFF CONTACT:

Gayellyn Jacobson, Chief Financial Officer



**NORTH CLACKAMAS SCHOOL DISTRICT
2021-2022 BUDGET CALENDAR**

<u>Date</u>	<u>Activity</u>
September 15, 2020 (Tuesday)	Proposed Budget Calendar Presented to Board
October 8, 2020 (Thursday)	REGULAR BOARD MEETING Approval of budget calendar and announce budget committee vacancies and/or reappoint previous members
November 19, 2020 (Thursday)	REGULAR BOARD MEETING Appoint budget committee members, if necessary
March 16, 2021 (Tuesday)	BUDGET COMMITTEE INFORMATIONAL MEETING
March 20 2021 (Tuesday)	BUDGET COMMITTEE INFORMATIONAL MEETING
April 13, 2021 (Tuesday)	BUDGET COMMITTEE INFORMATIONAL MEETING
April 28, 2021	Publish first notice of May 11, 2021 Budget Committee Meeting
May 3, 2021	Publish second notice of May 11, 2021 Budget Committee Meeting on District website
May 11, 2021 (Tuesday)	1st OFFICIAL BUDGET COMMITTEE MEETING Budget message presented, public testimony
May 14, 2021	Publish notice of May 25, 2021 Budget Committee Meeting on District website
May 25, 2021 (Tuesday)	2nd BUDGET COMMITTEE MEETING (if needed) District presents information in response to questions, public testimony, approval of budget and tax levies
June 2, 2021	Publish notice of June 10, 2021 Budget Hearing (ORS 294.438)
June 10, 2021 (Thursday)	REGULAR BOARD MEETING Public meeting (Budget Hearing) on 2021-2022 Budget (ORS 294.456) Enact resolutions adopting 2021-2022 budget, make appropriations, declare the permanent tax rate to be imposed and categorize taxes
July 15, 2021	Provide notice of property tax and intent to impose a tax to County Assessor for Fiscal Year 2021-2022
August 13, 2021	Submission of electronic budget to the Oregon Department of Education

Meetings will be held virtually until social distancing restrictions are lifted by the governor. All meetings begin at 6:30 pm.
(Please Note: Additional meetings may be scheduled, as needed.)

2020-2021 REVISED SCHOOL CALENDARS

DISCUSSION/ACTION

Agenda Item #6
September 15, 2020

SUPERINTENDENT’S RECOMMENDATION:

Approval of the revised 2020-2021 calendars for elementary and middle/high school levels, including approval to use the following toward the annual instructional hours calculation as allowed by the Oregon Department of Education “Ready Schools, Safe Learners” Guidance and in Oregon Administrative Rule (OAR) 581-022-2320:

- approval to use recess,
- parent/family training, communication, and support,
- parent/teacher conferences, and
- staff professional learning.

ORIGINATED BY:

Per Board Policy IC/ICA – School Year/School Calendar, the Board must approve the school year calendar. Under OAR 581-022-2320, each school district shall annually adopt and implement a school calendar which provides its students with a minimum number of instructional hours.

BACKGROUND:

On March 12, 2020, the North Clackamas School District (NCS D) Board of Directors approved the 2020-2021 school calendars for elementary, middle school and high school.

Since that time, the state of Oregon has coped with the COVID-19 pandemic and the school district has developed new educational models responsive to new requirements. The Oregon Department of Education has provided guidance that a school district must follow during the 2020-2021 school year. This includes requirements and recommendations about the use of student learning time (Section 5, “Ready Schools, Safe Learners”).

NCS D has worked together with the North Clackamas Education Association (NCEA), which represents NCS D licensed staff (including teachers), to develop new weekly teaching schedules and revised school year calendars. These schedules and calendars are responsive to the Ready Schools, Safe Learners guidance and the NCS D/NCEA collective bargaining agreement.

The revised calendars are reflective of the following number of days. Red numbers indicate the updated number of a kind of day compared to the previously adopted 2020-2021 calendars.

Level	Student Days	Conference Days	Inservice Days/Teacher Work Days	Report Card Prep Days	Holidays	Total Contract Days
Elementary	169 175	2	13 6	3 4	6	193
Middle School	174 176	2	7 5	4	6	193
High School	175 176	1 2	7 5	4	6	193

Inservice Days/Teacher Work Days/Student Day changes:

In the revised calendars, licensed staff will experience professional learning and teacher-directed non-student work time embedded in their weekly/monthly schedules, instead of in as many full-day increments as in previous school years. Therefore, students at all three grade levels will experience more days of instruction than the previously adopted calendars.

Report Card Preparation Day changes:

In order to minimize confusion for families and to better align calendars throughout the school district, all three levels will be on a quarter/semester calendar. Previously, the elementary level was on a trimester (three grading periods per year) system and the middle/high school levels were on a quarter/semester (four grading periods per year) system. Students in various grade levels in a household will now more frequently have the same school days and non-school days than in the previously adopted calendars.

Conference Day changes:

In order to further align the calendars and to provide enough time for high school families to conference with teachers in an online format, the high school level moved from one conference day to two conference days and now has the same number of conference days as the other two levels.

A preliminary review of these calendars and the new weekly teaching schedules shows a compliant number of instructional hours is available at each grade level. Additional review will happen in the coming weeks as the State Board of Education takes action on instructional hour rules, as students' schedules are finalized and as the weekly teaching schedules are implemented. Should instructional hours be lacking as the school year progresses, the School Board will be apprised and additional actions will be determined.

ATTACHMENTS:

- [Ready Schools, Safe Learners](#), Oregon Department of Education (August 18, 2020)
- Attachment A: 2020-2021 Revised Certified Elementary Calendar (September 2, 2020)
- Attachment B: 2020-2021 Revised Certified Middle School and High School Calendar (September 2, 2020)
- NCSD Policy [IC/ICA](#) – School Year/School Calendar

PRESENTER / STAFF CONTACT:

Tiffany Shireman, Chief of Staff

Petra Callin, Executive Director of High School Programs

Libby Miller, Executive Director of Middle School Programs

Khaliyah Williams-Rodríguez, Executive Director of Elementary Programs



First Day of School - September 8
Last Day of School - June 17

- 6 Holidays
- 4 Report Preparation Days
- 6 Teacher Inservice/Work Days
- 2 Conference Days

175 Student Days
193 Contract Days

UPDATED
2020-21 LICENSED ELEMENTARY

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

Student/Contract Days: 0/1

SEPTEMBER						
S	M	T	W	T	F	S
		T	T	T	T	5
6	H	8	9^	10	11	12
13	14	15	16^	17	18	19
20	21	22	23^	24	25	26
27	28	29	30^			

Student/Contract Days: 17/22

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

Student/Contract Days: 21/21

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4^	5	6	7
8	9	10	H	12	13	14
15	16	[17]	RP	19	20	21
22	CD	CD	SC	H	SC	28
29	30					

Student/Contract Days: 14/19

DECEMBER						
S	M	T	W	T	F	S
		1	2^	3	4	5
6	7	8	9^	10	11	12
13	14	15	16^	17	18	19
20	SC	SC	SC	SC	SC	26
27	SC	SC	SC	SC		

Student/Contract Days: 14/14

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

Student/Contract Days: 19/20

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3^	4	5	6
7	8	[9]	RP	11	12	13
14	H	16	17^	18	19	20
21	22	23	24^	25	26	27
28						

Student/Contract Days: 18/20

MARCH						
S	M	T	W	T	F	S
	1	2	3^	4	5	6
7	8	9	10^	11	12	13
14	15	16	17^	18	19	20
21	SC	SC	SC	SC	SC	27
28	29	30	31^			

Student/Contract Days: 18/18

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

Student/Contract Days: 21/22

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

Student/Contract Days: 20/21

JUNE						
S	M	T	W	T	F	S
		1	2^	3	4	5
6	7	8	9^	10	11	12
13	14	15	16^	[17]	RP	19
20	T	22*	23*	24*	25*	26
27	28*	29	30			

Student/Contract Days: 13/15

SC	School Closed - Not in Session
CD	Conference Day - School Not in Session
T	Teacher Inservice/Work Day - School Not in Session
RP	Report Preparation - School Not in Session
[]	End of Grading Period
H	Holiday - School Not in Session
	Certified First/Last Report Day

* Emergency day in event of school closure

^ Students have reduced contact on these days. Hourly allotments over the course of the school year for professional development and work time as agreed to by NCEA and NCSD.

Final calendar is subject to bargaining and resources available.

UPDATED: 9/2/2020



UPDATED
2020-21 LICENSED MIDDLE SCHOOL AND HIGH SCHOOL

First Day of School - September 8
Last Day of School - June 18

- 6 Holidays
- 4 Report Preparation Days
- 5 Teacher Inservice/Work Days
- 2 Conference Days

176 Student Days
193 Contract Days

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

Student/Contract Days: 0/1

SEPTEMBER						
S	M	T	W	T	F	S
		T	T	T	T	5
6	H	8	9^	10	11	12
13	14	15	16^	17	18	19
20	21	22	23^	24	25	26
27	28	29	30^			

Student/Contract Days: 17/22

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

Student/Contract Days: 21/21

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4^	5	6	7
8	9	10	H	12	13	14
15	16	[17]	RP	19	20	21
22	CD	CD	SC	H	SC	28
29	30					

Student/Contract Days: 14/19

DECEMBER						
S	M	T	W	T	F	S
		1	2^	3	4	5
6	7	8	9^	10	11	12
13	14	15	16^	17	18	19
20	SC	SC	SC	SC	SC	26
27	SC	SC	SC	SC		

Student/Contract Days: 14/14

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

Student/Contract Days: 19/20

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3^	4	5	6
7	8	[9]	RP	11	12	13
14	H	16	17^	18	19	20
21	22	23	24^	25	26	27
28						

Student/Contract Days: 18/20

MARCH						
S	M	T	W	T	F	S
	1	2	3^	4	5	6
7	8	9	10^	11	12	13
14	15	16	17^	18	19	20
21	SC	SC	SC	SC	SC	27
28	29	30	31^			

Student/Contract Days: 18/18

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

Student/Contract Days: 21/22

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

Student/Contract Days: 20/21

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

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H	Holiday - School Not in Session
	Certified First/Last Report Day

* Emergency day in event of school closure

^ Students have reduced contact on these days. Hourly allotments over the course of the school year for professional development and work time as agreed to by NCEA and NCSD.

Final calendar is subject to bargaining and resources available.

UPDATED: 9/2/2020



Code: **IC/ICA**
Adopted: 6/04/87
Readopted: 5/17/12
Orig. Code(s): IC/ICA

School Year/School Calendar

The Board will approve the school year calendar for the following year. After Board approval, any modification of the calendar will require Board action.

The calendar will include the number of student days, number of work days for licensed staff and holidays. It will meet state requirements for instructional hours.

Days/hours lost may be made up to insure that the required number of days/hours are met by the district.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 243.650](#)
[ORS 332.075\(1\)\(a\)](#)
[ORS 336.010](#)

[OAR 581-022-1620](#)

Cross Reference(s):

ID - School Day

COMPLAINT APPEAL

ACTION
Agenda Item #7
September 15, 2020

RECOMMENDATION:

Discuss and decide to hear or not hear the complaint appeal.

ORIGINATED BY:

Policy AC/AC-AR states the School Board must decide to provide or not provide the complainant with an opportunity to be heard by the School Board regarding the appeal of the superintendent's designee's decision.

BACKGROUND:

On June 25, 2020 the complainant filed a complaint with the school district under Policy AC - Discrimination. On July 23, the program administrator responded to the complaint with a written decision. On July 24, shortly after receiving the program administrator's written decision, the complainant appealed the decision to the superintendent. The superintendent's designee responded to the appeal on August 23. On August 25, the complainant appealed the superintendent designee's decision to the School Board.

Discrimination complaint decisions rendered by a school district may be appealed to the Deputy Superintendent of Public Instruction.

Note: The complainant, in their original complaint, requested the discrimination complaint form be added to the website. That complaint form is a part of the Discrimination Complaint Procedures (District Policy AC-AR).

ATTACHMENTS:

- June 25 Original Complaint
- July 23 Program Administrator Response
- July 24 Complainant Appeal of Program Administrator Response
- August 23 Superintendent Designee Response to Appeal
- August 25 Complainant Appeal of Superintendent Designee Response
- District Policy AC – Nondiscrimination
- District Policy AC-AR – Discrimination Complaint Procedures

PRESENTER CONTACT:

Libra Forde, Board Chair



Code: AC
Adopted: 1/20/11
Revised/Readopted: 11/12/15; 6/25/20

Nondiscrimination**

The district prohibits discrimination on any basis protected by law, including but not limited to, an individual's perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status.

Additionally, the district prohibits discrimination because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status of any other persons with whom the individual associates.

Definitions:

1. "Complainant" means any current or former district students, parents of students, district residents, and district staff, who has filed a complaint under Policy AC.
2. "Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex or sexual orientation.
3. "Sexual Orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

In keeping with requirements of federal and state law, the district prohibits discrimination, including but not limited to, in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The Board will adopt and the district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public. These procedures will be available at the district's administrative office and on the home page of the district's website. The superintendent may not modify or change the 3- step complaint procedure without Board approval.

All complaints must be received by the district on the later date of (1) within two years of the alleged violation or the complainant’s discovery of the alleged violation; or (2) one year after the affected student has graduated from, moved away from, or otherwise left the district.

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

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.409
ORS 192.630	ORS 659A.009	OAR 581-002-0001 – 002-0005
ORS 326.051(1)(e)	ORS 659A.029	OAR 581-021-0045
ORS 408.230	ORS 659A.030	OAR 581-021-0046
ORS 659.805	ORS 659A.040	OAR 581-021-0047
ORS 659.815	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 659.850 - 659.860	ORS 659A.230 - 659A.233	OAR 581-022-2370
ORS 659.865	ORS 659A.236	OAR 839-003
ORS 659.870	ORS 659A.309	
ORS 659A.003	ORS 659A.321	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2012); 29 C.F.R Part 1626 (20178).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2012); 34 C.F.R. Part 104 (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2018).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012); 28 C.F.R. §§ 42.101-42.106 (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012); 29 C.F.R. § 1601 (2018).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2012).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).

Cross Reference(s):

ACA - Americans with Disabilities
GBA - Equal Employment Opportunity
GBEA - Workplace Harassment
JB - Equal Educational Opportunity

** 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.



Code: AC-AR
Revised/Reviewed: 1/20/11
Revised/Readopted: 11/12/15; 6/25/20

Discrimination Complaint Procedure**

A complaint under Policy AC must be in writing, prepared either by the complainant or by the complainant with the aid of a staff person, and should explain the facts that show discrimination and how that is based upon the complainant's protected class such as race, color, sex, sexual orientation, etc. The protected classifications are found in Policy AC. For complaints that involve a district staff member other than the superintendent, School Board or a School Board member, the executive director of human resources will determine the appropriate administrator for Step 1. For complaints about students or from students, the executive directors of elementary, middle or high schools are responsible for determining the appropriate administrator for Step 1. For a complaint about policies, programs or services, the superintendent is responsible for determining the appropriate administrator for Step 1.

When a complaint is made orally, the complaining party retains sole discretion on whether or not the complaint is reduced to writing and processed in accordance with the AC-AR complaint procedure.

1. 3-Step Appeal Process:

- 1.1 **Step 1 (School/Program Administrator):** After the district has received a complaint it will be referred to the appropriate administrator for investigation and resolution. It is the district's intent that a complaint would be resolved at the lowest level. The administrator will investigate the complaint, attempt to resolve the complaint and make a Step 1 decision if the complaint cannot be resolved to the complainant's satisfaction.
- (a) The administrator responsible for Step 1 has 30-calendar days to investigate the complaint, attempt to resolve the complaint and make a written decision on the complaint if the complaint is not resolved.
 - (b) The administrator responsible for the complaint at Step 1 has wide latitude to attempt to resolve the complaint by conferring with the complainant, the subject, and other parties involved. In some cases, it may involve the administrator requesting the complainant and the subject of the complaint to meet and try to resolve the dispute. In other cases, it may not be appropriate to have such a meeting.
 - (c) The 30-day time limit for Step 1 may only be extended by written agreement of the complainant.
 - (d) The administrator will include in the Step 1 decision a notice that the decision may be appealed within seven (7) calendar days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.

- (e) The complainant who appeals the Step 1 decision shall provide in writing the reason(s) for the appeal.
- (f) **Athletic Issues:** For complaints involving athletics (except for Title IX complaints which are not subject to this subsection), the first step in the complaint process is the coach directly responsible for the student athlete. If the issue is not resolved within 5-school days, the issue may be appealed to the high school athletic director. A decision of the athletic director may be appealed to the high school principal within 5-school days of the athletic director's decision. The decision of the high school principal is final and may not be appealed.
- (g) **Students with Disabilities:** Complaints about athletics that involve students who are eligible for special education or reasonable accommodations under either the IDEA or Section 504 will be process under applicable statutory procedures under those laws. Further information on this subject may be found in the OSAA Handbook.

1.2 **Step 2 (Superintendent or Designee):** If the complainant disagrees with the decision of the administrator in Step 1, the complainant may appeal the decision to the administrator indicated in the Step 1 decision. Normally this administrator would be the supervisor of the Step 1 administrator.

- (a) The superintendent determines the appropriate Step 2 administrator.
- (b) The Step 2 administrator will review the investigation that occurred at Step 1, the Step 1 administrator's decision, and the complainant's written appeal.
- (c) The Step 2 administrator may, but is not required, to do more investigation if that administrator determines it is necessary. This may include additional interviews of the complainant and other relevant witnesses.
- (d) The Step 2 administrator will attempt to resolve the complaint with the complainant. If this is not possible, the Step 2 administrator will issue a final decision.
- (e) The administrator responsible for Step 2 has 30-calendar days to investigate the complaint, attempt to resolve the complaint and make a written decision on the complaint if the complaint is not resolved.
- (f) The 30-calendar-day time limit for Step 2 may only be extended by written agreement of the complainant.
- (g) The administrator will include in the Step 2 decision a notice that the decision may be appealed within seven (7) working days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.

1.3 **Step 3 (School Board):** The School Board is the final step in the district's complaint process. For complaints under this policy, the Board may hear the appeal. If the Board decides to provide a hearing on the appeal it will render a decision within ninety (90) calendar days of initiation of the complaint. If a hearing on the appeal is granted, the process will include:

- (a) The Board will schedule a hearing on complainant’s appeal at the next Board meeting. The Board will determine whether the hearing will be in public session or in executive session, according to the Oregon public meeting law. The administrator will include in the Step 2 decision a notice that the decision may be appealed within seven (7) working days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.
 - (b) The appeal before the Board will be on the record developed by the Step 1 and Step 2 administrators. No witnesses may be called. The superintendent or designee will present its position. The complainant will present their position. The Board may ask clarifying questions of the parties. The Board will make a final decision on the appeal in an open public session.
 - (c) The Board will provide a written order to the complainant following the Board decision.
 - (d) The Board has 30-calendar days from the day it receives a written appeal to make a final decision in a Board meeting. The 30-calendar day timeline may be extended with written consent from the complainant.
- 1.4 It is the district’s goal that the complaint process be resolved within 90 calendar days. For example:
- (a) 30-calendar days at Step 1 to review complaint, investigate and render decision.
 - (b) 7-calendar days to appeal: Days 31-38.
 - (c) Day 38 appeal received.
 - (d) Day 68 for Step 2 decision.
 - (e) 7-calendar days to appeal: Days 69-75.
 - (f) Day 75 Step 3 appeal to the Board. The Board has 15-calendar days to have a Board hearing (if applicable) and render final decision.
2. **Complaints Made to Board Members:** From time to time Board members may receive complaints from community members or staff by email or other means. Board members shall refer complainants to the superintendent.
3. **Complaints Filed with Public Agencies:** If the complainant chooses to engage in another complaint process with an outside agency such as the Oregon Department of Education, the Teacher Standards and Practices Commission, the Oregon Bureau of Labor and Industries, the Employment Relations Board, the Office for Civil Rights or other such agencies, the district is under no obligation to either begin or complete its complaint process.
- 3.1 If the complainant refuses to use the district complaint process and instead goes directly to a public agency with the complaint, the district is under no obligation to consider the same complaint in the future.

3.2 If the complainant withdraws their complaint within the first 30-calendar days after filing the complaint with the public agency but prior to receiving a decision or a dismissal notice from the public agency, the complainant may file a complaint under the applicable policy with the district provided that the complaint is filed with the district within the time limitation.¹

4. **Complaints that cannot be processed within 90-calendar days:** There may be situations where it is not practical that a complaint can go through the 3-Step process from start to finish within the 90-calendar day time period. An example of such a complaint might require an unusual amount of investigation at Step 1 that makes it impossible to complete Step 1 within 30-calendar days. Another example might be a complainant who raises an issue that can only be decided by the superintendent or Board. A third example is a situation where the Board is not able to schedule a Board hearing within the 90-calendar day window because of an event outside the control of the Board (e.g., a snow day closure with cancellation of the Board meeting, or a necessary party to the hearing being unavailable because of illness).

4.1 It is important that both the district personnel who are responsible for responding to the complaint as well as the complainant understand that there are many possible events that could delay the 3-step process that leads to a final Board decision within 90-calendar days of the date the complaint is filed. In these instances, the district will work with complainant to come to a mutual agreement on the path forward, which may include the following modification of the 3-step complaint procedures:

- (a) Mutual agreement on an extension of time for the complaint process: complainant must confirm such an agreement in writing.
- (b) Waive Step 1 and go directly to Step 2: Both the complainant and the district must mutually agree in writing to this process. The Step 2 process will complete the investigation and render a decision within 60-calendar days. Any appeal to the Board under Step 3 must be completed with a Board decision by day 90.
- (c) If a complaint is received at the end of the school year, and an investigation must include interviews of staff and students who may be unavailable during the summer months, it may be necessary for the district to request an extension of time to complete the investigation. If the complainant refuses the extension of time for the investigation at Step 1, the district may skip Step 1 to give the investigator the amount of time needed for the investigation. The process will then begin at Step 2 so that the investigation can be completed so there is enough time for a Step 2 decision and a Step 3 appeal.
- (d) If the complainant has not otherwise agreed to an extension of time and the district has not been able to render a final decision at the Board level in Step 3 within 90-calendar days, the complainant may appeal directly to the Deputy Superintendent of Public Instruction as outlined below.

¹ All complaints must be received by the district on the later date of: (1) within two years of the alleged violation or the complainant's discovery of the alleged violation, or (2) one year after the affected student has graduated from, moved away from, or otherwise left the district. If the alleged violation is continuing, the time limitation must run from the date of the most recent incident.

5. **Final Decisions of the School Board that may be appealed:** Certain Step 3 final decisions by the Board may be appealed to the Deputy Superintendent of Public Instruction as allowed in OAR 581-002-0001 to 581-002-0023. The Board’s final decision regarding complaints of discrimination under Policy AC, complaints about restraint and seclusion of students, complaints about harassment of students in OAR Division 22 Standards and complaints of retaliation in ORS 659.852 may be appealed. All other decisions of the Board are final and may not be appealed to the Deputy Superintendent of Public Instruction.
- 5.1 In those complaints that may be appealed to the Deputy Superintendent of Public Instruction, a complainant may appeal if the Board has failed to render a decision within 90 calendar days of the initial filing of the complaint, unless the district and the complainant have agreed in writing to a longer period.
- 5.2 The appeal to the Deputy Superintendent of Public Instruction must be received by the Oregon Department of Education no later than one year after the date of the final decision by the district, or if the district fails to issue a final decision, not later than two years after the date the complainant first filed the underlying complaint with the district.
6. **Investigations:** Investigations will normally occur at Step 1 after a complaint is received. The Step 1 administrator may be the investigator, or a third-party investigator may conduct the investigation. The investigator will not be a person who is the subject of the complaint or who is directly involved in the subject matter of the complaint. The district staff responsible to determining the sufficiency of the complaint in Section 3.1 will normally determine who will investigate the complaint.
- 6.1 **Investigations involving district’s legal counsel:** At the sole discretion of the superintendent or designee, it may become necessary to request the district’s legal counsel to assist the district in an investigation.
- 6.2 **Investigation process:** There is no set investigative process. Each complaint should be investigated in a manner that makes the most sense, but should include interviews of the complainant, the subject of the complaint, and any relevant fact witnesses who know something about the issue.
- 6.3 **Burden of proof:** The complainant has the burden of proof in determining the truth of the matter asserted. The subject of the complaint (for example, the staff person who is alleged to have done something wrong) bears the burden of proving a defense to the complaint. The investigator is entitled to make credibility findings based upon the demeanor of the interviewees.
- (a) The burden of proof is a preponderance of the evidence, whether it is more likely than not that the issue complained about is true, and whether it violates a district policy.
- (b) Sometimes it will not be possible for an investigator to determine which version of the facts is correct, such as when there are only two witnesses and the witnesses have contrary testimony. In this situation the investigator may but is not required to determine which witness is more believable. The investigator may also determine that neither witness is more believable than the other and the evidence is therefore inconclusive. In this case the complaint will be deemed denied.

- 6.4 **Investigation timeline:** The district's goal at each step is to conclude each step within 30 calendar days, for a total complaint process of 90 calendar days. Some complaints will have relatively simple issues to be investigated. Complaints that contain many issues over a period of several years may present challenges for the completion of an appropriate investigation within the 30 calendar day time frame. The Step 1 administrator responsible for initiating an investigation shall notify the complainant of any delays or impediments to a timely investigation.
- (a) **Agreement to extend investigation timeline:** There may be circumstances that arise that make it impossible to complete an investigation with 30 calendar days, such as summer break, the unavailability of witnesses to participate in an interview, or the complexity or large number of issues to be investigated. If a delayed or prolonged investigation is necessary, the district will contact the complainant and explain the situation with the goal of getting consent for an extension of time. All extensions of time for the investigation will be put in writing and sent to the complainant.
- (b) If the complainant refuses to allow for an extension of time for an investigation and it appears that an investigation cannot be completed within the time period allowed, the district may conclude the investigation and inform the complainant that the complainant may advance to the next level of appeal.
- 6.5 **Investigation regarding sexual harassment complaints:** All complaints alleging sexual harassment shall be investigated by the district.
- 6.6 **Investigations reports:** Complaint investigations will be concluded with a written investigation report. Depending about the investigation, the district may be required to keep the investigation report confidential pursuant to state or federal law.
- (a) The district will respond to public records requests for investigation reports consistent with the Oregon Public Records law in ORS Chapter 192.
- (b) The district will notify complainants and the subject of the complaint regarding the results of an investigation. This will include (a) whether the complaint is substantiated and (b) the district's intended action for a substantiated complaint.
- (c) The district will determine on a case-by-case basis whether the actual investigation report is subject to disclosure to the complainant, subject of the complaint, or the public according the applicable district policy, state law, federal law and collective bargaining agreements with the associations.
7. **Complaints About the Superintendent:** A complaint that is directly against the superintendent is not subject to the 3-step complaint process above. Any complaint received by the district under any complaint policy will be referred directly to the Board chair.
- 7.1 The Board chair shall notify the vice chair and district's legal counsel about the complaint. The district's legal counsel will notify the full Board of Directors about the complaint and the general nature of the complaint. The Board chair will notify the superintendent about the complaint.
- 7.2 The Board chair and vice chair will determine how to conduct a preliminary investigation of the complaint in consultation with the district's legal counsel. The Board chair will keep the Board of Directors apprised of the status of the investigation.

- 7.3 If the nature of the complaint appears to the Board chair and vice chair to be a complaint that could be resolved between the complainant and the superintendent, the Board chair will notify the Board of Directors that an informal resolution may be possible. The Board chair shall complete an investigation and informal resolution within 30 calendar days of the filing of the complaint.
- (a) The Board chair shall contact the complainant and determine if the complainant is willing to engage in an informal resolution.
- 7.4 If the complainant is unwilling to engage in an informal resolution, or if the nature of the complaint alleges serious misconduct of the superintendent or appears to the Board chair and vice chair not to be a complaint that may be informally resolved, the Board of Directors shall be notified of this conclusion.
- (a) The Board chair shall present the complaint to the Board of Directors with a plan on how the allegations in the complaint will be investigated.
 - (b) At the conclusion of the investigation, the Board chair will provide a summary of the investigation to the Board of Directors, the superintendent, and the complainant.
 - (c) The Board chair will schedule a hearing on the complaint before the Board of Directors at the next regularly scheduled Board meeting, or a special Board meeting.
 - i. The Board chair shall provide written notification to the complainant and the superintendent of the time and place of the hearing. The hearing will be conducted in public or executive session as determining by Oregon public meeting law.
 - ii. The Board will make a final decision on the complaint in an open public session and provide a written order of tis decision to the complainant and the superintendent.
 - iii. The complainant’s right to appeal the Board’s decision is subject to Section 5 above.
 - (d) The timeline to process a complaint shall be a total of 90-calendar days from the date of the complaint was received by the Board chair.

8. Complaints about the School Board or Individual Board Members: Complaints against the School Board or individual School Board members are not subject to the 3-step complaint process as described above. This is because Board members are elected officials and not subject to the direction and control of the district administration.

- 8.1 Any complaint received by the district under any complaint policy will be referred directly to the Board chair. The superintendent will be notified of the complaint.
- 8.2 The Board chair shall notify the vice chair and district’s legal counsel about the complaint within 5-days of receipt of the complaint. The district’s legal counsel will notify the full Board of directors about the complaint if the complaint is about the full Board within seven calendar days of legal counsel’s receipt of the complaint.

- 8.3 If the complaint is against one or more individual Board members, the Board chair will notify the Board of Directors that a complaint has been filed against named Board member and the general nature of the complaint within seven calendar days of the chair's receipt of the complaint.
- (a) The Board chair shall offer to meet with the individual Board members who are the subject of the complaint and will provide a copy of the complaint to the Board member(s). The district's legal counsel may be included in meetings with Board members.
- 8.4 The Board chair in consultation with the vice chair will determine whether and how to conduct a preliminary investigation of the complaint in consultation with the district's legal counsel. The Board chair will keep the Board of Directors apprised of the status of the investigation.
- 8.5 In all complaints against individual Board members, the Board has an interest in providing named Board members with some informal resolution process such as the Step 1 process that is afforded to complainants and subjects of complaints as described above. If at all possible, complaints directed at Board members should be resolved on an informal basis with the cooperation and participation of the complainant and the named Board member. The ultimate decision about whether an informal process occurs is at the discretion of the complainant, not the Board member about whom the complaint is made.
- (a) If an informal resolution is reached between a complainant and Board member(s), the informal resolution will be reduced to writing and the writing will be provided to the complainant and the involved Board member(s). The full Board will be notified that the complaint has been resolved.
- 8.6 If either the Board of Directors or the complainant determine that an informal resolution of the complaint is not possible, the Board will schedule the complaint for a hearing before the Board of Directors.
- (a) The Board chair will schedule a hearing on the complaint before the Board of Directors at the next regularly scheduled Board meeting, a subsequent Board meeting if the agenda has already been published, or a special Board meeting.
- i. The Board shall provide written notification to the complainant of the time and place of the hearing. The hearing will be conducted in public or executive session as determined by the Oregon public meeting law.
- ii. The hearing before the Board will include:
- A. An opportunity for the Board member who is the subject of the complaint to respond to the complaint;
- B. An opportunity for the Board to review any investigative report that has been done on the complaint;
- C. An opportunity for the complainant to address the Board; and

- D. An opportunity for Board members who will be deciding the complaint to ask questions of the complainant and the Board member who is the subject of the complaint.
 - E. The Board chair, or other Board member presiding at the hearing shall consult with the complainant to mutually agree on the order of presentation of the hearing. The Board chair or Board member presiding at the hearing shall make the final decision on the order of presentation.
- iii. The district's legal counsel will assist the Board during the hearing.
 - iv. The Board will make a final decision on the complaint in an open public session and provide a written order of its decision to the complainant.
 - v. The complainant's right to appeal the Board's decision is subject to Section 5 above.
- (b) Complaint against Board chair or vice chair: In the event the Board chair or vice chair is individually the subject of a complaint (as opposed to all Board members being the subject of a complaint), the Board chair or vice chair shall not be involved in the complaint process in Section 8. Other Board members may be appointed to process the complaint against the Board chair or vice chair.
 - (c) Complaints against both the Board chair and vice chair: In the event both the chair and vice chair are the sole subjects of a complaint (as opposed to a complaint against all Board members) the Board member with the most seniority on the Board will be appointed by the Board to process the complaint.

9. Complaints By and Against District Staff: Special consideration is required in processing complaints by staff or against staff. These complaints will be evaluated by the appropriate district administrators.

9.1 Complaints made by staff: Complaints filed by district staff under a district complaint policy may be subject to the collective bargaining agreement of which the staff person is a member. If the matter complained about is a matter that is covered by the applicable collective bargaining agreement, that agreement controls, and the staff complaint will not be permitted.

- (a) Staff complaints under Policy KL: Although a district staff person may be a resident of the district, or be the parent of a student in the district, that alone does not give a staff person standing to file a public complaint under Policy KL unless the staff person is doing so either (a) because the complaint relates to their own child who is a student in the district; or (b) because the complaint relates to being a resident in the district, not a staff member of the district.
- (b) Staff Complaint under Policy GBM: Complaints under Policy GBM may only be made by current employees of the district. The complaint procedure will not be available to resolve disputes and disagreements related to the provisions of any collective bargaining agreements, nor in any other instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning the dismissal, nonrenewal or

nonextension of any employee are not subject to Policy GBM. The Board's decision is final and may not be appealed to the Oregon Department of Education.

- 9.2 **Complaints about staff:** Complaints about district staff by district staff or third persons are confidential personnel matters subject to state law and applicable collective bargaining agreements. The complaint processes outlined above are all subject to applicable law and collective bargaining agreements.
- 9.3 Complaints about staff or staff performance shall be directed to the district's human resources office.

10. Complaints Made by District Board Members: District Board members have the right to use the district complaint policies. In doing so, the complainant/Board member waives the right to participate as a decision-maker in the appeal process outlined in Section 1.3.

10.1 Board members have the same protections as staff, students and third parties to not experience discrimination, harassment or other forms of conduct prohibited by district policy.

10.2 Board members are residents of the district. However, as a Board member they are in a unique position to challenge district policies and procedures in their role on the school Board. Unless the district makes a decision that directly affects a Board member as a district resident, or as the parent of a district student, Board members may not make a complaint under Policy KL.

- (a) Board member complaints about district staff: A complaint made by a Board member about a district staff person will be made directly to the superintendent. The superintendent will consult with the Board chair and district legal counsel about the appropriate next steps, including notification to the staff person that is consistent with any applicable collective bargaining agreement and how the complaint will be investigated.
- (b) Complaints will begin at Step 2 at the superintendent or designee level. Appeals from the superintendent's decision shall be heard at the Step 3 level by the School Board. The complaining Board Member(s) shall not participate in the Board decision at the Step 3 level.

10.3 Board members will refrain from filing complaints under the district complaint policies because of disagreement with policy decisions the Board has voted on or for decisions that have been delegated to the administration. Board members shall use the Board meetings to address policy concerns.

10.4 Board members agree that if a Board member is a complainant under a district complaint policy, that complaining Board member and the Board member who is the subject of the complaint agrees not to do the following:

- (a) Participate in the selection of an investigator;
- (b) Communicate with fellow Board members outside of a Board meeting about the complaint;

- (c) Lobby any fellow Board member to support a position on the complaint;
- (d) Deliberate on the complaint as a Board member;
- (e) Vote on a decision about the complaint; or
- (f) Retaliate against the complainant, district staff or other Board members in any way.

10.5 The superintendent may not modify or change Section 10 without prior Board approval.

11. Notification to Complainants and Subjects of Complaints: All notifications to complainants shall adhere to the following requirements:

- 11.1 Shall be sent regular mail and by email at the last known address of the complainant;
- 11.2 Be written in the language preferred and spoken by the complainant;
- 11.3 Clearly describe the decision;
- 11.4 Clearly describe the appeal process with identification of the time for appeal, and the person and address to whom the appeal must be addressed; and
- 11.5 Clearly identify any other agency to whom an appeal of the final decision may be appealed.

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.

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint Date School or Activity

Student/Parent Employee Nonemployee Job Applicant Other _____

Type of discrimination:

- | | | |
|---|---|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Economic Status | <input type="checkbox"/> Familial Status | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> National or Ethnic Origin | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Race <input type="checkbox"/> Religion | <input type="checkbox"/> Sex | |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Veteran's Status | <input type="checkbox"/> Other _____ |

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of informal discussion.) _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

This complaint form should be mailed or submitted to the administrator or superintendent. Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Date Received: _____

OREGON SCHOOL BOARD ASSOCIATION NOMINATION

ACTION
Agenda Item #8
September 15, 2020

SUPERINTENDENT'S RECOMMENDATION:

Approve resolution of support for the nomination of Libra Forde as a candidate for the Oregon School Boards Association's (OSBA) Board of Directors.

BACKGROUND:

OSBA is seeking nominations for candidates to serve on the OSBA Board of Directors. School board members interested in running for a position on the OSBA Board of Directors need to be nominated by a member board within their region. Nominations require official board action.

The OSBA Board of Directors unanimously appointed Libra Forde on August 25, 2020 to the open Clackamas Region position #8 on the OSBA Board of Directors. Libra Forde has expressed interest in continuing to serve on the OSBA Board of Directors and is seeking a nomination.

ATTACHMENTS:

Nomination Form
Resolution

PRESENTER / STAFF CONTACT:

Mitzi Bauer, Board Vice Chair

NOMINATION FORM

OSBA BOARD OF DIRECTORS

REGIONAL MEMBER

Date: _____

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

**Nominations are due by 5 pm,
October 2, 2020**

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

Dear Maureen Wolf:

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

BOARD CANDIDATE INFORMATION

Name: _____

District/ESD/Community College: _____

Address: _____

City: _____ Oregon ZIP: _____

E-mail: _____ Phone: _____

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

(Board Chair signature)

Board Chair name: _____

District: _____

Address: _____

City: _____, Oregon ZIP: _____



Board of Directors

Libra Forde, Chair
Mitzi Bauer, Vice Chair

12400 SE Freeman Way
Milwaukie, Oregon 97222

RESOLUTION R20/21 - 23
Support for the Nomination of Libra Forde for the
OSBA Board of Directors.

WHEREAS, the North Clackamas School Board is a member of the Oregon School Boards Association;

WHEREAS, the Oregon School Boards Association (OSBA) is seeking a local school board member interested in serving on the Board of Directors;

WHEREAS, Libra Forde has expressed interest in the nomination;

WHEREAS, The OSBA Board of Directors unanimously appointed Libra Forde on August 25, 2020 to the open Clackamas Region position #8 on the OSBA Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that North Clackamas School Board nominates Libra Forde for the OSBA Board of Directors Position #8;

Adopted this 15th day of September 2020

Vice Chair, North Clackamas School District Board of Directors

Attest:

Superintendent