

LANE EDUCATION SERVICE DISTRICT	BOARD MEETING
1200 Hwy 99 N	Tuesday, January 3, 2023
Eugene, Oregon 97402	Regular Meeting: 6:00 PM

5:00 pm Executive Session

**LANE ESD BOARD MEETING
AGENDA**
Tuesday, January 3, 2023

1. Call Executive Session to Order
 - To consider records exempt by law from public inspection. (ORS 192.660(2)(f))
Board Chair
2. Call Regular Meeting To Order
Board Chair
Equity_Lens_FNL (1) (8)_Page_1 18
3. Welcome
Guests attending the meeting will be introduced.
Board Chair
4. Public Participation
This is an opportunity for the audience to address the Board on topics either on, or not on, the agenda. There will also be opportunities for the audience to comment on specific agenda items as the Board addresses them.

The Lane County Education Association Executive Board has submitted Public Comment related to inclusive staff policies.
LCEA Public Comment 19
Affirming Students through Inclusive Staff Policies 20
5. Agenda Review
Board Chair
6. Action Items
Board Chair

A. Declare Board Appreciation Month

School Board Recognition Month is celebrated in January to honor the unpaid elected volunteers who serve on Oregon's 197 local school boards, our 19 education service district boards and our 17 community college boards.

WHEREAS, Education Service District Boards exist to meet the diverse education needs of the school districts and students in their regions; **WHEREAS**, ESD boards focus resources on providing vital, innovative and cost-effective strategies to meet those diverse needs; **WHEREAS**, ESD boards help establish the vision for educational excellence in what students should know and be able to do; **WHEREAS**, ESD boards are accountable to the community for assisting the districts they serve to increase student achievement; **WHEREAS**, ESD boards create a climate that supports the philosophy that all children can learn, targeting resources, strategies and services to students who need special help to reach this goal; **WHEREAS**, ESD boards build collaborative relationships based on trust, teamwork and shared accountability; and

WHEREAS, ESD boards are committed to continuous education and training on issues related to best practices in education services for their districts;

NOW, THEREFORE, We hereby declare *our* appreciation to the members of the Lane ESD Board of Directors and proclaim the month of January to be **Education Board Recognition Month**.

We urge all citizens to join *us* in recognizing the dedication and hard work of ESD board members in preparing today's students for tomorrow's world.

Superintendent Scurto

B. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately.

Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda.

Back-up materials for consent agenda items are included in the agenda

packet as needed. Minutes of this meeting will reflect action on each item.

If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent group as submitted and listed below.

1. Board Meeting Minutes of August 2, 2022
2. Board Meeting Minutes of September 6, 2022
3. Board Meeting Minutes of September 13, 2022
4. Board Meeting Minutes of October 11, 2022
5. Human Resource Report, dated January 1, 2023

Board Chair

Hrrpt 1-1-2023 (1)	31
August 2 2022 Lane Education Service District - Regular Meeting Board of Directors	33
October 11 2022 Lane Education Service District - Regular Meeting Board of Directors	42
September 6 2022 Lane Education Service District - Regular Meeting Board of Directors	48
September 13 2022 Lane Education Service District - Regular Meeting Board of Directors	58

C. Accept Financial Report

BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for December 2022.

Board Chair

12-31-22 Board report - ESD	59
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D. Approve 2023 - 2025 Local Service Plan (Year One)

At it's December 13th 2022 meeting, the Lane Superintendents' Council unanimously approved the 2023 - 2025 Local Service Plan (Year One) as presented.

The Lane ESD Board of Directors will act to approve the 2023 - 2025 Local Service Plan (Year One) as presented.

Superintendent

ESD Human Resources.docx (1)	60
23-25 DRAFT Local Service Plan - Year One - For Superintendent Council Approval	61

E. Accept Donation from Lane Community Health Council's Community Benefit Initiative Funding

The Lane Community Health Council's Community Benefit Initiative has awarded \$60,000 to Lane Education Service District. Funding was in response to the proposal submitted by Justin Radabaugh (Lane School).

Lane School is designed to provide intensive interventions and support to students with complex social, emotional, and/or behavioral needs that have impacted their ability to find success in their home school. We utilize evidence-based practices and a school-wide systems approach to effectively support student needs. Those strategies include Positive Behavior Intervention and Supports systems, Trauma-Informed Care, and Collaborative Problem Solving (CPS).

Lane School staff provide high-quality academic and social-emotional instruction that empowers students to develop the skills needed to be successful in a less restrictive setting in their home districts. Staff recognize that students have intensive needs for developing positive relationships and rapport with trusted adults which allows staff to best connect and understand each student's individual strengths, interests, and needs. From this, staff tailor unique structures of trauma informed support, as well as mental health, and comprehensive interventions.

Families report a lack of ability to access mental health support in the community for their children due to: Lack of available counselors, lack of insurance, financial obstacles, difficulty with navigation of the health care system, and trauma fatigue.

Students typically attend Lane School for 2-3 years, but this timeline depends on each student's individual needs, growth, and responsiveness to our intervention and program of support. Students transition back to their home district or an alternative placement after demonstrating the ability to regulate and engage positively in an academic setting. This transition is facilitated by the transition team which consists of a specialized transition teacher, behavior specialist in collaboration with the receiving school. This team develops a support plan that will help the student be successful in their receiving school. An identified gap in consistency is the lack of stable mental health professionals available to support student transition. The students with OHP do have mental health services represented in this collaboration and the students without OHP often do not.

Lane School has implemented a system of CPS throughout the school day to help students learn the skills to identify dysregulation and build skills to re-engage. Next year staff will be offering CPS training to our parents and guardians. The goal is to provide students with continuity in interventions, as well as help parents gain skills to guide their children through the regulation cycle.

Programing that this fund directly supports Lane School's goal of comprehensive mental health for all students at Lane School. Funding in the 2022-2023 school year will be used to increase the capacity to provide mental health support to 70% of our student body during the school day.

Superintendent Scurto

Lane Community Health Council's Community Benefit Initiative Funding 106

Lane Community Health Council Check 107

F. Approve Sole Source Procurement

Connected Lane County (CLC) is the only entity in our region that is providing out of school computer science education across school district lines to elementary, middle and high school students. For approximately two years, at their Spark on 7th facility, they have been operating an Invention Club and Invention Lab (after school and summer times) focused on computer engineering, innovation and design. This program will expand to their new site, Spark at Booth-Kelly in Springfield which will allow for the participation of even more students as the two sites increase access for students in our urban and rural schools. Additionally, CLC is the only regional program that offers paid introductory computer science work through Invention Lab, a program that is also expanding to the Booth-Kelly site.

For six years now, CLC has provided professional development and educator workshops for teachers, or supported the financial expenses of PD with other entities. Through partnerships with the local technology industry and post-secondary partners, teachers across our region's K-12 spectrum experience computer science exposure and growth in knowledge and skills, and we've seen an increase in CTE programs from one to 16 because of the work of CLC. The partnership between Lane ESD and CLC on this grant will help enhance and expand this important work for teachers and youth.

Superintendent Scurto

CLC - LESD - GEER grant work 2022-23 108

DJC AR1 - Contracting - January 2023 Update 110

7. Discussion/Reports

A. Legislative Update

Superintendent Scurto will provide an update in legislative activities if there are any updates.

Superintendent Tony Scurto

OAESD Discuss Priorities for 2023 Legislative Session 135

B. Superintendent Report

Equity Advisory Committee slides from January 3 All Staff Meeting

Superintendent Tony Scurto

Nikotris Perkins Slides from All Staff Training 01 03 2023 137

All Staff Gathering 01 03 2023 145

C. Component District Board Visits - Local Service Plan

Visits to component district board meetings are being scheduled.
Component districts have until March 1, 2022 to approve the 2021-23 Local Service Plan - Year Two.

The following component board visits are currently calendared (assigned Board Member):

1/9/2023 - Springfield (Vanessa Truett), 7:00 p.m.
1/11/2023 - Creswell (Sherry Duerst-Higgins), 7:00 p.m.
1/18/2023 - Mapleton (Nora Kent), 6:00 p.m.
1/23/2023 - Bethel (Sydney Kissinger), 6:30 p.m.
2/1/2023 - Eugene (Linda Hamilton), 6:00 p.m.
2/8/2023 - Siuslaw (Nora Kent), 6:30 p.m.
2/13/2023 - Pleasant Hill (Rose Wilde), 7:00 p.m.
2/15/2023 - Blachly (Nora Kent), 6:00 p.m.
2/27/2023 - Fern Ridge (Sydney Kissinger), 6:30 p.m.

The following districts' board visits have not yet been scheduled:

- Crow-Applegate-Lorane (Leslie Harris)
- Lowell (Rose Wilde)
- Marcola (Vanessa Truett)
- McKenzie (Leslie Harris)

- Oakridge (Linda Hamilton)
- South Lane (Sherry Duerst-Higgins)

Superintendent Tony Scurto

D. OAESD Spring Conference

The Board will discuss attendance at the OAESD Spring Conference, May 10-12, 2023 at the Sunriver Resort.

Board Chair

E. NW Equity Summit - Be Unapologetically DEI

The Board will discuss participation in the Partners in Diversity's 2nd Annual NW Equity Summit is scheduled for September 26, 2023, at the Oregon Convention Center.

The conference focuses on helping employees and managers at all levels, as well as diversity influencers, be bold and uncompromising — in other words, unapologetic — when it comes to advancing and advocating for diversity, equity and inclusion.

The Summit features national experts on topics related to championing diversity, equity and inclusion.

Sponsorships are available now. To learn more about showing support for DEI and showcase your organization's commitment, contact Mari Watanabe at mwatanabe@partnersindiversity.org.

Registration is not open yet.

Host: Partners in Diversity <https://www.partnersindiversity.org/>

Contact: Mari Watanabe mwatanabe@partnersindiversity.org

Tel: 503-552-6753

Website: <https://www.partnersindiversity.org/program/nw-equity-summit/>

F. Policy Updates: First Reads

The Board shall exercise its rule-making power by adopting policies consistent with the Oregon Revised Statutes, Oregon Administrative Rules or opinions of a court of competent authority, for its own governance and for the organization and operation of

Lane ESD. The Board accepts the definition of policy set forth by the National School Boards Association:

School Board policies are statements which set forth the purposes and prescribe in general terms the organization and program of a school system. They create a framework within which the superintendent and his/her staff can discharge their assigned duties with positive direction. They tell what is wanted.

Such policies may be adopted, amended or repealed at any Board meeting provided that the proposed adoption, amendment or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding meeting until approved or rejected and except that the Board may adopt, amend or repeal policies at any meeting of the Board in the event of an actual emergency, as determined at the sole discretion of the Board. Additionally, when in the best interests of the district immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

The following policies are submitted for first read:

Superintendent Tony Scurto

1. BBBA: Board Member Qualifications

Summary

The revisions to BBBA are made to better align with the criteria stated in statute and in the Oregon Constitution to be an elector for a member of a school board.

Collective Bargaining Impact

None

Local ESD Responsibility

Revise and readopt optional policy BBBA - Board Member Qualifications if present in the Board's policy manual.

Superintendent Scurto

BBBA G1. Ready

153

2. CPA - Layoff/Recall for Administrators

Summary

HB 2001 (2021) changed the laws regarding reductions in staff for teachers (including a change to the definition of teacher used by the law). Layoffs conducted by ESDs may be required to follow the new requirements.

Collective Bargaining Impact

HB 2001 applies to "contracts entered into, renewed or extended on or after" September 2021. Review any collective bargaining agreements for licensed staff to ensure compliance.

Local ESD Responsibility

Revise and readopt highly recommended policy CPA - Layoff and Recall for Administrators and amend accompanying administrative regulation.

Superintendent Scurto

CPA G1. ready

155

3. GBEA - Workplace Harassment

Summary

The legal references for policy GBEA - Workplace Harassment have been updated to reflect an assigned statute number to what is House Bill 3041 (2021), which modified Oregon's definition of sexual orientation and added a definition for gender identity; these definitions apply to a host of Oregon statutes including its use in ORS 659A.370. HB 3041 is now numbered ORS 659A.370, and ORS 174.100 is the home for definitions of sexual orientation and gender identity - both used in this referenced policy.

Collective Bargaining Impact

None

Local ESD Responsibility

ESDs should update the legal references in this policy and republish.

Superintendent Scurto

GBEA G1. Ready

157

4. GCBDB/GDBDB – Early Return to Work,

Summary

The change to policy GCBDB/GDBDB - Early Return to Work is to align with Equal Employment Opportunity Commission guidance.

Collective Bargaining Impact

Review any collective bargaining agreements for consistency.

Local ESD Responsibility

If the ESD has previously adopted this highly recommended policy

GCBDB/GDBDB - Early Return to Work, submit to the Board for review and readoption.

Superintendent Scurto

GCBDB_GDBDB G1. Ready 159

5. GCQB - Research

Summary

This recommended update is just a revision of policy language and an addition to, and updates of the legal references (see policy for recommendations).

Collective Bargaining Impact

None

Local ESD Responsibility

If the ESD has this optional policy in its board policy manual, consider review, update and readoption of current policy with recommended changes. Since this policy is optional, the ESD may also decide to rescind policy if present in its policy manual.

Superintendent Scurto

GCQB Ready 160

6. IGBAF - Special Education - Individualized Education Program (IEP)

Summary

At its December 2021 meeting, the State Board of Education updated Temporary Rule OAR 581-015-2229 Individualized COVID-19 Recovery Services. The OAR required IEP teams for eligible student to make decisions about Individualized COVID-19 Recovery Services which support the district's requirement to ensure a free appropriate public education (FAPE) to eligible students. A new section, Individualized COVID-19 Recovery Services, is added to IGBAF-AR describing the district's responsibilities and outlining notification requirements.

Collective Bargaining Impact

None

Local ESD Responsibility

The ESD should review required administrative regulation IGBAF-AR Special Education, Individualized Education Program and submit to the Board to adopt the recommended changes. It is further recommended that the ESD update the legal references in this policy and republish.

Superintendent Scurto

IGBAF G1. Ready

161

7. IK - Academic Achievement

Summary

Policy IK - Academic Achievement language is revised to align with Oregon Administrative Rule 581-022-2270.

Collective Bargaining Impact

None

Local ESD Responsibility

Review and revise required policy IK - Academic Achievement with recommended updates and submit to the Board for readoption.

Superintendent Scurto

IK G1 Ready

162

8. JHC: Student Health Services and Requirements

Summary

A new Oregon Administrative Rule, 581-021-0593, requires public education providers, which includes school districts, public charter schools, and education service districts, to provide information on menstrual health and must include this information in their health and sexuality education. As a result, new language has been added to board policy IGAI - Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education. Oregon Department of Education's (ODE) website provides a variety of related resources. In addition, new proposed language has been added to board policy JHC - Student Health Services, which refers to existing rules related to school nursing services and responsibilities.

Collective Bargaining Impact

None

Local ESD Responsibility

Both policies in this recommended update are highly recommended; submit to the Board to consider revising and readopting.

Superintendent Scurto

JHC G1. Ready

164

9. KBA: Public Records Request

Summary

Updated to better align policy and administrative regulation language with statute and revise language to reflect current terms and practices. To help with public record responses, access Oregon Attorney General's available information and consult counsel. Additionally, to provide support for records retention requirements, a table of contents and links to Oregon Archives Division retention requirements for ESDs has been added to EH-AR - Records and Data Management.

Collective Bargaining Impact

None

Local ESD Responsibility

If the Board's policy manual includes the policies and administrative regulations (AR) included in this update, consider reviewing and revising as suggested and submit to Board for readoption. The administrative regulation for either policy may be submitted to the Board as an information item for review. Board policy EH and its AR are optional. Optional policy EH and its accompanying administrative regulation have been rewritten so consider adopting the newer versions presented herein to replace current policy, if present.

Superintendent Scurto

KBA G1. Ready

167

G. Administrative Rule Updates

Administrative rules are detailed directions governing the operation of Lane ESD. The superintendent is authorized to formulate such administrative rules appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the ESD. Such administrative rules shall be binding on the employees of Lane ESD and the students in the classrooms of the ESD until modified or repealed.

All new or amended administrative rules will become effective on the day after approved by the superintendent unless an alternative effective date is specified. When approved by the superintendent, administrative rules shall be distributed to staff and other individuals, as appropriate. The superintendent will make administrative rules available to the Board. The Board may review any administrative rule and may direct its revision if, in the Board's judgment, such rule is not consistent with adopted policies.

Superintendent Tony Scurto

1. CPA-AR Layoff/Recall for Administrators

Summary

HB 2001 (2021) changed the laws regarding reductions in staff for teachers (including a change to the definition of teacher used by the

law). Layoffs conducted by ESDs may be required to follow the new requirements.

Collective Bargaining Impact

HB 2001 applies to "contracts entered into, renewed or extended on or after" September 2021. Review any collective bargaining agreements for licensed staff to ensure compliance.

Local ESD Responsibility

Revise and readopt highly recommended policy CPA - Layoff and Recall for Administrators and amend accompanying administrative regulation.

Superintendent Scurto

CPA R G1. Ready 170

2. DJC-AR Special Procurements and Exemptions from Competitive Bidding

This administrative rule is updated to better align with language from ORS 279B.075: Sole-source procurements.

Superintendent Scurto

DJC AR1 - Contracting - January 2023 Update 174

3. GCDA-GDDA-AR Criminal Records Checks and Fingerprinting

Summary

House Bill 4030 (2022) modifies fingerprinting requirements for persons seeking employment in schools and now makes a temporary exception to allow the Oregon Department of Education (ODE) to waive fingerprinting requirements if ODE determines the person has:

- Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
- Submitted to a criminal records check conducted by TSPC within the previous three years; or
- Remained continuously licensed or registered with the commission.

This is a temporary change and sunsets July 1, 2024.

Collective Bargaining Impact

None

Local ESD Responsibility

The revisions effect language in required administrative regulation GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting, and can be revised by administration, implemented, and submitted to the Board for review; the AR is not required to be adopted.

Superintendent Scurto

GCDA_GDDA R G1. Ready

199

4. IGBAF-AR Special Education, Individualized Education Plan (IEP)

Summary

At its December 2021 meeting, the State Board of Education updated Temporary Rule OAR 581-015-2229 Individualized COVID-19 Recovery Services. The OAR required IEP teams for eligible student to make decisions about Individualized COVID-19 Recovery Services which support the district's requirement to ensure a free appropriate public education (FAPE) to eligible students. A new section, Individualized COVID-19 Recovery Services, is added to IGBAF-AR describing the district's responsibilities and outlining notification requirements.

Collective Bargaining Impact

None

Local ESD Responsibility

The ESD should review required administrative regulation IGBAF-AR Special Education, Individualized Education Program and submit to the Board to adopt the recommended changes. It is further recommended that the ESD update the legal references in this policy and republish.

Superintendent Scurto

IGBAF R G1. Ready

203

5. KBA - AR Public Records Request

Summary

Updated to better align policy and administrative regulation language with statute and revise language to reflect current terms and practices. To help with public record responses, access Oregon Attorney General's available information and consult counsel. Additionally, to provide support for records retention requirements, a table of contents and links to Oregon Archives Division retention requirements for ESDs has been added to EH-AR - Records and Data Management.

Collective Bargaining Impact

None

Local ESD Responsibility

If the Board's policy manual includes the policies and administrative regulations (AR) included in this update, consider reviewing and revising as suggested and submit to Board for readoption. The administrative regulation for either policy may be submitted to the Board as an information item for review. Board policy EH and its AR are optional.

Superintendent Scurto

KBA R G1. Ready 212

8. Information from Administrative Staff

The directors of Human Resources and Title Programs, Special Education, Business Services, Technology and School Improvement have submitted written reports to the Board on matters of interest concerning his/her area of responsibility.

Administrative Staff

Janaury HR Update 214

School Improvement Board Update_01_03_23 215

IT Board Meeting Updates 1_3_2023- LANE ESD 216

January 2023 Special Education Report to the Board 217

9. Board Member Reports and Comments/Agenda Planning

Lane ESD Board, Liaisons, Advisors

A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email to the Board Chair or Superintendent.

Board Chair

B. Board Member Reports

Board members are asked to submit their reports in writing to be attached to Boardbook. Reports can be sent to the Executive Assistant in advance of the meeting.

As Board Members prepare their reports, please consider the following questions:

1. What programs did I visit over the last month? What committees did I participate in?
2. What is the connection to the LESD services and programs to the component districts or community?
3. What significance or meaning does the activity have to the broader community?
4. What are the next steps or follow-up activities planned?

Sherry Duerst-Higgins

Linda Hamilton

Leslie Harris

Nora Kent

Vanessa Truett

Rose Wilde

Johnie Matthews, Superintendents' Council Advisor

Emilio Hernandez, Community Advisor

Mike Anderson, Liaison, Creswell School District

Mark Boren, Liaison, Fern Ridge School District

Board, Advisors, Liaisons

Rose Wilde Lane ESD Board Member Update for Jan 3,
2023

218

10. Announcements/Correspondence

Board Chair

A. Acknowledgements and Recognition

Superintendent Tony Scurto

B. Kudos

Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and Board members can submit a "kudo" any time

during the month. To submit a kudo visit:
www.lesd.k12.or.us/forms/kudos.html

Administrators

C. Announcements

Board Chair

1. **Lane ESD Board Member Activities and Opportunities**

2. **Component District Board Meeting Dates**

11. Adjournment

- The next regular meeting is scheduled to be held Tuesday, February 7, 2023, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Lane ESD Equity Questions

Equity lens questions are used to ensure that we dismantle systems of oppression and rebuild equitable systems. **We ask ourselves these questions throughout the decision-making process.** The lens interrupts bias and the impact of unintended consequences by understanding the lived experiences and perspectives of the diverse communities we serve. The Equity Lens is a tool to help us analyze our actions and processes to ensure equitable outcomes for Lane County students.

1. Do we have a shared vision and ownership of the equity lens? Have we ensured that everyone clearly understands the importance of the equity lens and how it is used?
2. How does the decision we are making change historical and current inequitable practices and outcomes?
3. What is the organization's goal with this decision? How does it align with our vision, mission, and values?
4. Are the voices of diverse members of the community part of the decision-making process? Who is being included and who are we leaving out?
5. In what ways are we creating a sense of belonging and community. Do students feel beloved, connected, valued, and confident being their authentic selves and how do we know?
6. What systems of racism and oppression might exist within this situation and how will we change them?
7. What equitable outcomes do we want to achieve? What are the barriers to achieving these equitable outcomes and how do we remove them?
8. Who might this decision impact positively and who does it impact negatively? How do we change the conditions so that we don't have any negative impacts?
9. What data are we collecting to ensure that we are on track with our intended goals and outcomes?
10. What does the collected data tell us? What questions do we need to ask ourselves? And are there adjustments we need to make based on the information collected?

Guiding Principles

1. We will use the Equity Lens to guide all the work at the Lane ESD and with our community partners.
2. To be equity leaders and ensure equitable outcomes for students in Lane County, all ESD staff will receive professional development around the historical oppression, racism, and current marginalization of people of color, people with unique and diverse abilities and other underserved populations in Oregon and our country as well as training to use the Equity Lens.
3. We will collaborate and support each other in achieving the vision and mission. Our success is measured by our overall impact on equitable outcomes for students in Lane County.
4. We will create a structure to hear student voices and use these students' input to guide the work of the strategic plan and decisions made by Lane ESD.
5. Our strategic plan will utilize accessible and inclusive language. It will be translated into multiple languages and use multimedia to reach all our students, parents, guardians, caregivers, and community members.
6. We are accountable for the vision, mission, achieving our goals, and for reporting our progress toward defined outcomes to our community.



Julie Simmonds <jsimmonds@lesd.k12.or.us>

[Supt-office] public comment for next board meeting

1 message

Stuart Rush <srush@lesd.k12.or.us>

Tue, Dec 20, 2022 at 12:55 PM

To: supt-office@lesd.k12.or.us

Dear Lane ESD Board of Directors,

On behalf of the Lane County Education Association Executive Board, I would like to formally voice our support for the suggestions outlined in the document "Affirming Students through Inclusive Staff Policies." Lane ESD has chosen to put equity at the center of its mission, and these suggestions would further that important work that we are proud to be a part of.

Sincerely,

Stuart Rush
Licensed Co-President, LCEA

 **Affirming Students through Inclusive Staff Policies.pdf**
292K



Affirming Students through Inclusive Staff Policies: *Policies For Trans & Gender Diverse Staff Belonging*

Authored by Lake M.Ed. and Siche Green-Mitchell M.Ed. LSPC

Endorsed by The Oregon Alliance to Prevent Suicide

Affirming Students through Inclusive Staff Policies: Policies For Trans & Gender Diverse Staff Belonging

by Lake M.Ed. and Siche Green-Mitchell M.Ed. LSPC

Table of Contents

- I. Rationale
 - A. [Purpose](#)
 - B. [Analysis](#)
- II. Federal Guidelines and Prior Policy
 - A. [Federal & State Guidelines](#)
 - B. [Model Policies & Other Examples](#)
 - C. [Policy Template](#)
- III. Action Items
 - A. [Actions Items by Role](#)
 - B. [Policy Requirements](#)
- IV. Future
 - A. [Affirming Staff Policies Blog](#)
 - B. [Updated Document](#)
- V. [Research](#)
- VI. [Contact](#)

Rationale: The Need for Affirming Staff Policies

Purpose:

Every educational institution wants to see their students thrive, and is tasked with making sure they do. This takes into account the educational perspective of succeeding in their classes, the social wellness perspective of making sure they have healthy peer relationships, and the mental health wellness perspective of a healthy self-concept and mental stability. These perspectives need to be translated to supporting the staff at educational institutions as well, which has the benefits of supporting the staff directly and supporting the students indirectly. If we want to support our queer students and decrease suicidality we must also establish policies that support and protect our gender diverse staff.

Analysis:

Supportive and protective policies for queer educators decreases suicidality in queer students. 43.9% of trans students who reported to the Youth Risk Behavior Surveys 2017 that they “considered attempting suicide”; 39.3% of trans students reported they had “made a suicide plan”; 34.9% of trans students reported they had “attempted suicide”; and 16.5% of trans students reported they “had a suicide attempt treated by a doctor or nurse” ([pg. 3](#)). Currently the suicide rate for LGB youth is 3 times higher compared to their peers, with 50% of queer students reporting suicidal ideation in 2019 and 25% reporting attempted suicide ([1](#), [2](#), [3](#)). Research shows that schools as an affirming space has the strongest link to reduced suicide attempts ([1](#)). To ensure schools are affirming for gender diverse youth, we must have gender diverse staff participating in the school community ([1](#), [2](#)). However, queer educators perceive that they would be bullied, harassed, or fired if they were to be out at work, inhibiting their ability to support their students ([1](#), [2](#), [3](#), [4](#)). The hostile work environment creates a clear and preventable barrier to the retention of gender diverse staff. K-12 school districts must establish protective and supportive policies for gender diverse educators to reduce the queer youth suicide rate ([1](#), [2](#)).

Research shows that youth need supportive educators to feel safe at school; supporting educators who share similar identities to the students ensures that students feel seen and belong in school spaces ([1](#), [2](#)). This would help reduce up to 20% of queer students who report missing school due

Affirming Students through Inclusive Staff Policies: Policies For Trans & Gender Diverse Staff Belonging

by Lake M.Ed. and Siche Green-Mitchell M.Ed. LSPC

to feeling unsafe and directly, positively respond to a population with a set of higher risk factors for suicidality (1, 2). Supporting educators who can identify with and affirm queer students would increase both educators' and students' well-being in educational spaces. Furthermore, the research states that the number of out queer personel is a sign of a more accepting school climate (1). When educational spaces protect and affirm queer educators, students feel seen and know that their school space is safe and affirming which increases attendance, decreases suicidal ideation and suicide attempts.

In summary, when there is queer representation in positions of power within schools, it interrupts negative school climates for queer youth by bringing important conversations directly linked to school safety for queer youth. Queer staff are necessary to the retention of queer students in schools. This means that when queer staff are visible, out, and present in the educational setting it increases access to education, increases attendance and decreases suicide attempts. School as an affirming space has the strongest association with reduced suicide attempts for transgender and non-binary students, which is why we must create policies to protect queer educators (1, 2).

“Finally, the research indicates the need for greater efforts being made to achieve equity for those who identify as lesbian, gay, bisexual, transgender, queer, etc, in schools in the U.S. In following the above suggested practices, those school leaders who consider themselves equity focused will have the opportunity to show that in their support of LGBT individuals” (p. 14)

Federal Guidelines and Model Policies

Federal & State Guidelines

This document, these policies, will help districts and other organizations support the federal and state civil rights protected class identities of sex, gender identity, and sexual orientation for school staff employees, protected through Executive Order (1, 2), [Supreme Court Ruling](#), and [Oregon law](#). Adopting and supporting these policies will help your agency follow the federal and state law and reduce risk of discrimination lawsuits and complaints.

Model Policies in Practice & Other Examples

- Chicago Public Schools [Guidelines Regarding the Support of Transgender and Gender Nonconforming Individuals](#).
- Los Angeles Unified School District [“Affirming Work Sites to Address Transgender Supports”](#).
- Toronto District School Board [has a statement](#) regarding their [Guidelines for the Accomodation of Transgender and Gender Non-Conforming Students and Staff](#).
- GLSEN [“Model Local Education Agency Policy on Transgender and Nonbinary Students”](#)
- Human Rights Campaign’s [Transgender Inclusion in the Workplace: Recommended Policies and Practices](#).

Affirming Staff Policy Template

In order to support Oregon school districts to adopt inclusive staff policies, we created a [Policy Template](#) for districts to adapt to meet the needs of trans & gender diverse staff.

Action Items: How to Get Involved

Action Items by Role

If you work in a school district or educational service district:

- Adopt a policy that is similar to the above examples and includes the below “Policy Requirements” items to support your trans and gender diverse staff and students.

If you work in an education union:

- Send this to your appropriate school district.
- Require it as part of contract bargaining if other negotiations don’t work.
- Adopt a policy that is similar to the above examples and includes the below “Policy Requirements” items to support your trans and gender diverse staff.
- Support districts in their policy adoption process and require them to adopt protection policies.

If you work in an educational agency:

- Adopt a policy that is similar to the above examples and includes the below “Policy Requirements” items to support your trans and gender diverse staff.
- Support districts in their policy adoption process and encourage/require them to adopt protection policies.

If you are an active or retired educator:

- Contact your administration of your building, superintendent’s office, school board, and union and let them know you want them to support the adoption of these policies.

If you are a gender diverse educator (active or retired):

- If you’d like to be involved in a gender diverse educator network and/or anonymously participate in relevant research on the experience of gender diverse educators please email Lake Director@QueerEugene.org or Siche Green-Mitchell siche@lclark.edu

If you work in a health-related agency:

- Adopt a policy that is similar to the above examples and includes the below “Policy Requirements” items to support your trans and gender diverse staff.
- Support districts in their policy adoption process and encourage/require them to adopt protection policies.

If you are a community organization or person in the community:

- Contact the superintendent’s office of your local school districts and let them know you want them to support the adoption of these policies.
- Contact state agencies (e.g. Oregon Department of Education, Oregon Health Authority, Oregon School Boards Association) and let them know you want them to support the adoption of these policies.

Policy Requirements

These rights are not listed in a manner of hierarchy- all are equally important. The policies written in the above examples are great to use, the below items are being specifically stated as needs to be attended to, supported, and protected.

1. Inclusion of an **equity lens** question when dealing with queer-related matters: “The status quo of the system is not worth more than individual dignity and personhood.”
2. Access to **inclusive restrooms** for gender diverse staff
3. **Inclusive gender dynamics** for classrooms, events, field trips: what staff are working with what students? What responsibilities are being asked of them? (For example, asking someone to check in on a restroom/locker room, how are overnight room stays structured- check assumptions made based on how a person looks)
4. Require annual **Professional Development** related to queer identities and pronouns
5. Support **name changes**, have options for legal name and social name in systems
6. Inclusive clothing requirements/**dress code** for staff (gender neutral)
7. Access to/creation of a **queer affinity group**/similar to support queer educators
8. Adopt **inclusive and equitable systems** (individuals shouldn't need to change to fit a payroll system/similar, the systems we use should be equitable and inclusive in nature)
9. Increase protections from gender-based discrimination during **hiring & promotions**
10. **Adopt policies** supporting staff based on the civil rights protected classes of sex, gender identity, and sexual orientation to support all trans, gender diverse, and queer staff
11. **Offer training for co-workers** who consistently miss the mark on being inclusive
12. Create a **support and safety plan** for gender diverse employees and what steps need to happen (HR, IT, management; who does what and when)

Affirming Students through Inclusive Staff Policies: Policies For Trans & Gender Diverse Staff Belonging

by Lake M.Ed. and Siche Green-Mitchell M.Ed. LSPC

Future

Blog

We have created [a blog](#) that will be updated with further endorsements and policy adoptions. Please check in with this blog to see how organizations around Oregon are responding to this document and let the voices around the state help share the tremendous need that exists.

Updated Document

As this Document will be disseminated as a PDF for ease of use, we will also include [this link](#) with view-only permissions, so that folks can continue to access the further endorsements and newly adopted policies that we will continue to add into the document.

Research

“A recent study (4) that pooled local YRBS data during 2009–2017 to examine trends in suicide risk found that reports among LGB youths of suicide risk might be decreasing but that LGB students still are as much as three times more likely to have attempted suicide than heterosexual students” [\(pg. 2\)](#).

“One half of LGBT+ youth expressed they considered suicide during 2019” [\(pg. 1\)](#).

“One quarter of LGBT+ youth expressed they attempted suicide during 2019” [\(pg. 1\)](#).

“The presence of LGBTQ school personnel who are out or open at school about their sexual orientation and/or gender identity may provide another source of support for LGBTQ students. In addition, the number of out LGBTQ personnel may provide a sign of a more supportive and accepting school climate” [\(pg. 61\)](#).

“Youth Insight #1: Supportive educators are crucial for students to feel safe and included” [\(pg. 9\)](#).

“The study found that LGBTQ youth who reported having at least 1 LGBTQ-affirming space—specifically a school—were 35% less likely to report a suicide attempt in the past year” [\(Source\)](#).

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“The negative consequences they perceive for being out as teacher or student are disrespect demonstrated through such behaviors as bullying, harassment and knowing they would be fired. Many are not out due to fear of negative consequences. In one sense the comparison to the 2007 data indicates a positive shift, but the climate is still quite difficult and, in many cases, hostile” [\(pg. 13\)](#).

“Having staff supportive of LGBTQ students was related to feeling safer in school and missing fewer days of school. As shown in Figure 2.18, students with more supportive staff at their schools were less likely to feel unsafe due to their sexual orientation or gender expression, as well as less likely to miss school because of feeling unsafe or uncomfortable” [\(pg. 72\)](#).

”With the recent concerns cited in GLSEN’s 2017 study, it is paramount for the climate for LGBT educators to be more conducive to outness in order for these educators to support their students (Kosciw, 2018; Leithwood & McAdie, 2007)” [\(pg. 13\)](#).

“The teacher who ran the GSA was so kind, fun, and accepting to everyone in the group and was excited about the ways we might express it to the whole school. That club made me feel a lot better about myself and made me more comfortable about sharing myself with others” [\(pg. 68\)](#).

“Educators needs to feel safe and accepted to provide the best education for their Students” [\(pg. 3\)](#).

“While the overall school climate in 2007 was perceived by teachers as problematic and one-third in 2011 listed negative consequences for being out, in 2017 many more report positive consequences for being out such as being a role model for LGBT students and a resource to colleagues. The school climate is not perceived as hostile for all LGBT teachers, but LGBT teachers still perceive a strong need for change” [\(pg. 13\)](#).

“LGBTQ representation within schools, particularly in positions of power, interrupts negative, often stagnant school climates by bringing LGBTQ individuals into important conversations that direct school policy, curriculum, and other important functions that are directly linked to safe, supportive school climates for LGBTQ youth. Furthermore, when LGBTQ people are present in the daily functions of the school they will begin to develop a critical mass that sustains student and staff retention” [\(pg. 8\)](#).

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“One key element present in research grounded in CRT is the discussion of diversity representation, specifically the importance of having persons of color in positions of power and in positions where representation of power matters” [\(pg. 7-8\)](#).

“Among these LGBT+ student groups, 2 of every 10 students reported to have stayed home for safety reasons within a month of the survey” [\(pg. 6\)](#).

“The 2019 Oregon Health Authority Survey found LGBTQ students to be at greater risk of adverse mental health conditions, particularly related to suicide and suicide ideation. Suicide is the second leading cause of death for Oregonians aged 10 to 2411, and the Oregon Health Authority survey found that about half of gender diverse or LGB 8 th grade students considered suicide (compared to 20% of all 8 th graders). Nearly 1 in 3 of them had actually attempted suicide” [\(pg. 18\)](#).

“In a 2017 survey done by GLSEN among Oregon LGBTQ students, nearly 3 out of 5 students reported that their educational institution subjected them to at least one form of discriminatory policy or practice related to their sexual orientation or gender expression” [\(pg. 20\)](#).

“More than half of transgender employees say they are not comfortable being out at work. Two-thirds remain in the closet in professional interactions outside their own companies” [\(Source\)](#).

“At the school level, many administrators still exhibited reluctance to implement professional development related to LGBT issues, also indicating potential levels of discomfort (Payne & Smith, 2018)” [\(pg. 2\)](#).

“Narrow focus on protections cancels out meaningful inclusion of LGBTQ voices and prevents healthy, positive inclusion of all LGBTQ students within schools” [\(pg. 8\)](#).

“The most recent research, conducted also in 2017, from GLSEN (Kosciw et al., 2018) revealed that the progress in reducing level of victimization for LGBTQ students has slowed for the first time in ten years. Furthermore, many students reported more hostile environments for transgender students than in 2015” [\(pg. 13\)](#).

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Oregon Alliance to Prevent Suicide

<https://oregonalliancetopreventsuicide.org/contact-us/>

Cover Photo by [Cecilie Johnsen](#) on [Unsplash](#)

HUMAN RESOURCES REPORT TO LANE ESD BOARD

January 1, 2023

CLASSIFIED STAFF (Information)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	Indell, Travis	Instructional Assistant, Life Skills	1/12/2023	
	Kalnbach, Robert	Instructional Assistant, Life Skills	1/12/2023	
	Mowdy, August	Instructional Assistant, Life Skills	1/5/2023	
	Schrader, Bobbi	Instructional Assistant, Life Skills	1/5/2023	
	Walker, G.Keith	Instructional Assistant, Life Skills	1/19/2023	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	Guillen, Angie	Instructional Assistant, Life Skills	9/27/2022	
<i>Change of Status</i>				

LICENSED STAFF (Action)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>				
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	Eastman, Ashley	Teacher, Life Skills	9/27/2022	
<i>Change of Status</i>				

PROFESSIONAL STAFF (Information)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>				
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>	Hayes, Matthew	Database Administrator	1/9/2023	was SI Data & Evaluation Coordinator

VACANCY NOTICES (Information)

Posting #	Position	Closing Date	Notes
352	Community Engagement, MEP (Douglas County)	1/5/2023	In process
445	Speech Language Pathologist	1/6/2023	In process
590	Sign Language Interpreter	1/7/2023	In process
611	Speech Language Pathologist	Open pool	In process
635	Instructional Assistant, Life Skills	1/10/2023	In process
640	Instructional Assistant, Life Skills	Open pool	In process
657	Administrator, Integrated Guidance, Student Success Act	12/27/2022	In process
702	Specialist, Community Resource Liason	1/6/2023	In process
705	Teacher, Deaf/Hard of Hearing	1/6/2023	In process
719	Graduation Specialist, Migrant Education	1/6/2023	In process
725	Specialist, Student Engagement & Academic Support, MEP	1/6/2023	In process
727	Instructional Assistant, Life Skills	Open pool	In process
734	Instructional Assistant, Life Skills	Open pool	In process
739	Teacher, At-Large	1/6/2023	In process
742	Instructional Assistant, At-Large	1/5/2023	In process

VACANCY NOTICES (Information continued)

Posting #	Position	Closing Date	Notes
752	System Administrator	1/5/2023	In process
753	Instructional Assistant, Life Skills	Open pool	In process
754	Instructional Assistant, Life Skills	Open pool	Position filled
755	Instructional Assistant, Life Skills	Open pool	Position filled
756	Instructional Assistant, Life Skills	Open pool	Position filled
757	Instructional Assistant, Life Skills	Open pool	Position filled
758	Instructional Assistant, Life Skills	Open pool	Position filled
759	Instructional Assistant, Life Skills	Open pool	In process
760	Instructional Assistant, Life Skills	Open pool	In process
761	Instructional Assistant, Life Skills	Open pool	In process
767	School Nurse	1/10/2023	In process
768	Instructional Assistant, Life Skills	Open pool	In process
769	Instructional Assistant, Life Skills	Open pool	In process
770	Instructional Assistant, Life Skills	Open pool	In process
774	Database Administrator	12/13/2022	Position filled
775	Speech Language Pathologist	Open pool	In process
779	Navigator, Lane AABSS	1/5/2023	In process



LANE EDUCATION SERVICE DISTRICT

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Eugene, OR 97402

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www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Regular Meeting
Tuesday, August 2, 2022 6:00 PM Pacific

District Office
1200 Hwy 99 N
Eugene, Oregon 97402

1. Call Regular Meeting To Order

Board Chair Linda Hamilton called the regular meeting of the Board to order at 6:02 p.m.

Board Members Present: Sherry Duerst-Higgins, Linda Hamilton, Leslie Harris, Nora Kent, Sydney Kissinger, Vanessa Truett, and Rose Wilde.

Administrative Staff Present: Superintendent Tony Scurto, Assistant Superintendent Carlos Sequeira, Business Services Director Dave Standridge, Special Education Director Sue Mathisen, Human Resources Director Ze Anderson-Brown, Technology Service Director Brandon Webb, recording secretary Julie Simmonds

Advisors and Liaisons Present: Mike Anderson (Creswell), Mark Boren (Fern Ridge), Johnie Matthews (Superintendents' Council)

2. Welcome

There were no guests introduced.

3. Public Participation

This is an opportunity for the audience to address the Board on topics either on, or not on, the agenda. There will also be opportunities for the audience to comment on specific agenda items as the Board addresses them.

Due to the emergency resulting from the COVID-19 pandemic, the District facilities are currently closed to the public and meetings are streamed electronically. Emails from community members who would like to comment on non-agenda items will be read into record at this time. Emails must contain the community member's name, address, and material that can be read within the three minute time limit. Please submit comment to supt-office@lesd.k12.or.us.

There was no public comment.

4. Agenda Review

The agenda was reviewed.

5. Organization of the Board for 2022-23

Per Robert's Rules of Order:

Before proceeding to an election to fill an office it is customary to nominate one or more candidates. This nomination is not necessary when the election is by ballot or roll call, as each member may vote for any eligible person whether nominated or not... *The nomination need not be seconded.* When the nominations are completed the assembly proceeds to the election. An election takes effect immediately if the candidate is present and does not decline, or if absent and has consented to candidacy. If absent and has not consented to candidacy, it takes effect when notified of election, provided member does not decline immediately. After the election has taken effect and the officer or member has learned the fact, it is too late to reconsider the vote on the election. An officer-elect takes possession of his office

immediately, unless the rules specify the time.

5.A. Election of Chairperson

Vice-Chair pro-tem, Vanessa Truett, declared nominations open for position of Board Chair. Director Kent nominated Linda Hamilton to serve as Chair for the 2022-23 year. Director Truett seconded the nomination for Director Linda Hamilton. There were no other nominations. Vice-Chair pro-tem Vanessa Truett declared nominations closed. A vote was held. The Vice-Chair pro-tem Vanessa Truett declared Director Linda Hamilton named Chair of the Board for the 2022-23 year. **(ESD Resolution #23-005).**

5.B. Election of Vice-Chair

Chair Linda Hamilton declared nominations open for the position of Board Vice-Chair. Director Kent nominated Truett and Director Wilde seconded the nomination. Director Truett indicated she is willing to serve. There were no other nominations. Board Chair Linda Hamilton closed nominations. A vote was taken and Chair Linda Hamilton declared Director Truett as Vice-Chair of the Board for the 2022-23 year. **(ESD Resolution #23-006).**

6. Action Items

6.A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately. Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda. Back-up materials for consent agenda items are included in the agenda packet as needed. Minutes of this meeting will reflect action on each item. If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District hereby adopts the consent group as presented. Director Truett seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-007).**

6.B. Accept Financial Report

Director Standridge discussed the report, the impact of the COLA increase and IA salary schedule adjustment. Benefits are 40% of salaries, but medical costs are lower than expected.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District approves the Financial Report for July 2022 as presented. Director Kissinger seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-008).**

6.C. Approve Routine Designations for 2022-23

BE IT RESOLVED that the Board of Directors of Lane ESD authorizes Superintendent Tony Scurto to act on the Board's behalf as District Election Authority. In that capacity, the Superintendent may canvass the abstract of votes cast in elections and certify the results of such elections to the Lane County Elections officer. The Board shall subsequently affirm the canvass so certified.

BE IT RESOLVED that the Board of Directors of Lane ESD authorizes the following individuals to transfer funds to and from the Local Government Investment Pool: Tony Scurto, David Standridge, and David Lanza.

BE IT RESOLVED that the Board of Directors of Lane ESD authorizes the use of a facsimile signature for the superintendents.

BE IT RESOLVED that the Board of Directors of Lane ESD will act as the local public contract review board of Lane Education Service District in accordance with Oregon Revised Statute 279A.060.

BE IT RESOLVED that the Board of Directors of Lane ESD approves the following official designations for the 2022-23 year, as presented:

- Legal Counsel: The Hungerford Law Firm; Luvaas Cobb Law Firm
- Auditors: Pauly, Rogers and Co., PC
- Newspaper: Register-Guard

Superintendent Scurto noted that there are no changes from 2021-22.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District approves routine designations for 2022-23 as presented. Director Truett seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-009).**

7. Discussion/Reports

7.A. Legislative Update

Governor Race

Statewide discussion is currently happening related to the Governor election. The Governor is the superintendent of instruction. Many are curious about how this shift in the Governor's office will change the role of Colt Gill, Deputy Superintendent of Instruction.

Advocacy

District leaders statewide agree that it is important for advocacy supporting the current or greater-than-current service level. The state lost more than 20,000 students in the pandemic and there is concern from education leaders that legislators may consider lower funding due to the reduction in students statewide. There is a sense that those 20,000 students could be returning to schools with the new school year. The state has made some progress toward the Quality Education Model. However, funding from ESSER and Federal pandemic relief funding is expected to go away. The Governor's Budget is not expected until February 1 with the change in Governor.

Changes in Legislative Membership

Oregon is expecting one-third of the legislature to turn over at the next election. OAESD has done a good job with lobbying. With new legislators, it will be important to help new members understand the value of ESDs statewide.

Superintendent Scurto will serve as president-elect of OAESD's Officer's Council, so Board Members will receive longer reports on legislative activity and advocacy this next year.

7.B. Superintendent Report

Summer Grants for Community Business Organizations

Through an agreement between ODE and OAESD, ESDs have been tasked with vetting applications to distribute summer program grants to local Community Business Organizations. OAESD has made the awards based on ESD input. OAESD and ESDs have identified insurance as a major barrier to community-based organizations receiving funding to support the summer programs. In addition, concerns have been raised around lack of capacity and lack of staff screening.

The funds are almost all spent. Vice-Chair Truett requested a list of local recipients of funds. There was no funding for additional capacity at Lane ESD to do this work, creating an impact on the staff at Lane ESD.

ODE investigation into the Life Skills Program

Lane ESD classrooms have returned to five-day weeks rather than the four-day weeks that had been implemented due to a staffing shortage. Lane ESD was surprised with an ODE Notice of Audit in June. Lane ESD's Trace Mansfield was instrumental in gathering the data to respond to ODE. The gap in instruction time was noted in ODE's audit of our program. ODE offered technical assistance to support us in delivering IEP instruction. ODE has responded to the Lane ESD response by requesting further

information about 30 students. Lane ESD stands ready to correct any findings. Lane ESD and component district's primary concern is potential civil rights violations. Some school districts are on a 4-day school week, and did not cut a day, but consider this the normal calendar. Some districts across the state did reduce the amount of instructional time /reduced days. Clackamas is experiencing the same investigation/audit at this time. Lane ESD is consulting an attorney group for advice moving forward. Many Lane County students with special needs did not receive the same amount of instructional time as regular education students.

Lane ESD Communicable Disease Plan

Lane ESD's draft School-Based Communicable Disease Plan - COVID is prepared. Westmoreland Campus will also submit a plan.

All districts in the county can access Lane ESD's re-opening advisor, Malcom McRae. Mr. McRae assists districts to write plans and liaisons with Lane County Public Health on behalf of districts.

New superintendents

Andy Dey has been hired as the new Eugene superintendent. Sue Wilson has been hired at Mapleton, and a new interim has been hired at Pleasant Hill.

7.C. Strategic Planning

In the Fall of 2021, the Lane ESD Board embarked on a journey to center equity as part of the process to set new [Strategic Goals](#) and revise the agency's mission and vision through the adoption and implementation of an agency-wide Equity Lens. ([Click to view the Strategic Planning Process.](#))

We are now in the initial stages grappling with how to systemically center equity agency-wide using our newly adopted [Equity Lens Toolkit](#). The toolkit includes three distinct sections: Guiding Questions, Principles (Equity Commitments), and Affirmations (Core Values and Beliefs).

One of the commitments outlined in our guiding principles is that we will use the Equity Lens Toolkit to guide all the work at the Lane ESD and with our community partners.

Another goal is that all Lane ESD staff will receive professional development and training around the historical oppression, racism, and current marginalization of people of color, people with unique and diverse abilities, and other underserved populations in Oregon and our country.

[DEI Consultant Nikotris Perkins](#) will be providing the foundational professional development to:

- The [Leadership/Management Team](#) who are directing the work of staff in their departments and their programs. This group is receiving in-depth equity training so they can lead their teams in understanding our Equity Lens Toolkit, why we need one, and how to use it. We are a team of 20 administrators. There are 7 of us that sit on the Superintendent's Leadership Team, and 13 managers/administrators supporting 4 departments: [Business Office/Human Resources/Facilities/IT](#); [School Improvement Program](#); [Special Education](#).

Professional Development: All-Day Training on August 9, 2022.

- [The Equity Advisory Committee](#): Also known as the Equity Design Team whose task will be to provide advice and input in the successful implementation of the Equity Lens Toolkit, along with the Vision, Mission, and Goals/Outcomes of the Lane ESD Strategic Plan. In addition, it will help make the Lane ESD Equity Lens Toolkit a living and loving document.

The Board inquired about the membership on this committee, and asked if the Board will have a role. Assistant Superintendent Carlos Sequeira provided an overview of committee recruitment, criteria and explained how members of staff who are black, indigenous or people of color were targeted for participation. Leadership expressly sought staff with three or less years of experience with the agency.

Professional Development: All-Day Training on August 26, 2022.

- Our non-administrative personnel: We have a staff of about 250 members. Administrators comprise about 5% of the staff (see the leadership/management team above). The rest is composed of about 25% certified/licensed educators (teachers, instructional coaches, and education specialists), 5% classified support staff, and 65% are instructional assistants that

support our teachers in our Special Education classrooms (see page 2 of [the Special Education Department document](#)).

Professional Development: All-Day Training on August 31, 2022, and January 3, 2023.

7.D. Board Advisors and Liaisons

Board Administrative Rule for Policy BBB: Board Advisor and Liaison states:

- The Board may recruit one or more advisors from the community. The Board seeks advisors from different community perspectives, including the social services sector, equity and diversity, workforce, higher education or early childhood education. The term of Community Advisor is two years, renewable based on the identified needs of the Board. The Community Advisor will bring an independent consumer voice, understand and communicate the community perspective, advocate for the community and share Lane ESD information with the community. The Community Advisor is not a member of the Board.
- The Board will invite one advisor from the Superintendents' Council annually. The Superintendents' Council Advisor is a permanent advisor position, that is not filled by an individual superintendent for more than a two-year appointment.
- The Board intends to have three Board Member Liaisons from component school district Boards. The Board will recruit Board member representatives from a small, medium and large district. The Superintendents will be asked to extend an invitation to their board members in August of each year. The Superintendents' Council will appoint three representative Liaisons to the Board.

Current advisors and liaisons are:

Emilio Hernandez, Large District Board Liaison, appointed 2021

Erin Zygaitis, Community Advisor, appointed 2021

Johnie Matthews, Superintendents' Council, appointed September 2020

Mike Anderson, small district board liaison, appointed January 2017

Mark Boren, medium district board liaison, appointed 2019

The Board of Directors of Lane ESD, advisors and liaisons discussed how they would like to move forward in the 2022-23 school year. No advisors or liaisons requested leave from their seats or to be replaced. The Board consensus was to continue with the advisors and liaisons as seated.

7.E. Annual Board Member Training

Members of the Board will be notified via email (if available) to complete the assigned Recognizing And Responding To Child Abuse training. Board members were reminded to use their district email address for district business.

7.F. Board Member Program and District Assignments

The superintendent and Board discussed district and program assignments. The Lane Educator Equity Committee has dissolved and that committee will be removed from the list. The Equity Advisory Team will be added with the Board Chair as Liaison. The Equity Advisory Team meets monthly with meetings scheduled in the evening, from 4:30-6:30 p.m. . The liaison can choose to attend quarterly. Board Chair Linda Hamilton agreed to participate. August 26 is the first meeting, scheduled 9:00 a.m.-3:00 p.m. for a retreat.

7.G. OSBA Fall Regional and OSBA Annual Conference

The OSBA Fall Regional for the Lane Region is scheduled for the evening of October 27, 2022. The Board discussed participation and a possible Round Table event.

The 76th Annual OSBA Fall Convention is November 11-13, 2022. The Convention is preceded by the OAESD Fall Summit on November 10, 2022. The Board and Superintendent discussed participation in these events.

7.H. Westmoreland Campus Meeting

The Superintendent and Board discussed scheduling a regular Board meeting at the Westmoreland campus. The Superintendent will identify a Fall or Winter date to conduct the Board meeting and have a tour of the Westmoreland Campus.

8. Information from Administrative Staff

Assistant Superintendent Carlos Sequeira:

August 2, 2022 Board Report

Summer MEP - Amazing educational summer schools experience for our students whose parents identify as working in Migrant work.

- [Ana Quintero-Arias](#) and her team again provided a world class enrichment program. Building on the success of last year's project based approach, experiential learning experience, hikes to Mt. Pisga, rafting and kayaking on the McKenzie, etc.

Lane AABSS -

- The program provided support to the World Games Event

- The program will support the middle school maker camp for 4J youth at Spark Lab.

LANE STEM Hub - The agency welcomes Gabriel Gellon, new Science and STEM Specialist.

Native Health counselor/navigator Roshelle Nieto has been hired. Ms. Nieto has been hired through Lane ESD's ESSR III American Indian/Alaska Native SEL grant fund (max \$375,000). Ms. Nieto will serve as Native Social Emotional Wellness Specialist.

CTE summer programs include health science, construction, diesel engine mechanics.

Technology: Executive Director/CIO Brandon Webb discussed current efforts to reduce the cost of cybersecurity insurance. Lane ESD has a new website.

Human Resources:

Human Resources Goal: Creating recruitment strategies to address critical hiring needs by aggressively implementing a plan in August to try and address Lane ESD's known vacancies and forecasted shortage specifically for IAs.

Number 1 Priority: Hiring Campaign!

Highlights to include:

- Television Advertising/social media (HR Vendor Funded)
- Development of branded QRCode:

- Revitalization of the Employee Referral Program

- Direct Mail to known Kindergarten households

- New Hire Orientation/Retention Efforts

Special Education: The department is excited about recruitment efforts and scaling up services to districts. Springfield Public Schools has asked Lane ESD to operate all life skills program classrooms. As a result, Lane ESD is scaling up its administrative and clerical support team. Special Education is currently contracting with a staffing agency for Instruction assistants, with the ability to direct-hire after six months. Two new Special Education Administrators have joined the team: Megan Postlewait and Savannah Butler. Brittney Spencer will now supervise the high school and transition program. Renee Beard is moving from an administrative to a consultant position.

9. Board Member Reports and Comments/Agenda Planning

9.A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email to the Board Chair or Superintendent.

9.B. Board Member Reports

Board members are asked to submit their reports in writing to be attached to Boardbook. Reports can be sent to the Executive Assistant in advance of the meeting.

As Board Members prepare their reports, please consider the following questions:

1. **What programs did I visit over the last month? What committees did I participate in?**
2. **What is the connection to the LESD services and programs to the component districts or community?**
3. **What significance or meaning does the activity have to the broader community?**
4. **What are the next steps or follow-up activities planned?**

Sherry Duerst-Higgins

Linda Hamilton

Leslie Harris

Nora Kent

Sydney Kissinger

Vanessa Truett

Rose Wilde

Erin Zygaitis, Community Advisor

Johnie Matthews, Superintendents' Council Advisor: Lowell SD is fully staffed, splitting classes this new year. The district has hired a full-time special education director, and ten new teachers.

Emilio Hernandez, Liaison, Springfield Public Schools

Mike Anderson, Liaison, Creswell School District: Hosted the World Games team from Finland. Union negotiations are complete.

Mark Boren, Liaison, Fern Ridge School District

10.A. Acknowledgements and Recognition

10.B. Kudos

Kudos to: Trace Mansfield

Reported by: Tony Scurto

Reason: Going above and beyond to gather and send data to ODE in response to their request. This was an enormous amount of work on a very short time line.....very much appreciated!

Kudos to: Annin Ramsing

Reported by: Tony Scurto

Reason: Great work on the ESY Springfield Talent Show....what a fantastic event!

Kudos to: Trace Mansfield

Reported by: Anonymous

Reason: Trace has been really helpful with the tech return and showing me how to do so many things AND explaining them in a way to make sure I have all the information I need.

Kudos to: Charles Ranlett

Reported by: Honore Pazdral

Reason: Charles has been right there to support all the library circulation software issues that come up. He applies his intelligence and knowledge, and then explains it in a clear way. Thank you, Charles!

Kudos to: Craig

Reported by: Dawnja

Reason: We ask so much of him and he is unflappable. He is always willing to help and support, and he is just a great guy to work with!

Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and Board members can submit a "kudo" any time during the month. To submit a kudo visit: www.lesd.k12.or.us/forms/kudos.html

10.C. Announcements

10.C.1. **Lane ESD Board Member Activities and Opportunities**

[Lane County Teaching and Learning Academy](#)

[Lane ESD Workshops and Training Schedule](#)

[Western Regional Educator Network](#)

[OSBA Legislative Roadshow](#)

September-October 2022

[76th Annual Convention](#)

Nov. 11-13, 2022

Portland Marriott Downtown Waterfront

[OSBA Legislative Policy Committee Meeting - August 2022](#)

August 23, 2022

[OSBA Board Meeting - September 2022](#)

September 23-25, 2022

Sunriver - Sunriver Resort

[OSBA Legislative Policy Committee Meeting - November 2022](#)

November 11, 2022

[OSBA Board of Directors Meeting - November 2022](#)

November 13, 2022

Portland Marriott Downtown Waterfront

10.C.2.

Component District Board Meeting Dates

11. Adjournment

- The next regular meeting is scheduled to be held Tuesday, September 6, 2022, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Chair Hamilton adjourned the meeting at 7:55 p.m.

- The next regular meeting is scheduled to be held Tuesday, September 6, 2022, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Minutes Approved:

Linda Hamilton, Chairperson

jrs

Tony Scurto, Superintendent





LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North
Eugene, OR 97402

541.461.8200
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www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Regular Meeting
Tuesday, October 11, 2022 6:00 PM Pacific

District Office
1200 Hwy 99 N
Eugene, Oregon 97402

1. Call Executive Session to Order

Chair Linda Hamilton called the Executive Session to order at 5:30 p.m. to consult with counsel concerning current or possible litigation. (ORS 192.660(2)(h))

Board Members present: Chair Linda Hamilton, Vice-Chair Vanessa Truett, Sherry Duerst-Higgins, Leslie Harris, Nora Kent, Rose Wilde

Administrators present: Superintendent Tony Scurto, recording secretary Julie Simmonds

Executive Session was adjourned at 6:00 p.m.

2. Call Regular Meeting To Order

Chair Linda Hamilton called the meeting to order at 6:06 p.m.

3. Welcome

Board Members present:

Advisor/Liaisons present: Mark Boren (Fern Ridge School District), Mike Anderson (Creswell School District), Erin Zygaitis (Community Advisor), Yvonne Curtis (Superintendents' Council)

Administrative staff present: Superintendent Tony Scurto, Assistant Superintendent Carlos Sequeira, Executive Director Business Services Dave Standridge, Executive Director Human Resources Ze Anderson-Brown, recording secretary Julie Simmonds

Guests present: Ana Quintero-Arias (Program Supervisor, Title Programs)

4. Public Participation

This is an opportunity for the audience to address the Board on topics either on, or not on, the agenda. There will also be opportunities for the audience to comment on specific agenda items as the Board addresses them.

There was no public participation.

5. Presentation: Migrant Education Program

Ana Quintero-Arias presented on the Migrant Education Program.

The Migrant Education Program is authorized by Title I, Part C of the Elementary and Secondary Education Act (ESEA) of 1965.

Services to migrant children and their families include:

- Free school lunch
- Free ACT/SAT exams
- Credit recovery / online learning
- GEP prep / HEP

-
- National database
- Scholarships
- Pre-K to graduation services
- Accident insurance for students
- Summer school + camps

All families possess valuable cultural resources and strengths that contribute to the success of their students. The Program supports migrant students in order to overcome educational disruption, cultural and language differences, social isolation and systematic barriers, preparing for a successful transition to post-secondary education and/or working life.

6. Agenda Review

The agenda was reviewed.

7. Action Items

7.A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately. Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda. Back-up materials for consent agenda items are included in the agenda packet as needed. Minutes of this meeting will reflect action on each item. If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

The Board discussed the Grant Report and requested that grants be presented prior to submission of any proposal, as per policy. Because one or more grants included on the Grant Report had not been approved by the Board prior to submission of proposals to funding sources, Director Harris could not vote in favor.

BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent group as submitted and listed below.

1. Human Resource Report, dated
2. Grant Report

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District adopts the consent agenda as presented. Director Harris seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES and HARRIS voting no. (ESD Resolution #23-018).**

7.B. Accept Financial Report

Business Services Executive Director Dave Standridge explained that the Report shows the agency is approximately \$1M overbudget in professional services. This overage is due to contracting for 31 instructional assistants for the Life Skills classrooms, contracted Speech Language Pathologists, contracted psychologies and other miscellaneous contracted services due to staffing shortages in Special Education. In a normal year, these costs would be reflected in Salaries and Benefits, which are under budget in this Report.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District accepts the Financial Report for September 2022 as presented. Director Duerst-Higgins seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER,**

TRUETT AND WILDE VOTING YES (ESD Resolution #23-019).

7.C. Adopt 2023-24 Budget Calendar

The Board will annually adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget. The superintendent will prepare and recommend a proposed calendar for Board approval. The calendar will identify dates and activities to include those needed to comply with state law.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District adopts the 2023-24 Budget Calendar as presented. Director Kent seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-020).**

7.D. Declaration of Indigenous Peoples Day 2022

Whereas Christopher Columbus, a man who is known to have "discovered" the Americas, came upon land that was already inhabited by Indigenous People, his historically cited contributions being either inaccurate or facially not worthy of celebrating; and

Whereas Columbus' voyage to the Americas opened the door to heinous crimes against humanity, including but not limited to the introduction of transatlantic slavery and genocidal acts against Indigenous People; and

Whereas the Indigenous People were promised security and protection but instead were forcibly relocated and their land seized to allow for settlements; and

Whereas the State of Oregon recognizes and acknowledges the traditional homelands of Oregon's nine federally recognized tribal nations; and

Whereas the State of Oregon recognizes and acknowledges the significant contributions to this state of Oregon's nine federally recognized tribal nations, as well as those of many Native Americans from tribal nations across the country, and commits to ensuring greater access and opportunity for continued contribution by Indigenous People; and

Whereas the State of Oregon has the opportunity and means to cultivate a community that honors and respects the diverse history of this land; and

Whereas the State of Oregon does not formally recognize Columbus Day; and

Whereas it is appropriate to recognize the original inhabitants of the Americas: Indigenous People; and

Whereas the idea of Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations; and

Whereas the State of Oregon, adopted this Act in May 2021 and became the 11th state in the United States to formally recognize Indigenous Peoples' Day; now, **therefore, DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors for Lane Education Service District resolves to observe the second Monday in October of each year as Indigenous Peoples' Day. Director Harris seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-021).**

8. Discussion/Reports

8.A. Legislative Update

There is no legislative report this month.

8.B. Superintendent Report

ODE Life Skills Audit

Lane ESD is currently in discussion with the Oregon Department of Education related to their findings of the investigation into the 4-day school week of 2021-22. Lane ESD fell short in meeting Free and Appropriate Education for students served on IEPs, but met IEP goals. Most classes returned to 5-day week last year, and this year classes are on 5-day week. Special Education staff engaged in conversations with parents regarding the reduced school week. Parents and educators shared their dissatisfaction with the reduced school week.

OAESD Summit November 10

Election

The state is anticipating a new governor and up to 30 new legislators.

Superintendents' Council

Lane Superintendents' Council will meet next Tuesday. Superintendents continue to work on the 2023-25 Local Service Plan. Shareen Vogel will be present to the Council on the Hope Project and career training.

OSBA Convention

The Board and staff will meet for dinner on the Thursday night of the OSBA Convention, November 10.

8.C. Strategic Plan Update

Superintendent Scurto shared the steps being taken in Strategic Planning, and discussed the agency response to the BIPOC Affinity Group's email regarding harm done at the August 31 Welcome Back event. Nikotris Perkins, Welcome Back keynote speaker, will provide regular training to the management team. Superintendent Scurto, Assistant Superintendent Sequeira, and Ze Anderson-Brown will be participating in National Equity Association training.

8.D. Cortical Vision Impairment (CVI) Boxes; Related to Policy GCQBA/GDQBA Copyrights and Patents
Superintendent Scurto will provide an update on the Cortical Vision Impairment (CVI) Boxes as Related to Policy GCQBA/GDQBA Copyrights and Patents. Lane ESD's Kristin Gault, Visual Impairment Teacher, has development cortical vision boxes that improves the vision of children. Lane ESD is currently in discussions towards developing an agreement with the employee that is mutually beneficial. A board workgroup will meet with the attorney. Directors Harris, Duerst-Higgins and Hamilton volunteered to participate in the workgroup. Meetings will be scheduled with the agency attorney over the next month.

9. Information from Administrative Staff

Two administrators are out for family issues. Superintendent Scurto gave the Leadership team the night off.

10. Board Member Reports and Comments/Agenda Planning

10.A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email to the Board Chair or Superintendent.

10.B. Board Member Reports

Board members are asked to submit their reports in writing to be attached to Boardbook. Reports can be sent to the Executive Assistant in advance of the meeting.

As Board Members prepare their reports, please consider the following questions:

1. What programs did I visit over the last month? What committees did I participate in?
2. What is the connection to the LESD services and programs to the component districts or community?
3. What significance or meaning does the activity have to the broader community?
4. What are the next steps or follow-up activities planned?

Sherry Duerst-Higgins: Attended the Imagination Library luncheon, United Way breakfast, feedback on scheduling on Yom Kippur. Imagination Library (Dolly Parton) is available county wide for children from birth to age six. Attended Lane School Family Night. Mural and community garden are impressive. Promoting collaborative problem solving classes to families.

Linda Hamilton

Leslie Harris

Nora Kent: Attended a Siuslaw Vision meeting, Sue Wilson was in attendance. Community building organization and with their help Mapleton was able to get a preschool

Sydney Kissinger

Vanessa Truett: The Lane Education Foundation (LEF) Classroom Innovation Grant period is open, and submissions are due before the end of the year. LEF is using equity lens to develop the capacity building process. Nora Kent joined the foundation board this year.

Rose Wilde

Superintendents' Council Advisor Yvonne Curtis: South Lane has two very focused goals this year - developing professional learning communities (using ESSER funds) and developing a culture of care and belonging. SIA funding is focused on hiring community care and social emotional learning specialists. Carmen Urbina discussed South Lane's model and presented it, then created a four-district pilot with a tiered approach to mental health literacy. South Lane has five preschool promise classrooms, a child and parent preschool classroom at the family resource center. The Board expressed interest in having Yvonne Curtis provide a presentation on how the South Lane district is implementing mental health supports. The members of the Board were invited to visit.

Erin Zygaitsis, Community Advisor: Bethel finished its strategic plan, focusing on the social and emotional health of both students and staff. There is a lot of construction at Bethel, and every school will have an outside covered area. Attended YukinGakuen back to school event.

Emilio Hernandez, Liaison, Springfield Public Schools, and w

Mike Anderson, Liaison, Creswell School District: The district will begin teaching flight and flight maintenance at the airport. The district has begun its strategic planning process again, and will develop a 3-5 year plan. High School students participated in the process.

Mark Boren, Liaison, Fern Ridge School District: Jump-a-thon was today at Elmira Elementary. The Key Communicators met last Tuesday. Superintendent Gary Carpenter discussed staffing vacancies. There is difficulty finding coaches and officials statewide.

11. Announcements/Correspondence

11.A. Acknowledgements and Recognition

11.B. Kudos

Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and Board members can submit a "kudo" any time during the month. To submit a kudo visit: www.lesd.k12.or.us/forms/kudos.html

11.C. Announcements

11.C.1. Lane ESD Board Member Activities and Opportunities

October 13, 2022 - UO Presents: Kalapuya Environments and History in the Southern Willamette Valley

October 27, 2022 - OSBA Legislative Roadshow (at Lane ESD)

October 10-14, 2022 - National School Lunch Week

November 11-13, 2022 - OSBA Annual Convention

November 14-18, 2022 - American Education Week

[Lane ESD Workshops and Trainings](#)

11.C.2. Component District Board Meeting Dates

12. Adjournment

- The next regular meeting is scheduled to be held Tuesday, November 1, 2022, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene. The meeting was adjourned at 8: 04 p.m.

- The next regular meeting is scheduled to be held Tuesday, November 1, 2022, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Minutes Approved:

jrs

Linda Hamilton, Chairperson

Tony Scurto, Superintendent





LANE EDUCATION SERVICE DISTRICT

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EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Regular Meeting
Tuesday, September 6, 2022, 6:00 PM Pacific

District Office
1200 Hwy 99 N
Eugene, Oregon 97402

1. Call Executive Session to Order

Chair Linda Hamilton called the Executive Session to order at 5:04 p.m. This Executive Session is scheduled to consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or agent. (ORS 192.660(2)(b))

Board Members present: Chair Linda Hamilton, Vice-Chair Vanessa Truett, Sherry Duerst-Higgins, Leslie Harris, Nora Kent (remote), Sydney Kissinger, Rose Wilde

Also present: Julie Simmonds, recording secretary.

The Executive Session adjourned at 6:05 p.m.

2. Call Regular Meeting To Order

Board Chair Linda Hamilton called the meeting to order at 6:11 p.m.

3. Welcome

Board Members present: Chair Linda Hamilton, Vice-Chair Vanessa Truett, Sherry Duerst-Higgins, Leslie Harris, Nora Kent (remote), Sydney Kissinger, Rose Wilde

Administrators present: Superintendent Tony Scurto, Assistant Superintendent Carlos Sequeira, Executive Director of Business Services Dave Standridge, Executive Director of Human Resources Ze Anderson-Brown, Recording Secretary Julie Simmonds

Guests present: Annin Ramsing (LCEA)

4. Public Participation

This is an opportunity for the audience to address the Board on topics either on, or not on, the agenda. There will also be opportunities for the audience to comment on specific agenda items as the Board addresses them.

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point. An individual that has submitted a request to speak and has been invited to speak by the Board chair will be allowed three minutes. Any person who is invited by the Board chair to speak to the Board during a meeting, should state his/her name and address and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Please keep in mind that reference to a specific employee or group of employees, is prohibited as follows: Board policy BDDH - Public Comment at Board Meetings: "Comments Regarding Staff Members - Speakers may offer objective criticism of ESD operations and programs. The Board will not hear comments regarding any individual ESD staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for Board consideration of a complaints involving a staff member. The association contract governing the employee's rights will be followed. A commendation

involving a staff member should be sent to the superintendent, who will forward it to the staff member, his/her supervisor and the Board."
There was no public comment.

5. Agenda Review

Added MOU action, exec session following regular meeting.

6. Action Items

6.A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such item be removed from the consent agenda and acted upon separately.

Generally, consent agenda items are matters which members of the Board agree are routine in nature and should be acted upon in one motion to conserve time and to enable the Board to focus on the other matters on the agenda.

Back-up materials for consent agenda items are included in the agenda packet as needed. Minutes of this meeting will reflect action on each item.

If any board member wishes to withdraw any consent group item, it will be moved to the appropriate section of the agenda.

BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent group as submitted and listed below.

1. Lane ESD Board Meeting Minutes of June 7, 2022
2. Lane ESD Board Meeting Minutes of July 19, 2022
2. Human Resource Report, dated September 2, 2022

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent agenda as presented. Director Harris seconded **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-010).**

6.B. Accept Financial Report

Executive Director Dave Standridge explained that the July Financial Report reflected higher amounts for salary and benefits due to an increase in staffing. That number is now down as the costs are reflected in temporary or contracted staffing.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for August 2022 as presented. Director Duerst-Higgins seconded **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-011).**

6.C. Declaration of National Hispanic Heritage Month

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.

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. Also, Columbus Day or Día de la Raza, which is October 12, falls within this 30 day period.

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, 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;

DIRECTOR HARRIS MOVED: NOW, THEREFORE, BE IT RESOLVED, that the Lane Education Service District hereby proclaims September 15th - October 15th, 2022 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. Director Wilde seconded **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-012).**

6.D. Board and Superintendent Working Agreements

The Board and Superintendent Scurto reviewed working agreements and renewed the agreements for the 2022-23 school year.

BOARD AND SUPERINTENDENT WORKING AGREEMENTS

Purpose: The Board of Directors is the educational policy making body for Lane ESD. To fulfill the District's mission the Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective group agreements must be in place. The following are the group agreements for the Board and Superintendent.

Governance Principles:

1. Working with members of the Board and the Superintendent in a cooperative and collaborative partnership aligned toward a common mission.
2. Focus on policy making, planning and evaluation, rather than day-to-day operations.
3. Recognize and respect the Superintendent's responsibility to manage the district and to direct employees in district matters.
4. Make decisions as a whole Board only at properly called meetings. Board members recognize that individual members have no authority to take individual action in policy or district and administrative matters.
5. Support decisions of the majority after honoring the right of individual members to express opposing viewpoints and vote their convictions.
6. Actively solicit input, listen to all perspectives and give careful consideration to all issues. We will operate as representatives and make decisions in the best interest of the whole district.
7. Value the role we play in the community and represent the district, when possible, by attending community functions.

Meeting Operational Agreements:

1. Board members may request the board chair place an item on the meeting agenda in a timely manner (at least seven days prior to a meeting).
2. Uphold the legal requirement for confidentiality on all matters arising from the Board meeting Executive Session.
3. Start our meetings on time.
4. Attend regularly scheduled Board meetings unless a situation occurs that makes attendance impossible.
5. Cooperate in scheduling special meetings and/or work sessions for planning and training purposes.
6. Cast a vote on all matters except when a conflict of interest arises.

7. In general practice, items are first placed on a meeting agenda for discussion and action is taken at the subsequent meeting, except in cases of emergency or critical time considerations.

Communication Agreements:

1. Communicate directly with the Superintendent when a question arises, or a concern is voiced by a staff member, student, parent, or community member.
2. Whenever possible, communicate directly with the Superintendent or Board Chair prior to meetings of the Board to identify questions and /or concerns about agenda items so that the Board Chair and superintendent can prepare for the meeting discussion.
3. Communicate directly with the Superintendent or Board Chair prior to raising new issues or concerns at Board meetings or in other arenas (e.g. inservices, meetings).
4. When an individual concern arises with the Superintendent or other Board member communicate directly with that person, as appropriate. Communicate with the Chair or Superintendent about concerns with Board process.
5. A Board member with a routine question should first consider going to the Chair or the Superintendent. A Board member who desires staff assistance beyond routine inquiry should first raise the issue/question with the Superintendent. The Superintendent should decide whether to proceed before staff time is allocated.
6. No individual Board member, other than the Board Chair or designee, has the authority to speak for the entire Board. Individual Board members may always share their individual viewpoint but must clarify that they are speaking for themselves, rather than the entire Board.

Annual Planning and Evaluation:

1. Set priorities as a Board for Board professional development.
2. Participate in establishing annual expectations of the board and self-assessment of the Board's performance.
3. Participate in establishing annual expectations and goals for the Superintendent.
4. Objectively evaluate the Superintendent's performance and provide appropriate feedback.

Orientation of New Board Members:

1. Assure timely orientation of new Board members.

Role of the Board Chair:

1. Recognize the role of the Chair to speak for, and about, the Board to describe the Board's process, decisions and positions. Recognize the role of the Chair to convene meetings and execute documents, as appropriate.
2. Recognize the role of the Chair and Vice Chair to meet regularly with the Superintendent to develop the agenda and determine whether an item should be scheduled for action or future action, to provide input on information needed by the Board for decision-making, to plan meeting processes, and to distribute assignments.
3. Ensure that information exchanged with the Superintendent is shared with all Board members via Board meeting agenda materials.

Expectations of the Superintendent:

1. Function together as a team with Board members.
2. Respect and acknowledge the Board's role in setting policy and overseeing the performance of the Superintendent.
3. Work with the Board to establish a clear vision for the district.
4. Prepare preliminary goals annually for the Board's consideration.
5. Provide data to the Board members so that data driven decisions can be made.
6. Possess a working knowledge of all legal and local policies.
7. Inform the Board of all critical information including relevant trends, anticipated adverse media coverage, or critical external or internal change.
8. Work with the Chair and/or Vice Chair to effectively bring issues and information to the Board.
9. Communicate with Board members promptly and effectively.
10. Electronically distribute the Board agenda in a timely manner (at least 5 calendar days prior to the board meeting).
11. Respect the confidentiality requirement of Board meeting Executive Sessions.

12. Treat all Board members professionally and respectfully.
13. Represent the district by being visible in the community. Provide follow-up information to Board members on concerns and issues they have referred to the Superintendent--close the loop.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD renews working agreements between the Board and the Superintendent for the 2022-23 year, as presented. Director Duerst-Higgins seconded **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-013).**

6.E. Approve Lane ESD Board Member District and Committee Assignments

The Board of Directors of Lane ESD reviewed the 2021-22 Lane ESD Board Committee and District Assignments, discussed, and affirmed assignments for the 2022-23 school year. This item was first discussed at the August 2022 meeting. The Equity Design Team representative is the Board Chair.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD renews working agreements between the Board and the Superintendent for the 2022-23 year, as presented. Director Harris seconded and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-014).**

6.F. Approve Memorandum of Understanding

Effective August 19, 2021 employees will be provided paid time off staff to obtain COVID 19 vaccination.

1. Time off for obtaining COVID 19 vaccination must be scheduled at a time that does not interrupt classroom instruction and subject to supervisor approval.
2. When necessary to avoid program disruption, supervisors may authorize additional work time for the purpose of obtaining vaccination.

The ESD COVID19 leave pool established in the 2021-22 year with 2,500 hours has not been exhausted. Remaining COVID leave pool hours will be available to use in the 2022-23 fiscal year. Such hours can be used for the following purposes: an employee's adverse reaction to first or second COVID 19 vaccination; illness due to COVID19, the requirement to quarantine due to COVID19 exposure; awaiting test results due to COVID19 symptoms; the need to care for a family member in the immediate household with COVID19, in quarantine or awaiting test results and who is unable to care for themselves.

1. To access the pool the employee must have first used 5 days of from their own sick leave for COVID related absences or have exhausted their sick leave; access to the pool will be coordinated with Worker's Compensation benefits, PERS disability benefits and short or long term disability benefits.
2. Except as provided in 4.f., the maximum that an individual employee may draw from the pool is 10 days.
3. Employees are not required to repay the COVID19 leave pool.
4. Employees must provide a written request to access the COVID19 leave pool along with associated documentation (e.g. vaccination dates, instruction to quarantine, confirmation of COVID19 illness). The request may be made at any time during the year that the employee has used 5 days of from their own sick leave for COVID related absences or has exhausted their sick leave resulting in unpaid leave status.
5. Employees may submit a request access to the pool for COVID related absences not specifically anticipated above for consideration.
6. To minimize employee leave without pay, hours remaining in the pool will be allocated to employees who have applied to the pool and continue to have unpaid leave even after accessing the pool.
7. All requests to access the pool must be made within 30 days of the employees' last working day of the 2021-22 fiscal year.

Employees with vaccine exceptions who are assigned remote work as a method to mitigate risk and maintain safety in the workplace, will be provided 30-day notice of placement on unpaid leave in the event that the District no longer has a remote work assignment and safety considerations continue to prevent an in-person assignment.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD enter into Memorandum of Understanding related to COVID leave pool use. Director Duerst-Higgins seconded **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-015).**

7. Discussion/Reports

7.A. Legislative Update

Tax Revenue

Tax revenues continue to come in at higher rate than expected. The personal kicker will return larger amounts to taxpayers. While many think there might be more funding for education, it may not be the case in the end. Advocacy for K12 funding is important going forward, sharing the need to maintain current levels of service. Many suspect a recession could impact funding for the next biennium.

7.B. Superintendent Report

Welcome Back Event

Close to 300 staff members were welcomed on August 31. The intent was to create a welcoming event and to introduce the strategic plan to our staff. The plan did not hit the target in several ways. Leadership has learned that some key parts of the event have caused harm, including Superintendent Scurto's slides. The slide that hurt the most was a slide showing a black man standing next to two black manekins. There was no intent to cause harm, but harm was caused. Since Wednesday, Superintendent Scurto has met with some managers who shared more information about the harm at the event and an email addressed to the Board and the management team. The Equity Design Team met today to discuss an approach to the missteps. The group is new, having only met initially on August 26. Staff were recruited to participate on the Equity Design Team, intentionally recruited to create a group that is representative of all four agency departments, length of service at Lane ESD, and representing a diverse set of staff.

The Lane ESD Affinity Group has been meeting for several years, and sent an email message to the board and management team. Nikotris Perkins will serve as an equity coach going through the process of determining how to repair the harm caused.

Superintendent Scurto noted the welcoming aesthetic of the Venue252 space where the Welcome Back was held, and other positives from the event. The Board asked for a follow-up to the Affinity Group's email in October.

Welcome Back Party at Yacht Club

On September 2 the staff gathered at the Fern Ridge Yacht Club for social time.

State of Agency Town Hall Zoom Meeting

Tomorrow is the inaugural State of the Agency Zoom meeting for all staff. Not a new method of communication, used to happen years prior.

Facilities

The blackwater damage repair at the Westmoreland campus has been cleaned up and repairs have been completed. The building is ready for students to return to school on time this year. Brand new restrooms have been constructed for the Transition Classes, bringing them to ADA standards. The new student changing tables are delayed. Facilities staff are installing new lactation rooms at the Main Campus and the Westmoreland Campus. The next big project is the expansion of the Migrant Education Program space.

7.C. 2021-22 Superintendent Evaluation Process

The Board of Directors of Lane ESD will discuss the method of evaluation of the superintendent for the 2022-23 school year. In previous years, the Board has used the OSBA Superintendent Evaluation Tool, revised in 2017. The Board will discuss what groups they would like to gather input from for the purposes of evaluating Superintendent Scurto. The Board will also confirm the timeline for collecting data and completing the evaluation. The board discussed polling other ESDs to learn about their superintendent evaluation process. Superintendent Scurto will check with LBLED to see what tool they are using. For the purpose of input, staff will be surveyed this year.

7.D. OSBA Fall Regional: OSBA Legislative Roadshow At Lane ESD

OSBA is inviting Board Members to learn about OSBA's legislative agenda and to provide input on how OSBA can best meet districts' needs.

OSBA has revitalized the traditional Fall Regional Meetings to continue conversations and engage with OSBA members from across the state.

At the OSBA Legislative Roadshow, individual Board Members will have the chance to:

- Meet the region's Legislative Policy Committee representative
- Ask questions and share how OSBA can better serve districts
- Hear the latest update from the Capitol
- Find out about OSBA's legislative priorities and principles and OSBA's legislative agenda

The Lane Regional is scheduled for October 27, 2022. Dinner will be served, zoom will also be available. Boards will be meeting or learning about new legislators with the next election.

7.E. Land Acknowledgement Subcommittee

The Board of Directors will receive an update from the Land Acknowledgement subcommittee on the development of a Land Acknowledgement. Directors Kent and Wilde met with Assistant Superintendent Carlos Sequeira and reviewed materials from Nicole Butler-Hooten and Annie Galaxy. Directors Kent and Wilde wrote a draft acknowledgement, suggesting passing a resolution including the land acknowledgment and commitment to the process. They recommend supporting board and staff learning about native and indigenous peoples and tribes, understanding what has happened in this region and building relationships to better understand the experiences of Lane ESD staff and students (natives) in our community. Directors Wilde and Kent also urged the Board to be respectful of relationships that already exist. The draft has not yet been reviewed by Ms. Butler-Hooten.

7.F. Board Advisor and Liaison Administrative Rule

Superintendent Scurto discussed a proposed change to BBB-AR Board Advisor and Liaison Administrative Rule. The Superintendents' Council would prefer to rotate superintendents as liaison to the Board to provide a greater county-wide perspective. The board expressed support, and even indicated it would be good if two superintendents wanted to attend as liaisons. The Administrative Rule language will be adjusted so that a board member liaison and a superintendents' council liaison can attend the same meeting.

7.G. Staffing

The Board heard a report on staffing efforts across the agency. Human Resources' number one priority is its Hiring Campaign.

In August, the Board Report focused on talent acquisition with twenty-five (25) IA vacancies forecasted in the pipeline based on known vacancies and historic resignation patterns before the start of school. Success depended mainly on our ability to recruit from all corners of Lane County. Currently, Sue Mathisen, Executive Director of Special Education, reports 8 IA vacancies. These vacancies also included staff vaccines from approved FMLA and other approved leaves. They Vacancies will be covered by EDUStaff daily subs and newly onboarded Maxum Subs until regular staff can be hired.

Television Advertising/Social Media (HR Vendor Funded)

LESD started an aggressive and targeted television and digital media campaign to reach over ninety percent of the county. This campaign included investing in purchasing air time to directly contact households watching traditional broadcast, satellite, or cable TV. Two separate commercials are running. One is specific to KEZI.com's "We're Hiring" Virtual Job Fair. This campaign features photos of students and staff celebrating our vibrant and inclusive programs. The other was produced on our main campus and featured fifteen staff members and one staff member's voiceover.

The second part of the ESD's recruitment campaign includes digital targeting for viewers who stream their TV services, such as participating on a paid service like ROKU, Apple TV, or a platform like Samsung. The digital platform also provides exposure to visitors to KVAL 13, KPIC 41, and KCBY11, websites that average 1.6 million pageviews a month and over 400,00 users visiting the website for their news and 390,000 screen views from their News App users.

Development of branded QRCode

The QR code has been added to the two commercials. The QR code brings the viewer directly to the www.LESDJOBS.com webpage when scanned. Since August 2, 2022, we have received 108 scans from 89 separate users who were all driven to the lesdjobs.com webpage.

The QR code also provides us with analytics regarding scans of the QR code by city. The top cities in descending order: are Eugene, 54.6%, Portland 22.2%, Springfield, 5.6%, Cottage Grove, 2.8%, Seattle 2.8%, Florence, 1.9%, Creswell, 1.9%, and Beaverton, 0.9%

In the graph below, the darker the shade of blue to higher the number of QR scans per day. The most increased scanning activity by times and days were: 1st - Wednesdays at 9:00 am, 2nd - Wednesdays at 8:00 am, and 3rd - Tuesdays at 3:00 pm. This information is essential to consider any advertisement dollars' future return on investments.

Revitalization of the Employee Referral Program

On Wednesday, August 31, LESD officially kicked off the refreshed Employee Referral Program. This program is part of the recruitment/referral bonus program implemented in October 2021 through an MOU. The referral bonus program is scheduled to be reevaluated in April 2023 to determine its effectiveness and to see if the program will sunset in June 2023 with the MOU.

Direct Mail to known Kindergarten households

This project has been tabled.

New Hire Orientation/Retention Efforts

New Staff Orientation was held at LESD's main campus on Monday, August 22, 2022, with 90 new and new staff being welcomed back. The superintendent, leadership, managers, and current staff made the event a team effort to welcome staff as they came onto the property and remained throughout the day.

7.H. Facilities/Construction Update

Information on Facilities activities was reported under the Superintendent's Report.

7.I. United Way Community Breakfast

United Way's annual Community Breakfast is a chance to hear about inspiring work happening locally to help kids succeed while connecting with fellow advocates and volunteers! This year, participants will hear from Angela Williams, United Way Worldwide's President and CEO and learn about new programs and investments helping kids across Lane County thrive.

The event is scheduled for October 5, 7:30 a.m. A virtual option is available. A table seats 8, and is \$160.

Directors Wilde, Hamilton and Duerst-Higgins will attend remotely.

8. Information from Administrative Staff

9. Board Member Reports and Comments/Agenda Planning

9.A. Agenda Planning

Board members are invited to send agenda items to be considered for the next board meeting. Please call or email to the Board Chair or Superintendent.

9.B. Board Member Reports

Board members are asked to submit their reports in writing to be attached to Boardbook. Reports can be sent to the Executive Assistant in advance of the meeting.

As Board Members prepare their reports, please consider the following questions:

1. What programs did I visit over the last month? What committees did I participate in?
2. What is the connection to the LESD services and programs to the component districts or community?
3. What significance or meaning does the activity have to the broader community?
4. What are the next steps or follow-up activities planned?

Sherry Duerst-Higgins

Linda Hamilton

Leslie Harris

Nora Kent

Sydney Kissinger

Vanessa Truett

Rose Wilde - OAESD will conduct a summit on November 10, the day prior to the OSBA Convention.

Johnie Matthews, Superintendents' Council Advisor

Emilio Hernandez, Liaison, Springfield Public Schools -

Mike Anderson, Liaison, Creswell School District - OSBA training session with the board last week. Coming out of that, a couple of board members asked what Lane ESD provides. Mr. Anderson requests a Board visit/presentation of what Lane ESD does at the September 14 or October meeting. Reports indicate schools are losing 20% of their students. For Creswell, enrollment is increasing.

Mark Boren, Liaison, Fern Ridge School District - Fern Ridge has a higher kindergarten enrollment, so hiring a new teacher. Looking to hire a middle school counselor. ODOT is conducting a project on Territorial to improve the sidewalks. The area in front of the elementary began today, the first day of school.

Erin Zygaitis, Community Advisor - Excited to be going back to school in person.

10. Announcements/Correspondence

10.A. Acknowledgements and Recognition

10.B. Kudos

Kudos to: Max

Reported by: Annie

Reason: In addition to being just an exceptional human, Max goes above and beyond to bring it with little details. Every time I walk past the lunch room and see that he's folded the napkins into little triangles it makes my day so much more sunshiney. Thank you, Max. Sometimes the little things aren't so little!

Kudos to: Camrin North

Reported by: Annie

Reason: You might be too young to remember M*A*S*H, but there was this character named Radar who was 1 step ahead of everyone at all times. You are the Special Education Department's very own Radar O'Reilly. Thank you for joining us. We are so fortunate to have you!!!

Kudos to: David Lanza

Reported by: Dave Standridge

Reason: Kudos to David for providing excellent payroll service to one of our component districts. He quickly took care of a last minute district request that benefited all of their employees. Well done!

Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and

Board members can submit a "kudo" any time during the month. To submit a kudo visit: www.lesd.k12.or.us/forms/kudos.html

10.C. Announcements

Lane School Parent Night, September 14, 2022

10.C.1. Lane ESD Board Member Activities and Opportunities

09/14/2022 - Lane School Parent Night/Open House

10/10-14/2022 - National School Lunch Week

10/27/2022 - OSBA Fall Regional: Legislative Roadshow at Lane ESD

11/11-14/2022 - OSBA Fall Convention

11/14-18/2022 - American Education Week

[Lane ESD Workshops and Training](#)

10.C.2. Component District Board Meeting Dates

11. Adjournment

- The next regular meeting is scheduled to be held Tuesday, October 4, 2022, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

The regular meeting of the Board was adjourned at 7:52 p.m.

Chair Hamilton called the Board into Executive Session 8:00 p.m. This Executive Session is scheduled to consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or agent. (ORS 192.660(2)(b))

The Board of Directors moved into open session at 9:06 p.m.

DIRECTOR WILDE MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD engage with an attorney for consult, guidance or mediation. Director Truett seconded **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES (ESD Resolution #23-016).**

The meeting was adjourned at 9:10 p.m.

Minutes Approved:

Linda Hamilton, Chairperson

jrs

Tony Scurto, Superintendent



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North
Eugene, OR 97402

541.461.8200
541.461.8298 [Fax]

www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Regular Meeting
Tuesday, September 13, 2022 12:00 PM Pacific

Meeting conducted remotely.
Zoom

1. Call Regular Meeting To Order

Chair Linda Hamilton called the meeting to order at 12:05 p.m.

2. Welcome

Board Members Present: Sherry Duerst-Higgins, Linda Hamilton, Leslie Harris, Nora Kent, Sydney Kissinger, Vanessa Truett and Rose Wilde.

Administrative Staff Present: Recording secretary Julie Simmonds

Advisors and Liaisons Present: None

3. Public Participation

There was no public comment.

4. Agenda Review

The agenda was reviewed.

5. Action Items

5.A. Decision to Engage Professional Services

The Board discussed engaging with a professional services contractor. The OSBA advice to the Board is to conduct an investigation related to the complaint submitted against the Superintendent and Assistant Superintendent. Superintendent Scurto has endorsed moving forward with an investigation.

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors for Lane Education Service District engages the services of an attorney to conduct an investigation on a complaint received in August. Director Harris seconded and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES by poll (ESD Resolution #23-017).**

6. Adjournment

The meeting was adjourned at 12:09 p.m.

- The next regular meeting is scheduled to be held Tuesday, October 4, 2022, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Minutes Approved:

jrs

Linda Hamilton, Chairperson

Tony Scurto, Superintendent

Lane Education Service District
2022-23 General Fund Financial Summary
 December 31, 2022

	Budget	Actual: Jul-Dec	Projected: Jan-Jun	Projected Total	Projected vs Budget	
					\$	%

Resources

State School Fund	15,395,800	8,977,898	6,334,491	15,312,389	(83,411)	-0.5%
Property Tax & Timber	8,370,200	7,839,845	636,273	8,476,118	105,918	1.3%
Services to Districts	873,800	-	1,369,762	1,369,762	495,962	56.8% (1)
Other Local Revenue	350,000	397,109	134,488	531,597	181,597	51.9% (2)
Indirect from Grants	490,000	31,047	508,953	540,000	50,000	10.2%
Total Revenues	25,479,800	17,245,899	8,983,967	26,229,866	750,066	2.9%
Beginning Fund Balance: Unreserved	3,401,000	3,316,093	-	3,316,093	(84,907)	-2.5%
Beginning Fund Balance: District Reserves	1,129,000	1,080,566	-	1,080,566	(48,434)	-4.3%
Total Resources	30,009,800	21,642,558	8,983,967	30,626,525	616,725	2.1%

Requirements

Salaries	9,259,434	3,705,876	5,808,599	9,514,475	255,041	2.8%
Benefits	6,409,374	2,282,667	3,748,620	6,031,287	(378,087)	-5.9%
Services	3,592,088	2,541,379	2,554,214	5,095,593	1,503,505	41.9% (3)
Supplies	339,400	360,563	66,000	426,563	87,163	25.7%
Other	215,700	203,816	14,300	218,116	2,416	1.1%
Interfund Transfers	459,000	429,000	30,000	459,000	-	0.0%
Transit Cash to Districts	5,726,153	631,667	4,894,954	5,526,621	(199,532)	-3.5%
Total Expenditures	26,001,149	10,154,968	17,116,686	27,271,654	1,270,505	4.9%
Ending Fund Balance: Unreserved	2,581,113	-	-	2,203,241	(377,872)	-14.6%
Ending Fund Balance: District Reserves	1,427,538	-	-	1,151,629	(275,909)	-19.3%
Total Requirements	30,009,800	10,154,968	17,116,686	30,626,525	616,725	2.1%

Change in Unreserved Fund Balance	(819,887)	(1,112,852)
Unreserved Ending Fund Balance	10.1%	8.4%

(1) Increase in Life Skills enrollment.

(2) Increase in the investment rate received on the LGIP Investment Pool.

(3) Includes contracted services for Instructional Assistants provided by outside staffing agency.

ESD Human Resources

HR Essential Services - ESD Human Resources can provide contracted daily, seasonal, and emergency essential human resources services at a generalist, specialist, or higher-level coverage to school districts. The purpose of the HR coverage is to help maintain the school district's essential mission and operations. Services can include HR administrative functions necessary to continue the daily operations or critical operations in an emergency so that work on tasks and service delivery can continue uninterrupted. Service areas also include special research projects and HR audits.

HR Help Desk Services – Use the ESD Human Resources Team to manage and help to resolve employee issues efficiently and requests concerning benefits, payroll, licensure, recruitment, onboarding, medical leaves (Family Medical Leave (FMLA), Oregon Family Leave (OFLA), Paid Leave Oregon), ADA reasonable accommodation request, Light Duty Programs, Employee Corrective Action/Progressive Discipline, New Manager Training, plus help with occupational health and safety laws and regulations compliance.

ESD Key Role Search – Upon request, the ESD Human Resources may assist the component school district in selecting a new key role search, including prior to posting understanding a school district's culture, establishing candidates' specific requirements, desired qualities, and qualifications, discussing strategies for filling the vacancy followed by supporting the periods of recruitment, reference checks, interviews, and candidate selection. The ESD Human Resources may also serve as a liaison between a recruitment entity and the Superintendent or Board to help orchestrate the placement service.

ESD Legal Services – Draw on the expertise of an interconnected team of lawyers offering you critical and timely support for your school district's complex and sensitive issues. The comprehensive legal services include:

- Bond Measures
- Business, Corporate, & Related Litigation
- Civil Rights, including Title VII & Title IX Investigations
- Complex Civil Litigation
- Condemnation (Eminent Domain)
- Construction Law
- Employment & Labor Law
- Estate Trusts & Donations
- Human Resource Investigations
- Land Use
- Mediation & Arbitration
- Negotiations
- Personal Injury
- Professional Licensing Actions (Administrative Law)
- Professional Negligence
- Public Contract
- Real Estate Disputes, Transactions & Land Use Law
- School & Public Entity Law
- Special Education
- Student Investigations
- Trust Administration
- Workplace Torts Defense

An additional benefit to ESD Legal Services enrolled districts will have access to **Legal Sessions and Presentations** such as **Ask Me Anything Session** - 101 School Law, Special Education Edition Series, and **Legislative School Law Updates**.



*Shaping the future:
Supporting excellence in education*

Local Service Plan 2023-25 Year One

Lane Education Service District
1200 Highway 99 North
Eugene, OR 97402
Phone: (541)461-8200
Fax: (541)461-8298



Purpose

*Shaping the Future -
Supporting Excellence in
Education*

Values

Equity – We support a respectful work environment and access to educational service to all students

Commitment – To districts, student and employee success

Leadership – that is informed, responsive, visionary, proactive and planful

Collaboration – actively engaged with our partners to achieve success

Integrity—approach our work with ethical actions, making and keeping commitments, courage and humility

*Strategic Plan
5 Bold Steps*

*Creating and Implementing Innovative Initiatives
that Directly Impact or Influence Student
Success*

Supporting Best Instructional Practices

*Modeling and Promoting Equitable Practice for
All*

*Leadership – Leveraging Education and
Community Partners*

Strong Student Centered Advocacy



Local Service Plan

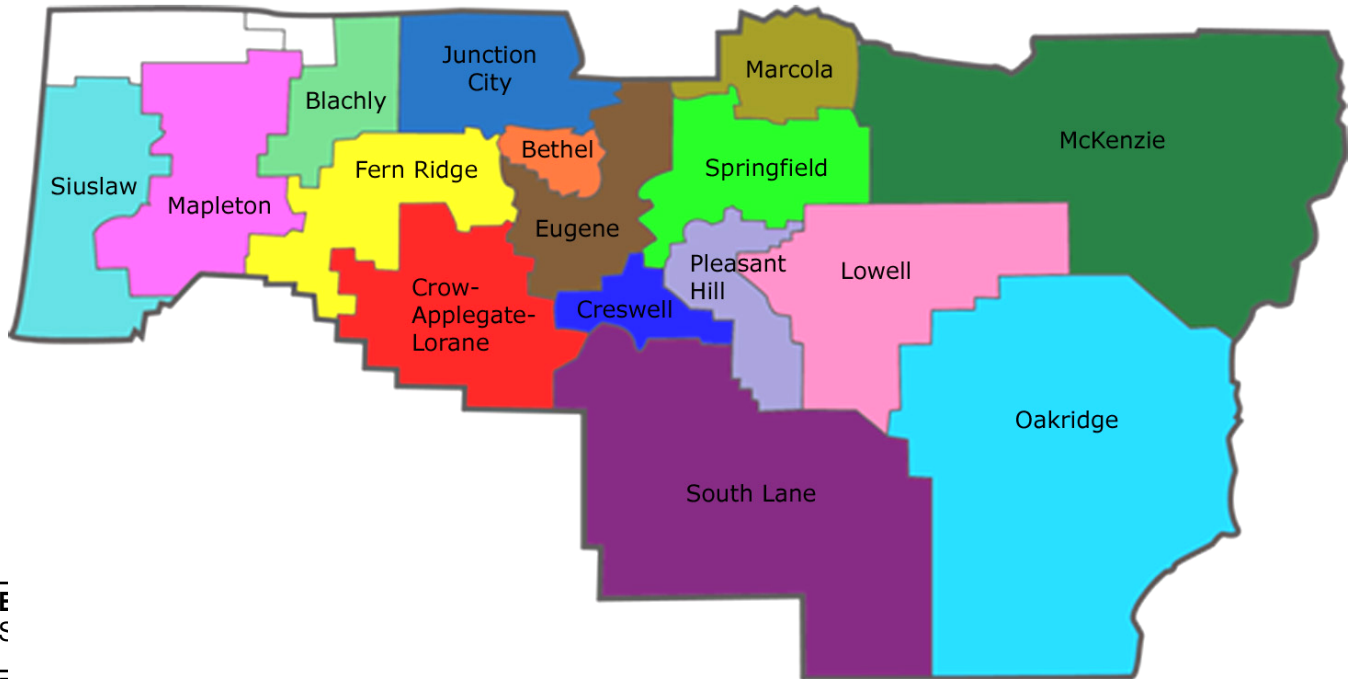
2023-25

Component Districts	6
Core Services and Funding Formula/Allocation Model	7
Process for Selecting Lane ESD Menu Services & Service Levels	9
Menu Services – Decision Making	11
Service Flexibility	12
Menu of Services	13
Programs Included in 10% Administrative Revenue	15
Federal & State Mandates for Oregon ESDs	16
Services to Children with Special Needs	17
Services to Children with Special Needs	18
Services to Children with Special Needs	19
2023-25 Grant and Contract Services	23
Services in School Improvement	24
Services in School Improvement	26
2023-25 Grant and Contract Services	29
Technology Services	31
2023-25 Grant and Contract Services	32
Administrative Services	33
2023-25 Grant and Contract Services	34



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Component Districts



Blachly, #90 Superintendent – Adam Watkins	Marcola, #79J Superintendent – Terry Augustadt
Creswell, #40 Superintendent – Mike Johnson	McKenzie, #68 Superintendent – Lane Tompkins
Crow-Applegate-Lorane, #66 Superintendent – Heidi Brown	Oakridge, #76 Superintendent – Reta Doland
Eugene, #4J Superintendent – Andy Dey	Pleasant Hill, #1 Superintendent – Jim Crist
Fern Ridge, #28J Superintendent – Gary Carpenter	Siuslaw, #97J Superintendent – Andy Grzeskowiak
Junction City, #69 Superintendent – Troy Stoops	South Lane, #45J Superintendent – Yvonne Curtis
Lowell, #71 Superintendent – Johnie Matthews	Springfield, #19 Superintendent – Todd Hamilton



Core Services and Funding Formula/Allocation Model

Lane ESD’s Core Services and Funding Formula/Allocation Model provides the basis for allocating Lane ESD’s resolution funds for Core Services and distribution of funds to districts. ORS 334.177 requires that at least ninety percent (90%) of all ESD revenues from the State School Fund (SSF) and other funds considered local revenues be spent on the provision of services approved in the Local Service Plan. The remaining ten percent (10%) may be spent on administrative services.

2023-25 (Year One) Local Service Plan

As provided for in ORS 334.177 districts notified the ESD of the intention to withdraw funds by November 1, 2022, as well as the percentage of funds to be withdrawn. Lane County districts have been asked to select a percentage range rather than identifying an exact percentage. No district requested more than 50% of available transit funds.

Because current ADMw numbers are not available during the development or implementation of the 2023-25 (Year One) Local Service Plan, the most recent ADM figures, as provided by ODE, are used for the Core Services and Funding Formula/Allocation Model.

Withdrawal of Transit Funds

Districts electing to withdraw transit funds in excess of 50% will be assessed a fee on services ordered from the ESD as follows:

51%-80%	10% service fee
81%-100%	15% service fee

The 2023-25 Local Service Plan provides three categories of service:

Core Services

Core Services are funded prior to the allocation of district Flex Funds and do not require districts to use their Flex Funds. Technology, General Education, Connected Lane County support, Innovation Project Funds and the Life Skills Cost Pool are currently designated Core Services.

Core Services are designed so that essential services are available to all districts. Core Services will not necessarily meet all of any individual district’s needs. Districts are strongly encouraged to take advantage of Core Services. Core Services provide stability and flexibility in meeting county-wide needs where the level of supports may vary from district to district and from year-to-year; the true value of the service is realized over time.

Menu Services

These are services available from a “menu of services” that provides districts with the option to select or order available services. The cost of the services is covered by Flex Funds allocated to districts or district funds.

Custom Services

These are services that are developed for an individual district or group of districts based on a specific need. These services may include the assignment of a specific amount of FTE or the provision of a service (e.g. payroll/business services, professional development, technology technician/engineer). Districts order the amount of service desired to meet their needs. Districts are assessed the full cost of the service and may use Flex Funds or district funds to pay for these services.



Changes for 2023-25 (Year One) Local Service Plan include the following:

Core Services and Funding Formula/Allocation Model

1. Legal Services
2. Nursing Services

2023-25 Local Service Plan

The Superintendents' Council agreed to a two-year Local Service Plan framework, with the intent of aligning with Oregon's K-12 biennium funding structure. Alignment of the Local Service Plan with the two-year fiscal cycle provides stability and opportunity for long-range planning. Lane ESD programs can focus more strategically on implementation of services that support district long-range goals, while maintaining the ability to assess and make program adjustments to meet emerging needs. The Superintendents' Council will annually review and make service and program recommendations. As required, Lane ESD and component districts will follow the formal annual approval process for the Local Service Plan.

Withdrawal from Lane ESD

In 2013 amendments to ORS 260.432 and 334.105 expanded the option for component school districts to withdraw from local ESD's state-wide beginning in 2014-15.

To support partnerships within Lane County, Lane ESD's goal is to continue to collaborate and partner with any school district that may withdraw from the ESD. Districts that withdraw from services will:

- Be invited to attend job-alike meetings, including: Superintendents' Council, Special Education Directors, Lane County Technology Advisory Committee, Curriculum Leaders meetings, and any other meetings that are supportive of services and programs county-wide
- Continue as a member of the Life Skills Consortium and other consortium/collaborative program services
- Continue as a member of consortium grants, CTE/Perkins, and Title program collaborations
- Continue to participate in county-wide school improvement efforts
- Be able to purchase ESD menu and custom services

Potential Changes in Funding

The 2023-25 Local Service Plan continues to provide districts with the flexibility to access Core Services and annually select the amount of services needed to meet individual districts needs and the option to develop unique services where feasible. Should there be reductions to Lane ESD's revenue as a result of legislative action which reduces the funding ratio for ESD's or the overall K-12 budget allocation, there will be a proportionate reduction in Flex Funds available to districts. The ESD will use the March estimate from ODE as the basis for the Flex Fund Allocation.

When overall economic conditions result in the reduction to Lane ESD's formula revenue, Lane ESD will make every attempt to respond with corresponding expenditure reductions or otherwise offset the revenue loss in a manner that minimizes further impact to component districts.



Local Service Plan

2023-25

Grant funding is also used to support Lane ESD and component district programs and services. Lane ESD has been successful in securing a number of grants and Innovation grants. The availability of such grants to support future endeavors is uncertain.

Services funded via contracts or grants are not subject to the 90% expenditure requirement.

[Process for Selecting Lane ESD Menu Services & Service Levels](#)

Districts select the specific Lane ESD services and service levels from the service menu by mid-March of each year. Requests for services are placed using the Lane ESD Service Order Form. Districts' available funds and the costs for services are listed on the Lane ESD Service Order Form.



Core Service - Decision Making

Specific services and associated funding levels included in Core Services are agreed upon by the Lane County Superintendents' Council.

District Feedback

Lane ESD routinely surveys key district contacts to understand use of current services, assess the quality of services, suggestions for improvement, and interest in new services. The most recent survey of districts was completed in October 2018 and generally affirmed a high level of satisfaction as well as specific areas for follow up or improvement.

Additionally, the ESD periodically will conduct an in depth service review focusing on one particular service area or program. Service reviews are completed by a committee who works with the ESD to identify the scope of the review and makes recommendations to the Superintendents' Council.

Changing Services Included in Core Services

Core Services change or evolve based on recommendation of the ESD in response to analysis of county-wide needs or interests of component districts. In both cases the proposed change is analyzed and approved by the Superintendents' Council.

Timelines

Proposals that require significant change, such as the establishment of new programs, expansion of specialized services, or increase in fiscal resources allocated to Core Services, should be presented as early as possible, and no later than the Superintendents' Council meeting in October. This timeline allows the Superintendents' Council time to determine if the proposal should move forward to formal feasibility assessment by the ESD. The Superintendents' Council may establish a subcommittee to review feasibility information and make final recommendations regarding proposals. Subcommittee recommendations and feasibility assessment will be presented to the full Superintendents' Council.

Exceptions to the timeline are made for proposals that do not require additional fiscal resources or re-staffing, as long as the proposal is supported by the Superintendents' Council.

Approved proposals that involve more complex changes (hiring of specialized staff, implementation of new programs) may be implemented either as a pilot or as a general change to Core Services.

When changes are implemented as a pilot, a subcommittee of superintendents will be asked to assist in the development of criteria to use in assessing the pilot and recommendations on whether changes should be incorporated into the Core Services. If a pilot is successful, but is not approved to be included in Core Services it may be offered as a service menu item or custom service.

Innovation/Projects

Proposals for Innovation/Projects may be developed by the Lane County Curriculum Leaders, Lane County Technology Advisory Committee (LCTAC), Special Education Directors, Lane ESD Leadership, or the Superintendents' Council.

Innovation/Project proposals should focus on priorities identified by the Superintendents' Council. It is recommended that proposals outline the specific outcomes for the project, the time frame for implementation, and budget requirements. Lane ESD administrators and component district staff will assist with feasibility aspects of the proposal.



Proposals for accessing Innovation Funds are approved annually by the Superintendents' Council prior to March 30 to provide adequate planning time and effective implementation of the project in the next school year.

For 2023-25, the Superintendents' Council approved the use of Innovation/Projects Funds available from the Local Service Plan to fund Research for Better Teaching (RBT) licensing and trainer of trainer licensing. Funding was also set aside for targeted professional development as determined by the Superintendents' Council which includes specific criteria and application process.

Student Behavior Assistance Fund

In the past few years a critical need has emerged to address the needs of students with intense behaviors. The Student Behavior Assistance Fund is created to provide resources to address this problem through enhancing prevention, connecting students and families to appropriate health providers, and other methods to improve student behavior and reduce the number of intense behavioral incidents that schools are experiencing. We believe the most immediate need is for proper training of school staff so that they are able to de-escalate students and effectively handle situations "in the moment."

High Cost Pool

The High Cost Pool will be funded at a level decided upon by the Superintendents' Council, based on the final State School Fund amount. Access to the High Cost Pool is based on disproportionate Special Education enrollment for districts excluding Eugene 4J, Springfield, and Bethel.

Connected Lane County

Superintendents contribute funding towards the activities and infrastructure of Connected Lane County. This commitment is renewed annually.

Promise Programs

Promise Programs will be funded at a level decided by the Superintendents' Council, based on the State School Fund amount.

Menu Services – Decision Making

Adding Services to the Menu

A Menu Service offering may change or evolve based on recommendations of the ESD in response to analysis of county-wide needs or interests of component districts. In both cases, the proposed change is analyzed and approved by the Superintendents' Council.

Timelines

Proposed changes that require establishment of new programs, expansion of specialist services, or an increase in fiscal resources allocated to Core Services should be presented no later than the Superintendents' Council meeting in October so that the Superintendents' Council can determine if the proposal should move forward to formal feasibility assessment by Lane ESD. Timelines for completing the feasibility assessment will be set jointly by the ESD and the Superintendents' Council.

Proposals that come forward later in the planning process and that do not require complex program development and are supported by the Superintendents' Council will be placed on the menu if there is



feasible interest to cover the costs of the service. The following services are menu options: nursing, communication (PIO), legal.

In some cases, proposals may be implemented as a pilot as described below.

Elimination of Service

There may be instances where specific services are discontinued if component districts' orders and associated fiscal support are not adequate to continue the service. The decision to eliminate a service will be made by Lane ESD in consultation with component district superintendents, taking into consideration the implications for the impacted districts and the ESD's fiscal and personnel constraints.



Establishing Pilot/Custom Services

There may be instances where services are added if there is sufficient district interest and associated fiscal resources to cover start up and implementation costs. Districts that have an identified need not currently available on the service menu may request that the ESD develop a custom service to meet the district's unique need. The district and the ESD will identify the nature and scope of the service. This information is used to estimate costs of providing the service. If the district and ESD agree that it is feasible and cost effective to establish the service, it will be implemented either as a pilot or on-going service.

If implemented as a pilot, the ESD and district will establish criteria for assessing the results of the pilot. All Lane County superintendents will be informed regarding new custom services offerings and options for participating, as well as information gleaned from the pilot(s). Previous custom/pilot services included: Network Engineer service, Technology Technician. Twelve custom/pilot services proposals for 2023-25 are being explored to determine feasibility and will be reviewed by the Superintendents' Council.

Service Flexibility

Offerings on the "Menu of Services" are available to all component districts.

Service Implications

A flexible Menu of Services is key to ensuring the Lane ESD Local Service Plan continues to meet the needs of component districts.

The level of annual flexibility is dependent upon numerous factors and considerations for both the districts and Lane ESD.

For example, some services require a significant investment of resources on the part of the ESD and districts to develop a viable infrastructure and sustainable staffing. As a result, starting, ending or significantly changing these services require more analysis and review.

There are other services, however, that can be more flexible from year to year, making annual adjustments in services and service levels easier to accomplish.



Menu of Services

Current Menu

Below is the Menu of Services for 2023-25 . The Menu of Services includes Core Services provided to all districts without the need to order and services that are offered based on district selection. Core Services are indicated by an asterisk (*).

The Menu of Services below does not include services provided via grants or services ESD's are mandated to provide.

2023-25 Menu of Services
<p>Services to Students with Special Needs</p> <ul style="list-style-type: none"> Life Skills ESD and Consortium Placements Lane School (Special School) Behavior Disorder Placements Behavior/Autism Spectrum Disorder Consortium Placements Behavior Disorders – Teacher or Consultant MLK Jr. Education Center School Psychologist Services Speech & Language Pathologist Augmentative Communication Sign Language Interpretation Services Direction Service Youth Transition Program Services Nursing Services Custom Services <p>School Improvement Services</p> <ul style="list-style-type: none"> General Education* Career & Technical Education Connected Lane County Tragedy Response Attendance Advocacy/Truancy Librarian Services Courier Services Regional Promise Program/Dual College and High School Credit Courses Home School Custom Services <p>Technology Services</p> <ul style="list-style-type: none"> Infrastructural Technology Services* Email Services Internal District Services LCTAC- Lane County Technical Advisory Committee Networking Professional Development Learn 360 eRate Support Services Custom Services <p>Administrative Services/Business Services</p>



Local Service Plan

2023-25

Legal Services

Substitute Teacher List Subscription
Communication Support Services
Custom Services



Funding Sources

A brief explanation of the various funding sources and parameters for the services provided within this Local Service Plan is below.

State School Fund (SSF) Revenue

Lane ESD's primary revenue source for services to districts is the State School Fund (SSF). Lane ESD's share of SSF is based on the overall allocation of SSFs to all Lane County Districts. ESDs receive 4.5% of the total SSF allocated for their region.

The percentages and formulas for SSF allocations for districts and Oregon ESDs are set by the Oregon Legislature and are subject to change. Changes in ESD funding allocations have a direct impact on Lane ESD's Core and Flex Fund Model allocations to component districts, and will impact services and service levels.

ORS 334.177 requires that at least ninety percent (90%) of all ESD revenues from the State School Fund (SSF) and other funds considered local revenues be spent on the provision of services approved in the Local Service Plan. The remaining ten percent (10%) may be expended on administrative services.

The 10% administrative services allocation is an essential component to providing services to districts. The cost of facilities, accounting, human resources, technology, and general administrative overhead (insurance, legal fees, etc.) are paid for with these funds. Home School services and grant development services are also included in the 10% administrative services allocation.

Menu of Services Funding

Items on the Menu of Services are available to all districts based on their annual selection. The cost of services ordered from the menu are charged to the district's Flex Fund allocation and/or invoiced to the district if in excess of available Flex Funds.

Other Services

Lane ESD also provides services by way of contracts with component districts or other public or private entities.

Grants

Lane ESD actively seeks grant funding to enhance services to districts and further ESD and component district priorities.



Programs Included in 10% Administrative Revenue

Home Schooling

Oregon ESD's are mandated to provide Home School services. Lane ESD is responsible for accepting notification from parents or guardians who intend to educate their children at home. Lane ESD serves as a primary information resource to parents, students, schools, and districts.

Lane ESD is responsible for:

- monitoring compliance with home school notification and testing requirements;
- monitoring academic progress requirements;
- providing detailed reports to districts including compliance and testing information.

Grant Development

Lane ESD recognizes the importance of outside funding in shaping the future of education in Lane County. Lane ESD employs a grant writer to support acquisition of grant resources to enhance services in alignment with ESD and component district priorities.



Federal & State Mandates for Oregon ESDs

Lane ESD's services align with the services prescribed for every Oregon Education Service District in ORS 334.175(2) as follows:

Services to Children with Special Needs

Programs for children with special needs, including but not limited to:

- Special Education
- At-risk Students
- Professional development for employees who provide those services

School Improvement Services

School Improvement Services for component school districts, including but not limited to:

- Meeting the requirements of state and federal law
- Services designed to allow the ESD to participate in and facilitate a review of state and federal standards related to the provision of a quality education
- Support and facilitate continuous improvement planning
- Support for school-wide behavior and climate issues
- Professional Technical education
- Professional development for employees who provide those services

Technology Services

Technology Support for component school districts and the individual technology plans of those districts, including but not limited to:

- Technology infrastructure services
- Data services and distance learning
- Professional development for employees who provide those services.

Administrative Support Services

Administrative and Support Services for component school districts, including but not limited to:

- Services designed to consolidate component school district business functions.
- Liaison services between ODE and component districts
- Registration of children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035

Other Services

Other Services that ESDs are required to provide by state or federal law, including but not limited to:

- Compulsory Attendance required under ORS 339.005 to 339.090.

Performance Measures

In addition to providing these "core" services, Lane ESD's services must also be equitable, cost effective, of high quality and meet local district needs. Services must also be evaluated using the following performance measures:

- Improving student learning
- Enhancing the quality of education for all students
- Providing quality professional development for district staff
- Providing districts and their students equitable access to resources
- Maximizing operational efficiencies and providing economies of scale



Services to Children with Special Needs

Life Skills Consortium Services

<p>Service Description</p>	<p>Lane ESD's and district-operated Life Skills programs form a consortium to serve students with moderate, severe, and profound intellectual disabilities as part of a continuum of services. Classrooms for students in kindergarten through grade 12 are located in a number of elementary, middle and high schools throughout Lane County. Students ages 19-21 are served in "Transition Classrooms".</p> <p>The Life Skills Consortium includes all sixteen districts, with Bethel, Eugene, Junction City, Springfield and Lane ESD as service providers. The Life Skills Consortium Agreement describes the common unit cost determined annually, resident and serving district responsibilities, the process for resolution of concerns, and Lane ESD's responsibility for the coordination of placements.</p> <p>Kindergarten to Grade 12</p> <ul style="list-style-type: none"> • Highly individualized instruction in functional academics, daily living skills, and social/communication skills • Inclusion support • Secondary students also receive instruction in vocational skills and community accessibility. <p>Intensive Services Class</p> <ul style="list-style-type: none"> • This classroom serves secondary students whose support needs require environmental modifications that may not be feasible on a general education campus. <p>Transition Classes</p> <ul style="list-style-type: none"> • Students learn independent living skills to help transition to adulthood. • Students explore community options such as public transportation, leisure and recreation, and employment opportunities.
<p>Goals</p>	<ul style="list-style-type: none"> • Assist component districts in meeting the requirements of IDEA and Oregon Administrative Rules. • Implement evidence-based practices in the education of students with moderate, severe and profound intellectual disabilities to improve student learning. • Enable component districts and the students they serve to have equitable access to resources in Special Education. • Maximize operational and fiscal efficiencies for component districts in the area of Special Education.
<p>Budget</p>	<p>The annual budget allocation for this service is based on the districts' annual service orders for the service.</p>



Services to Children with Special Needs

Behavior Disorder Services

<p>Service Description</p>	<p>Lane ESD assists districts in meeting the federal requirement to provide a continuum of services for students with the most challenging behaviors.</p> <p>Lane School Lane School is a structured behavior and academic program designed for students in kindergarten through grade 8 who experience significant behavioral, social, and academic difficulties.</p> <p>Lane School is located at the Lane ESD Westmoreland Campus. Services are designed to help students gain the skills needed to be successful in their home school. Students are referred by their resident district and typically attend Lane School for approximately 18 months before transitioning back to their home school.</p>	
<p>Goals</p>	<ul style="list-style-type: none"> • Assist component districts in meeting the requirements of IDEA and • Implement evidence-based practices in the education of students w disabilities to improve student learning. • Assist districts with targeted interventions addressing the needs of behavioral/emotional disabilities. • Enable component districts and the students they serve to have eq Special Education. • Maximize operational and fiscal efficiencies for component districts in the area of Special Education. 	
<p>Budget</p>	<ul style="list-style-type: none"> • The annual budget allocation for this service is based on the districts' annual service orders for the service. 	



Services to Children with Special Needs

Behavior Disorder –Consultants

<p>Service Description</p>	<p>Behavior Disorder Consultants provide in-service training/consultation to districts for behavior/classroom management, and strategies for working with students identified as having emotional/behavioral disabilities.</p>
<p>Goals</p>	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education and at-risk students. • Improve student learning in special education and in at-risk youth by providing consultation to district personnel and provide professional development to component district employees in the area of special education services to at-risk youth. • Enable component school districts and the students they serve to have equitable access to resources in special education. • Maximize operational and fiscal efficiencies for component school districts in the area of special education and services to at-risk youth.
<p>Budget</p>	<p>The annual budget allocation for this service is based on the districts' annual service orders for the service.</p>

Martin Luther King, Jr. Education Center

<p>Service Description</p>	<p>Martin Luther King, Jr. Education Center is a collaboration between Lane ESD and the Department of Youth Services (DYS) to provide educational services to adjudicated youth in middle and high school. The program is located at the Serbu Juvenile Justice Center. The program is funded by district-paid tuition for students enrolled in Credit Recovery and GED services and is augmented by DYS Juvenile Crime Prevention funds, Juvenile Accountability Block Grant funds and Video Lottery which funds Job Skills/Life Skills services.</p>
<p>Goals</p>	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education and at-risk students. • Enable component school districts and the students they serve to have equitable access to resources targeting at risk youth. • Maximize operational and fiscal efficiencies for component school districts in the area of special education and at-risk youth.
<p>Budget</p>	<p>The annual budget allocation for this service is based on anticipated student enrollment.</p>



Services to Children with Special Needs

School Psychology Services

Service Description	<p>School psychologists are utilized in a variety of ways based on the needs of component districts. School Psychology services might include:</p> <ul style="list-style-type: none"> • Psycho-educational assessments provided to assist districts in determining student eligibility for special education. • Development and monitoring of student behavior support plans. • Consultation with school staff and parents on behavioral and educational concerns. • Service coordination assistance to district staff, parents and other professionals to ensure student success.
Goals	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA. • Enhance the quality of education provided to special education and at-risk students by providing timely and comprehensive psycho-educational evaluations that assist districts in determining eligibility for Special Education Services. • Improve student learning in special education for at-risk youth by providing consultation to district personnel. • Provide professional development to component district employees in the area of special education and at-risk youth. • Enable component school districts and the students they serve to have equitable access to resources in special education. • Maximize operational and fiscal efficiencies for component school districts in the area of special education and at-risk youth.
Budget	<p>The annual budget allocation for this service is based on the districts' annual service orders for the service.</p>



Services to Children with Special Needs

Speech Services

Service Description	Speech Services are offered to support districts in assessing and providing Individualized Education Plan (IEP) related services to identified students.
Goals	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education. • Improve student learning in special education by providing consultation to district personnel and provide professional development to component district employees in the area of special education. • Enable component school districts and the students they serve to have equitable access to resources in special education. • Maximize operational and fiscal efficiencies for component school districts in the area of special education.
Budget	The annual budget allocation for this service is based on the districts' annual service orders for the service.

Augmentative Communication

Service Description	Augmentative Communication Services are designed to work in partnership with school speech and language therapists and other team members. Augmentative Communication Specialists assist in identifying, evaluating and providing intervention for students with severe communication disorders who would benefit from augmentative communication. Augmentative communication includes all forms of communication, other than oral speech, that are used to express needs, wants and ideas.
Goals	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education. • Improve student learning in special education by providing consultation to district personnel and provide professional development to component district employees in the area of special education. • Enable component school districts and the students they serve to have equitable access to resources in special education. • Maximize operational and fiscal efficiencies for component school districts in the area of special education.
Budget	The annual budget allocation for this service is based on the districts' annual service orders for the service.

Services to Children with Special Needs

Sign Language Interpreting Service

Service Description	Sign Language Interpretation services are offered to support districts in providing Individualized Education Plan (IEP) supports to students, and ADA related services to students, staff, and families.	
Goal	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA and provide equitable communication access for students who are deaf and hard of hearing or who have other identified auditory processing disorders. 	•



Local Service Plan

2023-25

	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws under ADA by providing sign language interpretation for employees and families as needed. • Enable component school districts and the students they serve to have equitable access to resources in special education. • Maximize operational and fiscal efficiencies for component school districts in the area of special education. • 	
Budget	The annual budget allocation for this service is based on the districts' annual service orders for this service.	

Direction Service

Service Description	Direction Service, a local non-profit agency, provides information and referral services to parents and districts regarding specialized services available in Lane County for students and families of students with disabilities. Direction Service also acts as a mediator between districts and parents of children with disabilities and focuses on collaborative dispute resolution. Lane ESD contracts with Direction Service on behalf of subscribing component districts.
Goal	<ul style="list-style-type: none"> • Provide districts and parents of students with special needs access to cost effective referral and mediation services.
Budget	The annual budget allocation for this service is based on the districts' annual service orders for the service.



2023-25 Grant and Contract Services

Early Intervention/Early Childhood Special Education

Lane ESD sub-contracts with the University of Oregon (EC Cares) to provide administration and coordination of services to all eligible preschool children with disabilities and their families in the service area.

Lane Regional Low Incidence Program Inclusive Services

Lane Regional Low Incidence Program Inclusive Services provides Special Education services for children who have low-incidence disabilities, including; Visual Impairments, Hearing Impairments, Deaf/Blindness, Severe Orthopedic Impairment, Autism Spectrum Disorder and Traumatic Brain Injury.

State Hospital

Lane ESD provides educational services to 18-21 year old students who are hospitalized for either short-term or long-term care.

Juvenile Detention Education Program

Lane ESD provides educational services to youth in the Serbu Juvenile Detention Center.

Phoenix Treatment Program

Lane ESD provides educational services to youth in the Phoenix Treatment Program at Serbu Juvenile Detention Center.

System Performance Review & Improvement (SPR&I)

SPR&I sub grant awards assist with annual performance data collection and reporting for special education.

Extended Assessment

Supports training and professional development around the statewide assessment of students with disabilities.

IDEA Enhancement

Supporting enhancement of activities for students with disabilities in the areas of Response to Intervention (RTI), Positive Behavior Support (PBS), expanded SPR&I, and determination issues.

Youth Transition Program

The Youth Transition Program is a collaboration between the Vocational Rehabilitation Division, Oregon Department of Education, University of Oregon, Lane County school districts, and Career Learning. The program serves students on Individual Education Plans (IEPs), providing assistance with academic, vocational, independent living and personal-social skills so students can experience success in the workforce.

Employment Support Facilitator

The position supports the implementation of Youth Transition Programs (YTP) designed to meet the needs of students enrolled in the Life Skills Transition program. The Employment Support Facilitator coordinates with the Vocational Rehabilitation (VR) office, Oregon Developmental Disability Services (ODDS), and local County Service Coordinators to provide services to eligible students.



Services in School Improvement

<p>Service Description</p>	<p>Instruction General Education/Instruction Services include leadership and professional development to assist districts in implementing research-based instructional practices that address content standards to ensure a quality education for all students.</p> <p>Component districts have prioritized supporting and improving instruction. Since 2014 Lane ESD and component districts have invested in implementing a strong instructional framework that is supported by 1) the Research for Better Teaching/Studying Skillful Teacher trainings for classroom teachers and administrators and 2) content and standards-based professional development. In addition for 2016-18, the Superintendents' Council has identified a priority for integrating culturally sustaining instructional practices in all content areas, including supporting districts in developing awareness and basic understanding of the continuum of equitable education practices in schools. The School Improvement experts have developed a series of Culturally Responsive Teaching modules based on Zaretta Hammond's Ready for Rigor Framework which are available to all districts.</p> <p>Content specialists provide professional development, consultation, and coaching to teachers in curriculum, instruction, and assessment. Lane ESD has content specialists in the areas of English Language Arts, Math, Science, and Career Technical Education.</p> <p>Services support the implementation of evidence-based practices within all programs to eliminate opportunity and achievement gaps for all underserved or historically underserved students and build upon the assets of each student and family.</p> <p>Professional Development Content specialists coordinate and provide professional development for district staff county-wide at Lane ESD or at the district or classroom level. Professional development is intended to improve high quality instruction, and includes the alignment of content standards and instructional strategies, student data analysis and the use of performance based assessments.</p> <p>Consultation/Coaching Content specialists and staff work with districts to review and adopt curriculum materials, analyze achievement and discipline/attendance data, review evidence-based practices, model and plan implementation strategies.</p> <p>Learning Resources Lane ESD provides an array of materials for Lane County public school educators, including over 200 hands-on educational models and kits and textbooks for review. Support is provided for textbook review and curriculum adoption.</p> <p>Equity While Lane ESD is focused on identifying and addressing barriers to equity and access for all students, many equity issues exist in our schools, community, and college/university. Lane ESD and component districts are committed to improving educational outcomes for culturally and linguistically diverse students, students navigating poverty, and students with disabilities. This requires strong collaborative efforts and determination from the ESD and partner organizations to develop and invest in initiatives across Lane County which will systematically eliminate opportunity gaps, improve and expand access to services and supports, and build upon the assets of each student and family.</p> <p>Lane ESD is a member of the Equity and Community Consortium (representatives from 13 Eugene/Springfield area public agencies collaborating on equity and human rights issues). Lane ESD collaborates with equity and community organizations such as NAACP, Blacks In Government (BIG), Centro Latino Americano and Connected Lane County member organizations to strengthen, expand and integrate our efforts to address equity issues in our community. Collaborative efforts may include active participation in grants, initiatives, and community-based activities.</p>
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Local Service Plan

2023-25

	<p>Current priorities are using culturally sustaining instructional practices for the implementation of professional development and supporting the development and enhancement of teacher pathways programs for diverse students interested in the field of education.</p> <p>Partnerships</p> <p>Lane ESD is active in state-wide, regional and community partnership to further the identified instructional improvement goals of component districts. Lane ESD is a member of the ODE-OAESD Program Cabinet whose goal is to support effective communication and implementation of ODE initiatives. In addition Lane ESD serves as the backbone organization for the Regional Achievement Collaborative (Connected Lane County) and the STEM Hub (Lane STEM).</p> <p>The ESD regularly submits grants on behalf of a consortium of districts, including community and business partners.</p>
Goals	<p>The goals of the School Improvement service area align with Lane ESD's Strategic Plan, specifically:</p> <ul style="list-style-type: none">• Create and implement innovative initiatives that directly influence student success• Supporting best instructional practices• Modeling and promoting equitable practice for all
Budget	<p>For 2023-25 School Improvement Services are fully funded and available to all districts. Districts do not need to order the service or use their Flex Fund allocation to cover the cost of the service.</p>

Services in School Improvement

Career & Technical Education

<p>Service Description</p>	<p>Career and Technical Education (CTE) staff provides leadership and services to districts for students to enhance 21st century technical skills, career exploration, and successful transition to work or extended schooling.</p> <p>LES D Specialists and staff provides technical assistance to instructors, counselors, and administrators on:</p> <ul style="list-style-type: none"> • innovative curriculum; • employment preparation; • alignment with secondary graduation requirements; • services to reduce duplication given limited resources. <p>Partnerships with Colleges & Districts CTE Specialists and staff facilitate partnerships between area colleges and districts to address alternative learning options for students to obtain college and/or high school credit.</p> <p>Career Counseling and Guidance Staff works to enhance community and college partnerships for career exploration, workplace readiness, and technical skill development.</p> 
<p>Goals</p>	<ul style="list-style-type: none"> • Provide professional development to instructors on Career and Technical Education program design, curriculum and assessment. • Facilitate high school and post-secondary partnerships to support student transitions to college and career opportunities. • Develop business and community partnerships at local, regional and national levels to enhance learning opportunities for students. • Connect Career and Technical Education programs with businesses through sponsoring and coordinating regional events that provide students with career-related experiences.
<p>Budget</p>	<p>The annual budget allocation for this service is based on the districts' annual service orders for the service.</p>



Connected Lane County	
Service Description	<p>Connected Lane County (RAC) is the evolution of an early collaborative called the Education Partnership established in 2010. The Education Partnership was an outcome of a long-held goal of Lane Community College President Mary Spilde and was initially based on the Mid-Valley Partnership sponsored by Oregon State University. This Lane County K-16 coalition was made up of the superintendents and presidents of local school districts, Lane CC, and UO. The initial purpose of the coalition was to share information increase cooperation and support Lane County students in their education transition by: identifying shared strengths, issues, and concerns across education institutions; addressing barriers to equity and accessibility for all students; exploring opportunities for cooperation; discovering resources to benefit partners; and utilizing the resources and inspiration of Lane CC and the UO to support aspirations for higher education for all Lane County students.</p> <p>Connected Lane County partners share information, increase cooperation, and aid students in their education transitions by identifying shared strengths, issues and concerns; identifying and addressing systemic barriers that harm equity and accessibility for all students; exploring opportunities for cooperation; and identifying resources that can benefit partners such as grants, donations, knowledge and experience.</p>
Goals	<ul style="list-style-type: none"> • Increase the number of local high school graduates who are successful in higher education and life by creating a seamless and streamlined transition between early childhood, K-12 and higher education through partnerships and relationships with educational, community, and business partner organizations. • Create pathways for all students to enter kindergarten ready to learn and be prepared for higher education or careers. • Build programs and work utilizing an equity lens that ensures cultural appropriateness.
Budget	For 2023-25 funding to support CLC includes partner dues, Oregon Department of Education/Chief Education Office Regional Achievement Collaboratives grants, and Superintendents' Council Core Services funding.

Tragedy Response

Service Description	Lane ESD coordinates annual training for district tragedy response team members on behalf of subscribing districts.
Goals	<ul style="list-style-type: none"> • Provide districts with cost effective training. • Maximize operational efficiencies for component school districts in maintaining a county-wide Tragedy Responses Network.
Budget	The annual budget allocation for this service is based on the districts' annual service orders for the service.

Librarian Services

Service Description	Lane ESDs Librarian supports districts in meeting Division 22 standards regarding library and media services.
Goals	<ul style="list-style-type: none"> • Provide training to classified staff assigned to school libraries • Assist with culling library collections and selecting materials • Assist districts in meeting Division 22 standards.



Budget	The annual budget allocation for this service is based on the districts' annual service orders for the service.
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Attendance/Truancy and Advocacy Services

Service Description	<p>Lane ESD provides truancy officers and advocates to assist parents and districts in returning truant students to the classroom. Assistance is also provided in referring persistent truancy cases to Lane County Juvenile Court, Services to Children and Families, or citations for failure to maintain a child in school.</p> <p>This is a state mandated service to districts with less than 1,000 students.</p> <p>Lane ESD also coordinates the work of Conference Officers on behalf of local districts.</p>
Goals	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of the Oregon Revised Statutes regarding mandatory school attendance. • Improve student learning and enhance quality education by supporting district efforts to maintain student attendance and recapture ADM funding. • Provide services that allow districts to utilize the ESD's economies of scale and expertise to reduce their administrative costs.
Budget	Attendance/Truancy Services are fee-based.

Lane ESD Student Success Act Comprehensive Support Plan¹

Service Description	<p>The 2020 Lane ESD Student Investment Act (SIA) Plan is designed to support districts in meeting students' mental or behavioral health needs, and increasing academic achievement for students, including reducing academic disparities for students navigating poverty, homelessness, and/or foster care, students from racial or ethnic groups that have historically experienced academic disparities, students with disabilities, and students who are English language learners.</p> <p>Lane ESD will engage districts in quarterly continuous improvement self-monitoring routines, helping to align the outcomes, strategies, and activities of the Student Investment Account, Continuous Improvement Plan, High School Success Plan, and Career Technical Education.</p> <p>Additionally, Lane ESD will host programming that empowers youth, families, and community members representative of the four focal groups to inform county and district initiatives; establish and support networked learning communities to support academic success, social emotional well-being, community engagement, district capacity, and overall school and community climate; and partner with districts to provide educators and administrators high quality professional learning that supports culturally responsive-sustaining teaching and trauma-informed, restorative leadership.</p>
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1. See appendix



2023-25 Grant and Contract Services

Carl Perkins Consortium Services

Lane ESD manages and supports quality Career Technical Education programs and services. Programs of Study articulate with Lane Community College Career Pathways and are based on industry needs. All districts with CTE Programs of Study are included.

Advanced Manufacturing and Construction

This grant provides support for a regional advisory committee and industry connections to strengthen the quality of CTE Programs of Study. This grant also sponsors the Construction Utility Career Day.

Apprenticeship Trades Academy

Through this grant, Lane ESD is able to provide opportunities for students to experience pre-apprenticeships using local Training Centers.

Connected Lane County/Regional Achievement Collaborative

Lane ESD serves as the fiscal agent on behalf of Connected Lane County/Regional Achievement Collaborative, which was selected as one of 11 regional partnerships across the state of Oregon to receive Regional Achievement Collaborative grants. Connected Lane County was chosen based on the depth of its partnerships, commitment to the success of students from prenatal to age 22 (P-22), and the potential for implementing innovating and effective projects. Because of the depth and breadth of partnerships already developed since educational partners in Lane County partners first came together to work on K-12/higher education outcomes in 2010. Previously, Connected Lane County/RAC was chosen by the OEIB to serve as a mentor and leader to other Regional Achievement Collaboratives.

Lane African American Black Student Success

The African American/Black Student Success Program improves academic outcomes for African American/Black students to achieve a vision of an equitable education system in Lane County. The project promotes regular and consistent school attendance, provides students access to culturally responsive teaching and learning supports which contribute to their academic success from early learning to post-secondary, provides rigorous skill enhancement and leadership advocacy programs, and provides students and their families support in navigating educational processes and opportunities.

Lane Regional Promise

The overarching purpose of Lane Regional Promise is to foster a college going and career culture that guarantees well-designed opportunities for students to earn credit in college level courses and meaningful career exploration experiences that will set them on a path to a successful post-secondary future.

Lane STEM (Hub)

Lane County education, business and community partners submitted a STEM Hub grant proposal to the Oregon Department of Education in December 2015. Lane STEM (Hub) received a 16-month planning grant award in February 2016 and in December 2016 received a program grant award. Lane ESD serves as the backbone organization for the Lane County STEM Hub. Lane STEM coordinates, promotes and supports STEM education in Lane County by integrating science, technology, engineering, and math in the classroom and beyond. The STEM Hub provides teachers in Lane County with connections to STEM professionals (engineers, scientists, technicians, and analysts) and offers resources for Lane County educators, industry professionals, families, and community members. The vision of Lane STEM is to 1) ignite student interest in, and fuel preparation for, STEM careers; 2) create a STEM-literate citizenry well-positioned to make sound decisions and participate in community STEM-related discourse; 3) foster a diversity of confident educators and students applying and innovating with STEM concepts.

Migrant Education – Title IC

Lane ESD coordinates a regional Migrant Education Program consortium serving Lane and Douglas counties including 29 school districts. MEP services provide supplemental instruction, community outreach and parent involvement for eligible MEP students including summer school and pre-school.

Multi-Tiered System of Supports (MTSS) Regional Coaching



The focus of the Oregon Multi-Tiered System of Supports (MTSS) project is the implementation of a cohesive evidence-based professional development and coaching network to support the implementation of MTSS for academics and behavior. Through integrated supports, Oregon has a statewide network of high quality coaches, and is increasing the number of districts implementing MTSS with fidelity, ultimately increasing student outcomes for students with disabilities.

English Language Learners – Title III

ELL services include technical assistance and training on ESL curriculum alignment and integrating English Language Proficiency standards into the regular curriculum.

Curriculum Directors and Rural School Network

This network is composed of district and building administrators from all 16 component districts. A major component of this network is creating differentiated ways for districts to collaborate with each other and share resources and best practices. This work is based on the Oregon Equity Lens, and other State-led initiatives including but not limited to the Student Success Act.

Western Regional Educator Network (WREN)

The Western REN is an educator-led, improvement-focused network that elevates and embraces teachers' voice by emphasizing the Equity Lens to interrupt historical patterns of inequities and support educators through every stage of their career from recruitment through retirement by creating more inclusive and empowering school cultures. In 2017, Oregon Legislature passed [Senate Bill 182](#) which created the [Educator Advancement Council \(EAC\)](#), an innovative public/nonprofit partnership designed to support public educators. Through this bill, the EAC was charged with the task of creating local educator networks. These ten networks or "Regional Educator Networks" (REN) are designed to create a seamless system through three major vehicles: teacher voice, an equity lens, and a continuous improvement model.

Our Regional Educator Network (Region C), called the Western Regional Educator Network (WREN), encompasses twenty-eight school districts spanning the Lane ESD and Linn-Benton-Lincoln ESD Region.

Youth Transition Program

The Youth Transition Program is a collaboration between the Vocational Rehabilitation Division, Oregon Department of Education, University of Oregon, Lane County school districts, and Career Learning. The program serves students on Individual Education Plans (IEPs), providing assistance with academic, vocational, independent living and personal social skills so students can experience success in the workforce.

Grow Your Own Education Pathways Program

The Lane County Equity Consortium (LCEC) is a collaborative partnership between the Lane ESD Component Districts (Bethel SD, Eugene 4J, and Springfield SD) and local Education Preparation Programs (Lane Community College, UO, Pacific University, and Bushnell University). These organizations are working together to transform teacher preparation by designing a single pipeline capable of producing effective, culturally and linguistically diverse teachers. The program addresses four distinct areas including recruitment-selection, clinical practice, hiring-placement, and induction supports centered on building culturally responsive affinity groups. Through this funding, we are expanding the current pathways program by adding new partners, strategies, and activities that had not previously been made possible due to funding constraints that will ensure degree completion for our teacher candidates. These efforts will help pursue our goals of diversifying the K-12 education workforce throughout Lane County.

Technology Services

Infrastructural Technology



<p>Service Description</p>	<p>Lane ESD offers component districts a variety of technology services to support student learning and staff productivity. In small districts technology supports focus on escalated response needs and interaction with contracted service providers; in large districts services are project-based with a specified allocation of service hours, augmenting district technology expertise. Lane ESD technology offerings include:</p> <ul style="list-style-type: none"> • Managed network connectivity, including CIPA compliant filtering, and intrusion protection; • Coordination and engineering support to district initiatives, including securing new implementations; • Hosted services, e.g. email, web, and library services; • Professional development to district technology support staff; • Network engineering and support in the design of districts' infrastructures, with an emphasis on securing infrastructure; • Assistance in the writing, coordination, and implementation of grant activities related to technology infrastructures, including assistance with the filing of eRate; • Internship hiring and placement for college students into an education technology environment; • Erate support to districts through the Universal Service Administration Company's (USAC) Schools and Libraries Program, commonly known as the E-rate Program, to help ensure that schools and libraries obtain high-speed internet access and telecommunications at affordable rates. Each year, the E-rate program offers over \$3.9 billion to bring internet services to classrooms and libraries, providing discounts ranging from 20 to 90 percent to eligible schools and libraries on eligible products and services. <p>Lane ESD assists districts in applying for and tracking E-rate funding while making sure each district stays in compliance with program rules. Our goal is to help school districts maximize each dollar and get the most out of the E-rate program and any technological funding stream available to the districts.</p>
<p>Goals</p>	<ul style="list-style-type: none"> • Enhance the current network infrastructure to support scalable instructional needs of the component districts, including systems for the effective utilization of network resources in a secure manner. • Develop internal component district technology infrastructures to support robust long-range instructional needs, and to ensure staff and student usability, and security.
<p>Budget</p>	<p>2023-25 Technology Services are fully funded and available to all districts. Districts do not need to order the service or use their Flex Fund allocation to cover the cost of the service.</p>

Technology Services

<h3>2023-25 Grant and Contract Services</h3>	
<p>LCC Contract LESD Technology functions as the Internet Service Provision (ISP) and remote campus connectivity for Lane Community College (LCC). LESD and LCC began a recurring contract in 2005-06 that provides needed services</p>	



to LCC and entrepreneurial funding to serve Lane County districts. Lane County districts have benefited from the LCC relationship and revenue in the following ways:

- Network core upgrade purchases (e.g. costly core routing systems, firewall)
- Common wide area network across 44 16 districts and all LCC sites simplifying instructional access
- Funding for development and "proof of concept" endeavors in direct support to districts



Administrative Services

Business Services

<p>Service Description</p>	<p>Lane ESD's Business Office can provide services to districts on either a short term or annual basis. Services include:</p> <ul style="list-style-type: none"> • Payroll • Accounts Payable • Budget Preparation • Audit preparation • Financial reporting and management for grants • Monthly financial reports to Boards • Financial reporting to the Oregon Department of Education • Communication Support Services
<p>Goals</p>	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of the Oregon Revised Statutes regarding local budget law and investments, IRS payroll and accounts payable regulations and Generally Accepted Accounting Principles. • Improve student learning and enhancing quality education by providing accurate budget information to allow the districts to maximize the use of available funds for instructional services. • Provide professional development opportunities at the bi-monthly meeting of the Lane County Business Officials. • Provide services that allow districts to utilize the ESD's economies of scale and expertise to reduce their administrative costs.
<p>Budget</p>	<p>The annual budget allocation for this service is based on the districts' annual service orders for the service.</p>



Administrative Services

Courier Services

<p>Service Description</p>	<p>Lane ESD’s courier services provides an efficient and secure method of moving materials between the ESD, districts and other public agencies.</p> <ul style="list-style-type: none"> • Weekly delivery services to subscribing districts, supporting both inter- and intra-district mail and instructional materials delivery for component districts • Secure and confidential delivery of Student Records, including Special Education records • Pick-up and delivery of instructional materials provided by Lane ESD to component districts including Media Materials (science kits, models, etc.), and audience response systems • Movement of specialized equipment for special education classrooms • Customized services to Eugene and Springfield Schools Districts to interface with district courier.
<p>Goals</p>	<ul style="list-style-type: none"> • Provide cost-effective, timely, accurate and courteous courier services to all component school districts.
<p>Budget</p>	<p>The annual budget allocation for this service is based on the districts’ annual service orders for the service.</p>

Substitute Teacher List Subscription

<p>Service Description</p>	<p>Lane ESD’s Substitute Teacher Registration subscription provides an efficient method of ensuring that substitute teachers have completed required background checks and annual training requirements.</p>
<p>Goals</p>	<ul style="list-style-type: none"> • Provision of annual application process to register new teacher substitutes • Provision and monitoring of annual training requirements • Completion of annual “intent to return” and usual and customary break periods notice • Verification of valid teacher licensure
<p>Budget</p>	<p>The annual budget allocation for this service is based on the districts’ annual service orders for the service.</p>



Administrative Services

2023-25 Grant and Contract Services
<p>Inter-Library Courier Lane ESD provides pick-up and delivery of interlibrary loan materials to the Lane County Libraries consortium.</p>
<p>Substitute Teacher List Subscription Lane ESD Substitute Teacher List subscription services to private and alternative schools.</p>
<p>ODOT Teens Driving Safely Grant Supports increasing the number of trained driver education instructors and increasing course offerings in Lane County.</p>
<p>State Farm Grant Supports access to ODOT approved Driver Education courses.</p>



		Relevant Strategy				
		S 1	S 2	S 3	S 4	S 5
Outcome	Lane County districts engage in quarterly continuous improvement self-monitoring routines (SIA, CIP, HSS, CTE, EDM, EIS alignment).		X	X		
Outcome	Youth, families, and community members representative of our focal groups are empowered to inform district continuous improvement planning and implementation.	X	X	X	X	X
Outcome	Networked Learning communities can be linked with positive changes in academic success, social emotional well being, community engagement, district capacity, and overall school and community climate.	X	X	X	X	X
Outcome	District educators and administrators have access to high quality professional learning that supports culturally responsive-sustaining teaching and trauma-informed, restorative leadership.	X	X	X	X	X
Strategy #1	Embed Creating Communities of Belonging content across professional learning for all content areas.					
Strategy #2	Amplify youth, Black/African American, Latinx, Native American, and South Pacific Asian voices in Lane County through coordination of Youth Equity Council and connection to families and local cultural organizations.					
Strategy #3	Host networked learning communities that use diverse, disaggregated data to inform plan implementation, support authentic two-way community engagement, and drive equitable decision-making and resource allocation in an ongoing continuous improvement process.					
Strategy #4	Facilitate communities of practice aligned to SIA priorities (closing disparities in academic achievement and supporting mental/behavioral health) and shared district strategies.					



Local Service Plan

2023-25

Strategy #5	Support recruitment and preparation of diverse teacher candidates through certification and hiring processes.					
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		21-22 BUDGETED COST		22-23 PROJECTED COST	
Strategy 1	Embed Creating Communities of Belonging content across professional learning for all content areas.	\$ 160,000.00		\$ 132,500.00	
Strategy 2	Amplify youth, Black/African American, Latinx, Native American, and South Pacific Asian voices in Lane County through coordination of Youth Equity Council and connection to families and local cultural organizations.	\$ 348,466.00		\$ 401,000.00	
Strategy 3	Host networked learning communities that use diverse, disaggregated data to inform plan implementation, support authentic two-way community engagement, and drive equitable decision-making and resource allocation in an ongoing continuous improvement process.	\$ 495,060.00		\$ 536,540.00	
Strategy 4	Facilitate communities of practice aligned to SIA priorities (closing disparities in academic achievement and supporting mental/behavioral health) and shared district strategies.	\$ 432,000.00		\$ 547,182.56	
Strategy 5	Support recruitment and preparation of diverse teacher candidates through certification and hiring processes.	\$ 25,000.00		\$ 25,000.00	

#	Activities	Aligned Primary Strategy	2021-22	2022-23	2021-22 Budgeted Cost	Projected 2022-23 Cost	Object Code	Priority Level YEAR 1



Local Service Plan

2023-25

1	Continue 1.0 FTE Data Coordinator to support quantitative and qualitative evaluation of continuous improvement process and activity implementation	S3	x	x	\$ 98,100.00	\$ 100,000.00	personnel	HIGH
2	Support districts with data collection and analysis efforts that shift the focus from longitudinal student outputs towards institutional inputs that promote educational equity, specifically for focal groups. Data is used as a lever for educational equity rather than reporting requirements.	S3	x	x	\$ 10,000.00	\$ 80,000.00	contracts	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							
3	Continue .5 Office Manager to support communication and planning of SIA district engagements and networked learning events	S3	x	x	\$ 91,260.00	\$ 60,840.00	personnel	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							
4	Hire .25 Attendance Advocate to identify and remove barriers for regular attendance from our smaller districts' most chronically absent students. Engage with Community of Practice of Family and	S4	*	*	\$ 25,000.00	\$ 25,000.00	personnel	HIGH



Local Service Plan

2023-25

	Community Resource Specialists in order to expand best practices.								
5	Hire .6 bilingual/multicultural Community and Family Engagement Liaison to increase ongoing engagement and partnership with Latinx students and families with attention to identification of SEL/Mental Health needs. Lead Community of Practice for county Family and Community Resource Specialists. In partnership with Migrant Ed, CLC, LCC, UO, Pacific, coordinate countywide Juntos program implementation. (bridge funding to 1.0 FTE with Migrant Ed and CLC paying .2 each)	S2	x	x	75,000.00	\$ 100,000.00	personnel, contracts		HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
6	Networked Learning for District Leaders - Portrait of a Graduate, Community Engagement and Leading for Equity efforts	S3	x	x	140,000.00	\$ 140,000.00	contracts and materials		HIGH
7	Continue funding of 1.0 Student Success Act Administrator to lead continuous improvement processes, SIA plan implementation , and networked learning communities	S3	x	x	155,700.00	\$ 155,700.00	personnel		HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								



Local Service Plan

2023-25

8	Continue 2.0 Social-Emotional Learning Specialists to support mental health and social-emotional networked learning communities and communities of practice, offering a range of trainings, consultations, and system level SEL & Equity supports.	S4	x	x	220,000.00	\$ 220,000.00	personnel	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							
9	Continue .25 Math Education Specialist to support culturally responsive implementation of shifting Oregon Math standards, including emphasis on math modeling and system detracking. Matching funds for anticipated grant award that will provide consultants for rural district +1 course development included.	S1	x	x	50,000.00	\$ 50,000.00	personnel and contracts	HIGH
10	Continue .75 ELA/SS Education Specialist to support and train districts in the writing, integration, and implementation of Foundations for Culturally Responsive Pedagogy content and support implementation of culturally responsive curriculum aligned to Oregon's new Ethnic	S1	x	x	110,000.00	\$ 82,500.00	personnel	HIGH



Local Service Plan

2023-25

	Studies Standards, Tribal/Shared History (and other legislative requirements).								
11	Hosting BH365 and Tribal/Shared History Communities of Practice. Hosting a 1-day Lane County Ethnic Studies Symposium. Includes purchase of PK-2 BH365 texts in Year 1.	S4	x	x	110,000.00	\$ 80000 (30-50 T/SH)	contracts and stipends		HIGH
Person/Team Responsible									
12	Hire a 1.0 Youth Equity Council/Youth Voice Coordinator to oversee countywide youth governance model and connections to cultural organizations.	S2	x	x	80,000.00	\$ 80,000.00	personnel		HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
13	Implement Train the Trainer and community of practice model for Patterns Science professional learning and curriculum implementation.	S4	x	x	52,000.00	\$ 52,000.00	Contracts and stipends		HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								



Local Service Plan

2023-25

14	Hire .25 Teacher Pathway Specialist (GYO) to coordinate Grow Your Own efforts, in collaboration with higher education institutions, district partners, the WREN, and Lane AABSS to recruit, retain, hire, and sustain future educators of color	S5	x	x	\$ 25,000.00	\$ 25,000.00	personnel	HIGH
14	Partnership with local post-secondary institutions to design and implement a community of practice for EAs/IAs to learn and implement trauma informed and culturally-responsive instructional strategies.	S4	x	x	\$ 25,000.00	\$ 125,000.00	Contracts	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							
15	Support ongoing community engagement with youth, families, and community organizations representative of four focal groups - support regional Equity Directors with implementation of SB732 Equity Advisory Committees. Inclusive of CASEL/BELE Network contract.	S2	x	x	\$ 100,000.00	\$ 125,000.00	Stipends, contracts, participatory budget	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							



Local Service Plan

2023-25

16	Mental Health & Safety Team Supports, inclusive of Care for the Carers Network and a Behavioral Safety Assessment Specialist to coordinate Level 1 and 2 supports. **Paid for by state?	S4	?	x	**125000	\$ 125,182.56	personnel and stipends	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							
17	Hire 1.0FTE Bilingual Desktop Support Technican to support Latinx families with accessing virtual curriculum and instruction, while also collecting input about their experiences to inform continuous improvement processes.	S2	x	x	93,466.00	\$ 96,000.00	personnel	HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation							
18	Tier 2: Support for Curriculum and Framework development of mental health teaching materials, supported through Community of Practice for Health Educators	S4	x	x	**30000	**30000	Stipends and materials	MID



Local Service Plan

2023-25

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LANE COMMUNITY HEALTH COUNCIL

2222 COBURG RD STE 200
EUGENE, OR 97401

2197

34-827/1251
1197

Date 12-19-2022



Pay To The Order of Lane School \$ 60,000.00

Sixty-thousand dollars ^{no/100} Dollars



Columbia Bank
Olive 877.272.3678
columbiabank.com

For 2022 CBI Funding

Rhonda Busek

⑈002197⑈ ⑆125108272⑆7001266911⑈

Dear Tony:

Congratulations! Lane ESD was selected to receive funding from Lane Community Health Council in the amount of \$60,000 as a part of the Community Benefit Initiative funding.

A copy of the completed letter of agreement and a check in the amount noted above is attached. Please confirm receipt.

I will be reaching out to schedule a meeting in early 2023 to discuss reporting. Quarterly updates and a final report will be required.

I look forward to working with you!

Sincerely,

Rhonda Busek
Executive Director
Lane Community Health Council

LANE COMMUNITY HEALTH COUNCIL

2222 COBURG RD STE 200
EUGENE, OR 97401

2197

34-827/1251
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I look forward to working with you!

Sincerely,

Rhonda Busek
Executive Director
Lane Community Health Council

1200 Highway 99 North
Eugene OR 97402

Independent Contractor

Lane ESD

Professional Agreement

THIS AGREEMENT is entered into this 1st day of October 2022 by Lane ESD and Connected Lane County.

Whereas Lane ESD has the need for the services of a contractor with the particular training, ability, knowledge and experience identified herein, the contractor agrees to perform the services for payment not to exceed the amount of \$340,000. The contractor agrees to perform these services by September 30, 2023.

Program/Grant Title: Connected Lane County

The services to be performed include: Connected Lane County proposes to work with Lane ESD to deepen the local STEM ecosystem. Connected Lane County scope of work:

- Expand on Invention Club – after school middle school program at Spark on 7th, focused on computer engineering, innovation, and design. Provide 30 youth with computer science experience.
- Expand on Invention Lab – summer high school program at Spark on 7th and Spark at Booth-Kelly, focused on computer engineering, innovation, and design. This is a paid work introductory work experience for 60 from across the county youth.
- Professional Development & Educator Workshops – support for CS teachers participating in ECS (Exploring Computer Science), Artificial Intelligence, and other CS PD opportunities; and support for CTE teachers with approved or planned programs of study in their collective goals (i.e. marketing their programs, purchasing equipment to share).
- Provide both ODE and Lane ESD with lists of projects with participating CBOs and school districts, brief descriptions of how they are engaged in the grant, records of efforts to engage with CTE Regional Coordinators (where appropriate) and a final report in the format provided by ODE

Payment schedule upon completion of service described in Agreement: Four Payments

Then, we will need to submit another one January 1st for \$55,000, and then a third in April for \$112,500, and a fourth in June for \$112,500.

Total Cost		\$340,000
Payment 1	Due: 12.31.2022	\$55,000
Payment 2	Due: February 28th 2023	\$55,000
Payment 3	Due: May 31st 2023	\$112,500
Payment4	Due: July 30th 2023	\$112,500

It is understood and agreed that:

1. The contractor agrees to indemnify and save harmless the ESD against any other costs under the Agreement including, but not limited to, premiums for insurance of any type, unemployment

compensation, disability benefits, old age benefit, or tax withholding laws, with respect to the services provided under this Agreement.

2. The contractor assumes and agrees to indemnify and save harmless the ESD from any claims and expenses (including attorney fees and other costs and expenses of litigation) for bodily harm caused by and/or occurring during the performance of duties by the contractor.
3. The contractor qualifies as an independent contractor under IRS common-law rules as determined by the ESD's level of behavioral and financial control over the contractor and the type of relationship between the ESD and the contractor.
4. The contractor will be responsible for any federal or state income taxes applicable to this payment. The ESD will issue IRS Form 1099-Misc to the contractor if payments exceed \$600.00 in any calendar year.
5. The contractor will not be eligible for unemployment insurance benefits under this Agreement.
6. Either party shall have the right to terminate this Agreement within 30 working/business days with written notice delivered to the other party.

IN WITNESS WHEREOF this Agreement is executed under current procedures established by the Lane ESD Board of Directors and the Superintendent with the Contractor. The signatures verify that this Agreement is entered into prior to any services being provided.

ESD Account #: _____

Heidi Larwick
Contractor
CLC Federal ID#: _84-3366481

Tony Scurto
Superintendent

OSBA Model ESD Sample Policy

Code: DJC-AR
Revised/Reviewed:

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

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

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

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

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

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

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

2. Advertising Contracts, Purchase of

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

Findings of Fact

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

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the ESD is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;

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

Conclusion of Compliance with Law

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

2. Advertising Contracts, Sale of

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

Findings of Fact

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

Conclusion of Compliance with Law

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

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

Equipment Repair and Overhaul

- a. The ESD may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, they shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the ESD incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.

Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the ESD in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.

The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the ESD will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

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

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

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

3. Copyrighted Materials

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

Findings of Fact

By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.

Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or their licensee. Textbooks/Instructional materials are examples of copyrighted materials that the ESD purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education.

A textbook/instructional material adoption defines the various materials which the ESD will purchase for use in its educational programs.

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

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

Conclusion of Compliance with Law

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

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

4. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The ESD will make reasonable efforts to notify all known manufacturers and vendors of competing products of the ESD's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the ESD's list of prequalified products. At its discretion, the ESD may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the ESD may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the ESD; and
 - (2) The ESD will accept manufacturer and vendor applications to include products in the ESD's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the ESD's written notice.
- b. If the ESD denies an application for including a product on a list of prequalified products, the ESD shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

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

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

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

Findings of Fact

This rule permits the ESD to enter into a requirements contract, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate.

A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.

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

Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.

The ESD establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.

The ESD limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.

The ESD may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

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

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

3. Used Personal Property or Equipment, Purchase²
 - a. Subject to the provisions of this rule, the ESD may purchase used property or equipment without obtaining competitive bids or quotes, if the ESD has determined that the purchase will result in cost savings to the ESD and will not diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used” at the time of ESD purchase. Used personal property or equipment generally does not include property or equipment if the ESD was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
 - b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the ESD shall, where feasible, obtain three competitive quotes unless the ESD has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the ESD and will not diminish competition or encourage favoritism.

² When contracting with another governmental entity, a district has a stator exemption under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services (DAS), State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-3014.

- c. For purchases of used personal property or equipment totaling \$150,000 or more, the ESD shall attempt to obtain three competitive quotes. The ESD will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

The ESD is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The ESD purchases used property and equipment when it meets the ESD's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.

Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the ESD must be able to respond immediately in order to obtain the property or equipment.

Some types of property or equipment may not be readily available in the new goods market. The ESD may have to look for used items to fill the need.

Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.

The ESD maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

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

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

4. Information Technology Contracts

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

- a. If the contract amount does not exceed \$150,000, the ESD shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The ESD shall

keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the ESD shall make a written record of the effort made to obtain the quotes or proposals.

- b. If the contract amount exceeds \$150,000, the ESD shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract and LCRB Rules*. The ESD shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the ESD shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

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

Conclusion of Compliance with Law

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

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

2. Telecommunications Systems - Hardware and Software Contracts

- a. The ESD may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the ESD shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The ESD shall keep a written record of the sources of the quotes or proposals received. If three

quotes or proposals are not reasonably available, fewer will suffice, but the ESD shall make a written record of the effort made to obtain the quotes or proposals.

- (2) If the contract amount exceeds \$150,000, the ESD shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract [and LCRB] Rules*. The ESD shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
- (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the ESD to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the ESD to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the ESD to take advantage of price competition in the marketplace.
- d. The ESD will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the ESD will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [and LCRB] Rules*.
- f. There are also times when the ESD needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements to make the purchase.

Conclusion of Compliance with Law

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

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

selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

2. Telecommunications Services

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

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

- b. In determining the appropriate procurement method for telecommunications services, the ESD shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the ESD may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of [Insert Name] County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the ESD requires digital services, analog services are not comparable or substitutable. If the ESD requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the ESD's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting ESD liability. For example, to be considered as the ESD's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the ESD's centralized automated billing requirements. The ESD must document for the record its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the ESD may solicit the information either through informal telephone or written contacts or through a formal solicitation such as an RFP.
- c. If the ESD determines that competition does not exist in the area for the relevant service, the ESD may proceed to secure the service on a sole source basis, as described in the ESD's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the ESD to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the ESD to take advantage of existing competition.
- c. The ESD will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The ESD shall keep a written record of the sources of the quotes or proposals received. If three

- quotes or proposals are not reasonably available, fewer will suffice, but the ESD shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the ESD will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
 - e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by ESD operations. In such instances, the ESD will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements to procure needed services from the sole source.

Conclusion of Compliance with Law

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

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

The use of this special procurement will result in a cost savings to the ESD, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the ESD some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

2. Hazardous Material Removal; Oil Cleanup

- a. The ESD may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to cleanup oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the ESD shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under 12.a.(1) of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.

- b. The ESD shall not contract pursuant to this special procurement in the absence of an order from the DEQ to cleanup a site which includes a time limit that would not allow the ESD to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

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

Conclusions of Compliance with Law

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

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

- 2. Renegotiation of Existing Contracts with Incumbent Contractors
 - a. The ESD may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
 - b. The ESD has determined that [value engineering,] [specialized expertise required,] [public safety] [and technical complexity], generally do not apply to this special procurement procedure.
 - c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.

- d. The ESD may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

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

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

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

Conclusion of Compliance with Law

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

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

EXEMPTIONS FROM COMPETITIVE BIDDING

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

- 1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and

2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335(2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

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

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

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award

the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

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

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

1. Brand Names or Products, “or Equal,” Single Seller and Sole Source
 - a. The ESD may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. The ESD has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
 - c. Solicitation specifications for public contracts of the ESD shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections 1.d. and 1.e. of this rule.
 - d. The ESD may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the ESD determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the ESD based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the ESD; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The ESD shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
 - e. The ESD may purchase a particular product or service available from only one source, after documenting the procurement file with the ESD’s findings of current market research to support the determination that the product is available from only one seller or source. The ESD’s findings shall include:

- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the ESD is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The ESD may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
- (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the ESD and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the ESD intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the ESD will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

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

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

2. Product Prequalification

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

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

The prequalification of products process is a time-consuming effort for the ESD. It is not a shortcut procurement method. The ESD would use this method only after balancing cost-saving considerations, such as the ability of the ESD to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the ESD as required by ORS 279C.335(2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

- 2. Requirements Contracts (Blanket Purchase Orders, Price)³
 - a. The business manager, on behalf of the ESD, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining ESD requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
 - b. The ESD has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
 - c. The ESD may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a

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

- competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
 - e. Schools and departments shall use requirements contracts established by the ESD, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
 - f. Under the authority of ORS 279A.025 and 279C.335, the ESD may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the ESD and the agency.
 - g. The term of any ESD requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

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

Conclusion of Compliance with Law

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

The awarding of ESD requirements contracts will likely result in a substantial cost savings and other substantial benefits to the ESD, as required by ORS 279C.335(2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual

transactions. Also, the guaranteed volume of a requirements contract allows the ESD to get better prices from bidders.

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

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

Findings of Fact/Conclusion of Compliance with Law

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

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

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

Findings of Fact/Conclusion of Compliance with Law

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

4. Projects with Complex Systems or Components

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

Finding of Fact/Conclusion of Compliance with the Law

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

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

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

Discuss Priorities for 2023 Legislative Session. To be ratified by the Governance Council:

Funding Issues:

- Increase State School Fund: 2023-25 appropriation to \$10.3 billion.
- Modify CSL calculation to match actual growth in K-12 costs.
- Increase ESD Statewide Initiatives allocation for technical assistance to local school districts.
- Provide adequate funding to maintain REN sustainability
- Provide adequate funding to sustain Regional (RISE) programs and EI/ECSE.
- Provide funding for Early Childhood infrastructure.

Workforce and Staffing:

- Prioritize Special Education teachers, Instructional Assistants, and rural educators.
- Incorporate apprenticeships into grow your own programs allowing Instructional Assistants to become licensed teachers.
- Support legislation providing ESD Superintendents with the same contract protections as local school district Superintendents. (Amendment to SB 1521 passed in 2022.)

Cybersecurity:

- Support proposals that establish the Oregon Cybersecurity Center of Excellence as an independent, nonprofit public corporation charged with overseeing, coordinating, funding and providing cybersecurity education, awareness and training for public, private and nonprofit sectors, cybersecurity workforce development and cybersecurity-related goods and services to Oregon public bodies with a targeted focus on the unmet needs of regional and local governments, special districts, **education service districts, K-12 schools, and libraries.** (HB 4155 in 2022 Session)

Other:

- Support Racial Equity and Justice Youth Collaborative Bill (HB 4099 in 2022 Session)

- Support Board & Superintendent Professional Learning Bill (HB 4029 in 2022 Session)
- Support ODE Policy Option Packages that support ESD programs & mission.

I AM GOING TO DO IT
HOLD ME TO IT

LANE ESD JANUARY 2023



1

Community Agreements

Listen First

Make Space and
Take Space

Check
Assumptions

Use "I"
Statements

Hold Room for
Honest Feedback

Learned here
leaves here; Said
here stays here

Refrain from
interrupting
people when
talking

Be present, Stay
present

414-979-9279

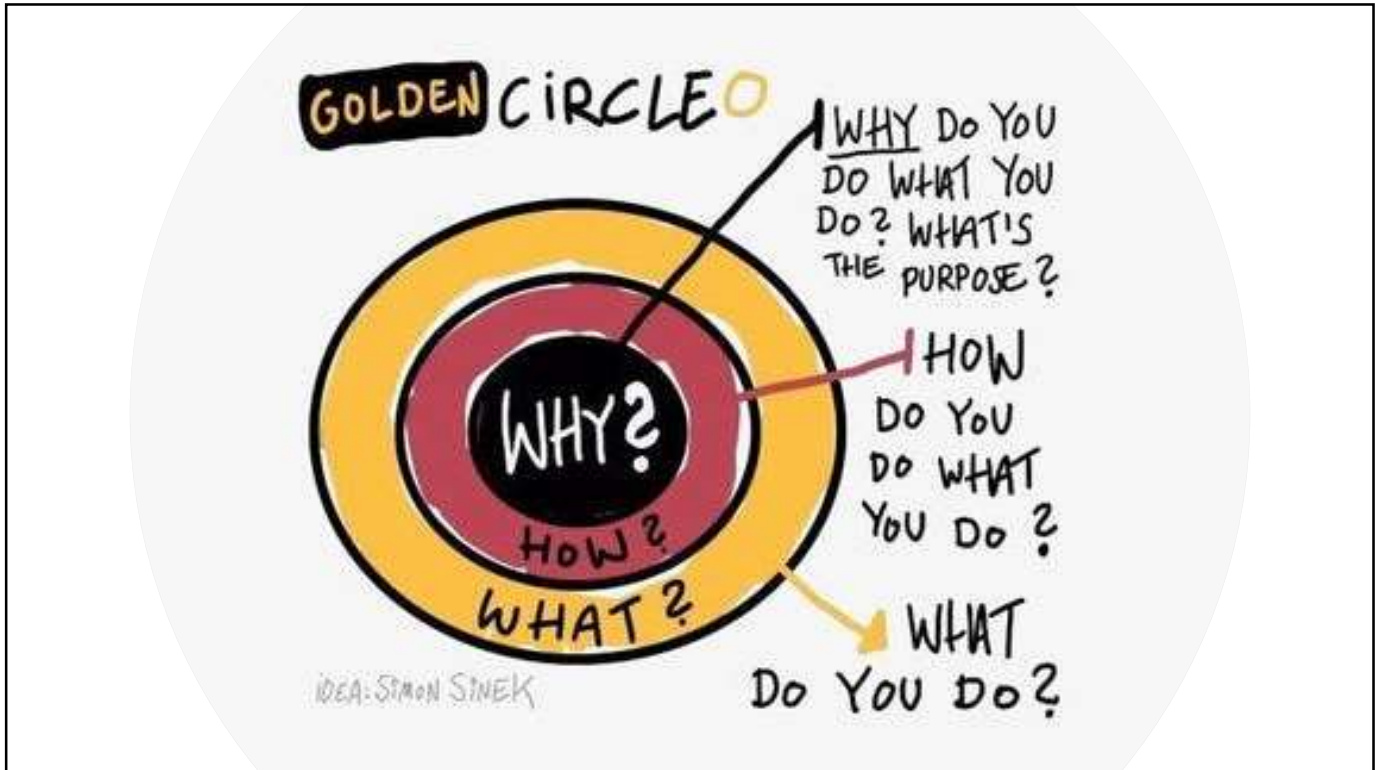
2



3



4



5

A tool to support deliberate equity and inclusivity in all aspects of our work.

Decisions
Plans
Implementation
Communication
Interpersonal Interaction
Leading a Team

YOU

1. What is being discussed?
2. Who is at the table?
3. How is the decision being made?
4. What assumptions are at the foundation of the issue?
5. What is likely impact? According to...?

Transformational change that relies on the collaboration of all staff to address the complex problems of equity.

6



strengthening our work community by being transparent and finding opportunities for collaboration within our department

evaluate the applications that are in use by our agency and how they apply to our vision.

building relationships and positive classroom cultures

What's the equity challenge? The lens helps you find it and the guiding principles, mission, vision, and why serve as a catalyst to address it.

7

1. Do we have a shared vision and ownership of the equity lens? Have we ensured that everyone clearly understands the importance of the equity lens and how it is used?

2. How does the decision we are making change historical and current inequitable practices and outcomes?

3. What is the organization's goal with this decision? How does it align with our vision, mission, and values?

4. Are the voices of diverse members of the community part of the decision-making process? Who is being included and who are we leaving out?

5. In what ways are we creating a sense of belonging and community. Do students feel beloved, connected, valued, and confident being their authentic selves and how do we know?

6. What systems of racism and oppression might exist within this situation and how will we change them?

7. What equitable outcomes do we want to achieve? What are the barriers to achieving these equitable outcomes and how do we remove them?

8. Who might this decision impact positively and who does it impact negatively? How do we change the conditions so that we don't have any negative impacts?

9. What data are we collecting to ensure that we are on track with our intended goals and outcomes?

10. What does the collected data tell us? What questions do we need to ask ourselves? And are there adjustments we need to make based on the information collected?

8

The position supports the implementation of instructional and behavioral plans designed to meet the needs of students with moderate to severe disabilities, including activities of daily living.

This position assists districts with building, planning and designing processes, procedures, protocols that improve program implementation and student outcomes. In addition, this position manages assigned grants or SSA programs and supports component districts in accessing ESD services to support improvement efforts.

This position is responsible for network security, network performance monitoring, measurement, and improvements. Must maintain excellent interaction with other ESD departments and with downstream school districts and must provide cross-support to other technology positions. The System Engineer must also professionally represent Lane ESD in interaction with other public agencies and vendors at political, business, and technical levels.

This position provides assistance to students, families and schools to improve graduation outcomes for students. The position also responsible for general recruitment efforts.

◆ In what ways are we creating a sense of belonging and community. Do students feel beloved, connected, valued, and confident being their authentic selves and how do we know? ◆ What systems of racism and oppression might exist within this situation and how will we change them? ◆ What equitable outcomes do we want to achieve? What are the barriers to achieving these equitable outcomes and how do we remove them?

Nikotris' Nuggets

- Think of questions as prompts.



- You know your work. This is simply doing it with different things in mind.
- Push Past Gaps, Own Discomfort, and Implement.



- Relax. Relate. Release.



11



12

By the end of the school year I will...

13

	I will complete the following task...	My success is identified by...	It will be complete on...	I need the following to complete the task...
10				
30				
60				
90				

14

**THOUGHTS?
QUESTIONS?**



All Staff In-service

January 3, 2023

1

Land Acknowledgement



2



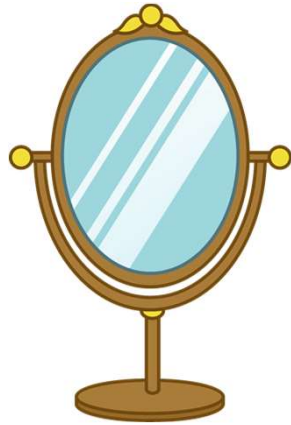
3

Today's Agenda

- Breakfast/Social
- Welcome
 - Land Acknowledgment
 - Superintendent Remarks
- A Deeper Dive in our Equity Lens, Nikotris Perkins
- Lane Equity Advisory Council
- Closing Remarks
 - Next Steps
 - Affirmations
 - Review of the Day (Evaluation and Future Topics)
 - Student Remarks
- Lunch
- Lane County Education Association

4

Mirror and Window



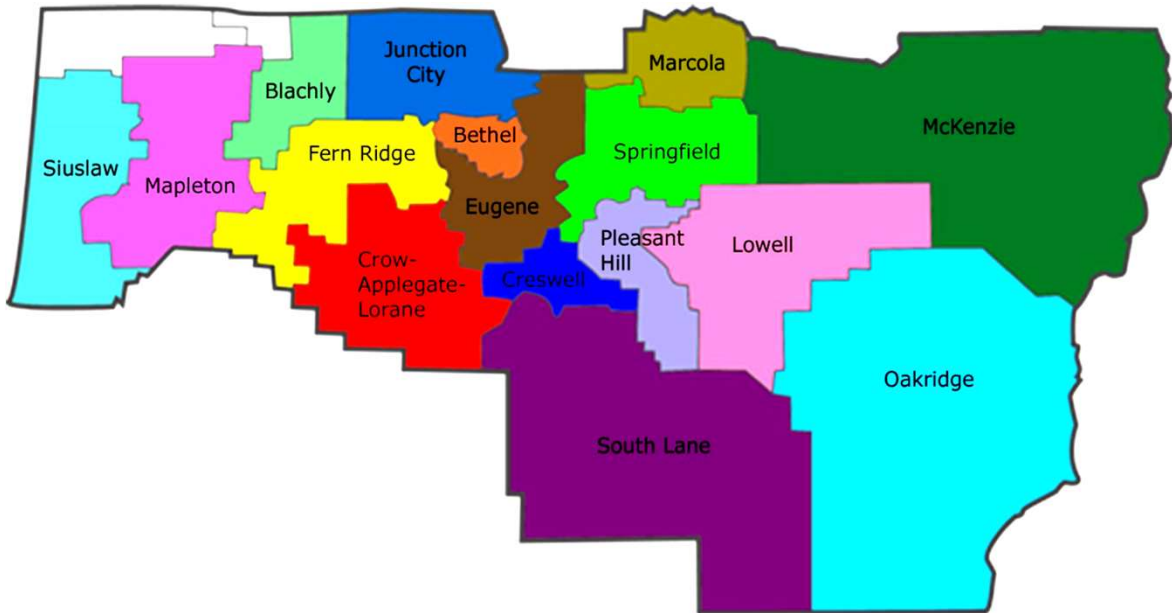
Looking in a Mirror



Looking out of a Window

5

43,102 Students...16 Districts...112 Schools



6

Students We Serve (demographics)

% of Students:

- Economically Disadvantaged = 65%
- Ever English Learners = 8%
- Experiencing homelessness = 5%
- With Disabilities = 16%

More than 50 Languages Spoken

Race/Ethnicity:

- African American/Black = 1.2%
- American Indian/Alaska Native = 1.1%
- Asian = 1.7%
- Hispanic/Latinx = 17.2%
- Multi-Racial = 8.3%
- Native Hawaiian/Pacific Islander = 0.4 %
- White = 70%

7

Lane ESD Staff

2022 (September)

- African American/Black = 3.6%
- American Indian/Alaska Native = 1.5%
- Asian = 2.5%
- Hispanic/Latinx = 10.5%
- Native Hawaiian/Pacific Islander = 0.4%
- White = 81.5%

8



VISION, MISSION & GOALS

Vision: Building a beloved community of learners.

Mission: Collaborating to empower all learners with justice-centered opportunities, equitable leadership, and a passion for lifelong learning.

9



VISION, MISSION & GOALS

Goals:

- 1** All decisions and actions will reflect the guiding principles and affirmations in our [Equity Lens document](#).
- 2** Lane ESD staff along with community partners will be equity leaders trained to dismantle systems of oppression through interrupting inequitable policies and practices by providing culturally specific curriculum that reflects the histories of our students.
- 3** All ESD staff and educators we serve will be provided the equity tools and training needed to inspire student learning, so all youth thrive.
- 4** Youth, from all backgrounds, will have access to highly engaging and culturally relevant learning opportunities connected to our communities and delivered by diverse, qualified, and passionate educators.
- 5** While amplifying youth voice, we will build trusted and inclusive relationships with our families and elevate the engagement of community partners that lead to improved equitable student outcomes.

10



11

Next Steps



12

Affirmations

1. For each person sitting at your table, write an affirmation....something they said or did that you liked today.
1. Write an affirmation for anyone (could be several) in the agency, whether or not they are at your table today.

13



14

Student Remarks



OSBA Model ESD Sample Policy

Code: BBBA
Adopted:

Board Member Qualifications

A person is eligible to serve as a Board member if ~~he/she~~ the person is an qualified elector¹ of the ESD. ~~An elector means an individual qualified to vote under Section 2, Article II of the Oregon Constitution. The individual must be 18 years of age or older, registered to vote at least 20 calendar days immediately preceding any election in the manner provided by law and must have~~ and has been a resident within the ESD for one year immediately preceding the election or appointment. ~~Additionally, if elected from a zone, the individual must reside in the zone.~~ If the position sought is one elected or nominated by zone, the person must also reside in the zone from which the person is nominated except as authorized by law.

~~No~~ A person who is an employee of the ESD is not eligible to serve as a Board member while so employed.

END OF POLICY

Legal Reference(s):

[ORS 247.002](#)
[ORS 247.035](#)
[ORS 249.013](#)
[ORS 334.025](#)
[ORS 334.032](#)
[ORS 334.090](#)

¹ "Elector" means an individual qualified to vote under Article II, section 2, [Oregon Constitution](#).

OREGON CONSTITUTION, ARTICLE II, Section 2.
~~OR. CONST., art. VIII, § 6.~~

OSBA Model ESD Sample Policy

Code: CPA
Adopted:

Layoff and Recall for Administrative Personnel

This policy applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.¹

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence. ~~Competence includes recent experience, additional training and educational attainments. Merit includes the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.~~

The Board desires/expects administration to retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs and services of the ESD.

Prior to initial development of a recall procedure for administrators the Board will consult with the employees or a designated representative of the employees covered by this policy.

The ESD will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)
[ORS 342.934](#)

¹ Prior to laying off any administrators, the district will work with legal counsel to determine if the cultural or linguistic expertise criteria apply to any impacted employees.

OSBA Model ESD Sample Policy

Code: GBEA
Adopted:

Workplace Harassment *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 - 243.323](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.370](#)

[ORS 659A.820](#)
[ORS 659A.875](#)
[ORS 659A.885](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

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

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

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

~~House Bill 3041 (2021).~~

OSBA Model ESD Sample Policy

Code: GCBDB/GDBDB
Adopted:

Early Return to Work

Efforts will be made, on a case-by-case basis, to reinstate ill or injured employees to work. The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the ESD.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the ESD will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the ESD.

If an employee cannot be reasonably accommodated in ~~his/her~~ their current position, the ESD will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the ESD will ~~may~~ provide temporary unpaid leave as an accommodation in accordance with state and federal law.

The ESD will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The [superintendent] will develop procedures as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#) [OAR 436-110-0003](#) to -0900
[ORS 659A.046](#) [OAR 581-024-0240](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

OSBA Model ESD Sample Policy

Code: GCQB

Adopted:

Research

~~Employees~~ ESD staff are encouraged to participate in research for the development and improvement of education. ~~If an employee plans~~ Staff who propose to engage in ~~a research project during the workday or use~~, e.g., study toward advanced work or for use in classroom instruction, using ESD resources or ~~ESD students~~, ~~either for study toward advanced work or for use in classroom instruction, approval must be secured from the superintendent~~ will submit a proposal to the superintendent for approval prior to commencing such research. If approved, and the study results in material or practices which ~~would~~ may be useful to other ~~employees~~ ESD staff, ~~it shall~~ such will be reviewed by administration and may be made available for distribution throughout the ESD as determined by administration. For the protection of all concerned, privacy rights of students or other individuals involved in ~~research projects~~ such research must be protected.

Research which is conducted by or for a non-ESD ~~district employee~~ individual or organization must be approved by the superintendent or designee.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (~~2012~~2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (~~2016~~2022).

Protection of Pupil Rights, 20 U.S.C. § 1232h (~~2012~~2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (~~2016~~2022).

OSBA Model ESD Sample Policy

Code: IGBAF
Adopted:

Special Education - Individualized Education Program (IEP)**

In cooperation with a component school district an individualized education program (IEP) shall be developed and implemented for each student with disabilities in the ESD, (kindergarten through 21 years of age), including those who are placed in or referred to a private school or facility by the ESD or receive related services from the ESD. The ESD is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The ESD will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the ESD will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the ESD shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

Legal Reference(s):

[ORS 343.151](#)
[ORS 343.155](#)

[OAR 581-015-2000](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2200](#)

[OAR 581-015-2205](#)
[OAR 581-015-2210](#)
[OAR 581-015-2215](#)
[OAR 581-015-2220](#)
[OAR 581-015-2225](#)
[OAR 581-015-2229](#)

[OAR 581-015-2230](#)
[OAR 581-015-2235](#)
[OAR 581-015-2055](#)
[OAR 581-015-2600](#)
[OAR 581-015-2065](#)
[OAR 581-015-2265](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5-300.6, 300.22-300.24, 300.34, 300.43, 300.105-106, 300.112, 320.325, 300.328, 300.501 (2006).

OSBA Model ESD Sample Policy

Code: IK
Adopted:

Academic Achievement** (Required policy for ESDs that operate a school.)

The Board feels it is important that teachers have as much accurate knowledge of student achievement as possible to assess students' needs and growth; thus, a sharing of information among parent, teacher and student is essential.

The ESD shall ensure that all students have the opportunity to demonstrate progress toward mastery of the knowledge and skills of the student's current grade level or course content level. Students who fail to meet or who exceed all of the standards at any grade level, will be offered additional services or alternative educational or public school options.

The Board directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students will be informed at least annually, of their student's progress toward achieving the academic content standards, including but not limited to:
 - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
 - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
 - c. Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the ESD;
 - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the ESD or the individual and time periods for the waiver; and
 - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.
2. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Grades and/or portfolio content assessment will be based upon academic performance and will not include student attitude or behavior. Grades will not be used for disciplinary purposes. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grade. Behavior performance shall be reported separately;
4. At comparable levels, the school system will strive for consistency in grading and reporting except when this consistency is inappropriate for certain classes or certain students;

5. When no grades are given but the student is evaluated in terms of progress, the school staff will ~~also provide a realistic appraisal of the student's standing in relation to his/her peers~~ show whether the student is achieving course requirements at the student's current grade level;
6. The staff will take particular care to explain to parents the meaning of marks and symbols used to reflect student performance.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)
[ORS 329.485](#)

[OAR 581-021-0022](#)
[OAR 581-022-2260](#)

[OAR 581-022-2270](#)

OSBA Model ESD Sample Policy

Code: JHC
Adopted:

Student Health Services and Requirements** (Highly recommended policy for ESDs that operate schools)

Although the ESD's primary responsibility is to educate students, the students' health and general welfare is also an ~~major~~ important Board ~~concern~~ responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

The ESD shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The ESD may use the most cost effective means available to meet the above requirements.

The nurse(s) employed by the ESD shall be licensed to practice as a registered nurse or nurse practitioner in Oregon and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.

Any nurse(s) providing services to the ESD shall follow all applicable requirements of Oregon Revised Statutes (ORS) Chapter 678 and Oregon Administrative Rule (OAR) Chapter 851. This includes, but is not limited, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of the patient prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.¹

The ESD shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems ~~[and also scoliosis]~~;
3. Health counseling for students and parents, when appropriate;
4. Health-care and first-aid assistance that are appropriately supervised and isolates the sick or injured child from the student body;

¹ For additional delegation requirements, see OAR [851-047-0030](#).

5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established ESD procedures;
7. Services for students who are medically fragile or have special health-care needs;
8. Integration of school health services with school health education programs.

The Board directs its ESD health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the ESD recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination² or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All ESD employees will be appraised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in [scoliosis,]-vision or hearing screening. The ESD will abide by those requests.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)

[ORS 336.201](#)

[ORS 336.211](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

² The term “invasive physical examination,” as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

Protection of Pupil Rights, 20 U.S.C. § 1232h (~~2012~~2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (~~2017~~2022).
Every Student Succeeds Act of 2015, 20 U.S.C. § 8548 (2018~~2012~~).
Family Education Rights and Privacy Act 20 U.S.C. § 1232g (2018~~2012~~).

OSBA Model ESD Sample Policy

Code: KBA
Adopted:

Public Records Request**

~~“Public record” means any information that:~~

- ~~1. Is prepared, owned, used or retained by the ESD;~~
- ~~2. Is related to an activity, transaction or function of the ESD; and~~
- ~~3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the ESD.~~

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the Superintendent Office.

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the ESD regardless of physical form or characteristics, unless otherwise exempted by law.¹ “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer ~~messages on voice mail or on other telephone message storage and retrieval systems, or spoken communication that is not recorded.~~²

~~A request to inspect or receive a copy of a public record shall be in writing and will be presented to the [superintendent’s] office.~~

~~Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.~~

~~The Board’s official minutes, its written policies and its financial records will be available at the superintendent’s office for inspection by any citizen desiring to examine them during hours when the superintendent’s office is open.~~ All such information will be made available to individuals with disabilities in an ~~any appropriate~~ accessible format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

¹ There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

² In accordance with Bialostosky v. Cummings, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

The Board supports the right of the people to know about programs and services of their schools and will make every reasonable efforts to disseminate information. Each administrator is authorized to use all available means available to keep parents and others of his/her in the particular ESD's community informed about the ESD's program and activities.

~~No records will be released for inspection by the public or any unauthorized persons—either by the superintendent or any other person designated as custodian for ESD records—if such disclosure would be contrary to the public interest, as described in state law.~~

The Board reserves the right to establish a fee schedule which will reasonably reimburse the ESD for the actual cost of making public records available pursuant to law. The ESD will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Employee and volunteer personal residential addresses, personal electronic mail addresses (~~other than ESD electronic mail addresses assigned by the ESD to ESD employees~~), social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the ESD are exempt from public disclosure pursuant to ~~Oregon Revised Statute (ORS) 192.368-368 and ORS 192.355(3)~~. ESD electronic mail addresses assigned by the ESD to ESD employees are not exempt. ~~Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law.~~ This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. ~~ESD electronic mail addresses assigned by the ESD to ESD employees are not exempt.~~

The ESD will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the ESD to identify ESD employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The ESD shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The ESD shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

Legal Reference(s):

[ORS 180.805](#)

[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-005-0010](#)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (~~2012~~2018); 29 C.F.R. Part 1630 (~~2017~~2021); 28 C.F.R. Part 35 (~~2017~~2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL'S, *Public Records and Meetings Manual* (~~2014~~).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Bialostosky v. Cummings, 319 Or. App. 352 (2022).

OSBA Model ESD Sample Policy

Code: CPA-AR

Revised/Reviewed:

Layoff and Recall of Administrators and Personnel

{Due to the varied organization structure of ESDs, the ESD should review the provided language and customize to meet the needs of the ESD.}

General

This administrative regulation applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.¹

The Board retains the right to determine when a layoff is necessary. Layoffs will occur shall be by position. A reduction in hours does not constitute a layoff.

The superintendent or designee shall offer recommendations to the Board regarding transfers, both voluntary and involuntary, and the position(s) which will be eliminated. The primary factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence. ~~Competence includes recent experience, additional training and educational attainments. Merit includes the measure of one's administrative ability and effectiveness against the ability and effectiveness of another administrator.~~

The Board desires/expects the administration to retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs and services of the ESD.

~~When t~~The ESD determines that ~~when~~ a layoff of licensed administrators is necessary, the superintendent or designee will use the procedures described in Section ~~II~~2 of this regulation. The superintendent or designee will make every reasonable effort to transfer a licensed and qualified administrator who will be laid off to a vacant administrative position for which the administrator is licensed and qualified, in accordance with the procedures described in Section ~~III~~3. The superintendent or designee may combine remaining positions, if it meets ESD curriculum needs, so that administrators continue to be licensed and qualified to perform available jobs.

Section ~~I~~4 - Definitions

1. "Competence" means the ability to perform the essential functions of a job or assignment based on recent experience, additional training or educational attainments, ~~or both~~, but not based solely on type of license and endorsements of an employee. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last five school years. ~~The superintendent or designee, as a guideline, may consider whether a person has held a position "directly above" or a position "directly below" the eliminated position. "Directly~~

¹ Prior to laying off any administrators, the district will work with legal counsel to determine if the procedures in ORS 339.934, including cultural or linguistic expertise criteria, apply to any impacted employees.

~~above” means a supervisory position. “Directly below” means a direct or indirect reporting relationship to the superintendent.~~

2. “Merit” means the measurement of one administrator’s ability and effectiveness against the ability and effectiveness of another administrator.
3. “Seniority” is calculated from the first day of actual ~~continuous~~ service as an administrator in the ESD inclusive of approved leaves of absence. If necessary, ties in length of service shall be broken by drawing lots.
4. “License” means a document or documents issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public **school** district or ESD.
5. “Qualifications” mean training, experience, skill and other attributes in addition to the individual’s license.

Section ~~II~~2 - Layoff Procedures

1. Administrative positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
2. If a new administrative position is created, it will be placed in one of the existing job groupings or in a new job grouping, as determined by the superintendent or designee.
3. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative positions within a job group or groups.
4. The superintendent or designee may recommend layoffs within job groups based on license, seniority, qualifications, merit and/or competence.
5. After identification of the administrator(s) to be laid off from a particular job group, the superintendent or designee will reassign the remaining administrators in that group to the remaining positions as necessary.
6. The superintendent or designee will determine whether the administrators identified for layoff will be transferred to a vacant administrative position under the procedures of Section ~~III~~3 below or as provided for in state law given the option of another assignment provided the administrator is licensed and determined by the ESD to be qualified based on merit and/or competence for the assignment.

Section ~~III~~3 - Reassignments and Transfers

1. The superintendent or designee will review an administrator’s personnel file, and from consultation with the administrator’s supervisors, shall determine if an administrator who will be laid off under Section ~~II~~ can be transferred to a vacant administrative position. Each transfer may be based on license, seniority, qualifications, merit and/or competence ~~and previous administrative positions held as determined by the superintendent or designee.~~

2. An administrator may voluntarily accept a classroom teaching assignment, ~~if available~~, in lieu of a layoff.
 - a. The administrator may accept a classroom teaching assignment which is currently vacant.
 - b. If the administrator previously taught and was a contracted teacher in the ESD, the administrator may displace (“bump”) a probationary or contract teacher with less seniority.
 - c. If the administrator never taught in the ESD, the administrator may displace (“bump”) a probationary teacher with less seniority.
3. While an administrator retains ~~his/her~~ rights to recall to a vacant administrative position in accordance with Section 4IV below, an administrator who voluntarily accepts a classroom teacher assignment will also be covered by the layoff/recall and other provisions of the collective bargaining agreement governing regularly employed teachers for purposes of their rights as teachers.

Section 4IV - Recall

1. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the recall pool.
2. An administrator will be maintained in the recall pool for a period of not more than 27 calendar months from the effective date of layoff.
3. A laid-off administrator who rejects recall to a position offered by the ESD for which the administrator is licensed and qualified to perform and which is similar to the workday or work year of the person’s previous position, thereby waives any further recall rights, and the administrator’s employment terminates effective the date of rejection of the job offer.
4. Licensed and qualified administrators will be considered for recall based on proper licensure and qualifications to perform the essential functions of the job. The ESD retains the right to recall a less senior administrator to the position if that individual has more merit and/or competence.
5. Administrators will be recalled based on license, seniority, qualifications, merit and/or competence and other relevant factors.
6. Notification of recall will be delivered in person or deposited as certified mail, postage prepaid and addressed to the last known address of the laid-off employee. It is the responsibility of the administrator to ensure up-to-date mailing information is provided to the ESD. The individual shall be allowed ~~7+10~~ calendar days from the date of personal delivery or postmark to accept the position in writing. If the individual declines the recall or fails to accept within the ~~[7+10]~~ day period or fails to report for duty on the date specified in the recall notice, the individual’s name will be removed from the recall pool. The individual will be considered to have resigned employment with the ESD and waived any further right of recall.
7. An administrator who wishes to remain eligible for recall to a position requiring a license must maintain a valid license.

8. Individuals who wish to waive recall rights prior to 27 months subsequent to the effective date of a layoff may do so by written notification to the ESD. Such notice will be considered a voluntary resignation and the individuals shall forfeit all employment rights with the ESD.
9. Employees returning from layoff shall be credited with all seniority and sick leave the employee earned prior to the effective date of the layoff, but the employee shall not accrue leave, benefits or seniority during the period of the layoff. If applicable, the ESD will apply any sick leave accrued from another district employment during the recall time as allowed by state law.
10. An employee who has been laid off has the option of continuing the employee's health insurance program at the employee's expense for up to 18 months, subject to the approval and rules of the insurance carrier(s).
11. [An employee must have completed at least 135 contract days during one school year in order to be eligible for one vertical step advancement for the succeeding school year. If, because of layoff, an employee does not complete at least 135 contract days that school year, the employee will be placed on the same salary schedule step as the employee was on prior to layoff.]
12. Nothing in this regulation shall be construed to interfere with the ESD's right to dismiss an administrator, not extend the contract of an administrator or dismiss or non-renew the contract of a probationary administrator pursuant to state law.
13. [An individual who is no longer employed as an administrator in the ESD due to resignation, assignment to a nonadministrative position, expiration of the recall period or rejection of a position offered by the ESD shall receive salary for all unused vacation time following the termination of employment as an administrator.]

Section ~~5~~V - Announcements of Decisions

Public announcements of layoff decisions should occur only after prior notice to affected administrators. Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.

Section ~~VI~~6 - Appeal Procedure

An appeal from a layoff decision shall be by arbitration pursuant to the employee's individual employment contract, administrator group contract ("employment agreements or meet and confer agreements") or rules of the Employment Relations Board.

Section ~~VII~~7 - Future Changes in Procedure

The ESD reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee shall have any vested right in the continuation of this procedure or any amendment thereof, provided, however, that no amendment or repeal of this procedure shall prejudice the reinstatement rights of any individual who is in the "recall pool" at the time these procedures are amended, revised or repealed. The ESD will also consult with employees covered by this regulation prior to making any decisions regarding changes to this procedure.

OSBA Model ESD Sample Policy

Code: DJC-AR

Revised/Reviewed:

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

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

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

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

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

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

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

2. Advertising Contracts, Purchase of

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

Findings of Fact

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

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the ESD is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;

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

Conclusion of Compliance with Law

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

2. Advertising Contracts, Sale of

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

Findings of Fact

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

Conclusion of Compliance with Law

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

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

Equipment Repair and Overhaul

- a. The ESD may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.

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

Findings of Fact

The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the ESD incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.

Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the ESD in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.

The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the ESD will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

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

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

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

3. Copyrighted Materials

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

Findings of Fact

By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.

Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or their licensee. Textbooks/Instructional materials are examples of copyrighted materials that the ESD purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education.

A textbook/instructional material adoption defines the various materials which the ESD will purchase for use in its educational programs.

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

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

Conclusion of Compliance with Law

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

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

4. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The ESD will make reasonable efforts to notify all known manufacturers and vendors of competing products of the ESD's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the ESD's list of prequalified products. At its discretion, the ESD may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the ESD may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the ESD; and
 - (2) The ESD will accept manufacturer and vendor applications to include products in the ESD's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the ESD's written notice.
- b. If the ESD denies an application for including a product on a list of prequalified products, the ESD shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

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

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

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

Findings of Fact

This rule permits the ESD to enter into a requirements contract, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate.

A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.

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

Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.

The ESD establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.

The ESD limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.

The ESD may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

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

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

3. Used Personal Property or Equipment, Purchase²
 - a. Subject to the provisions of this rule, the ESD may purchase used property or equipment without obtaining competitive bids or quotes, if the ESD has determined that the purchase will result in cost savings to the ESD and will not diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used” at the time of ESD purchase. Used personal property or equipment generally does not include property or equipment if the ESD was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
 - b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the ESD shall, where feasible, obtain three competitive quotes unless the ESD has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the ESD and will not diminish competition or encourage favoritism.

² When contracting with another governmental entity, a district has a stator exemption under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services (DAS), State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-3014.

- c. For purchases of used personal property or equipment totaling \$150,000 or more, the ESD shall attempt to obtain three competitive quotes. The ESD will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

The ESD is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The ESD purchases used property and equipment when it meets the ESD's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.

Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the ESD must be able to respond immediately in order to obtain the property or equipment.

Some types of property or equipment may not be readily available in the new goods market. The ESD may have to look for used items to fill the need.

Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.

The ESD maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

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

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

4. Information Technology Contracts

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

- a. If the contract amount does not exceed \$150,000, the ESD shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The ESD shall

keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the ESD shall make a written record of the effort made to obtain the quotes or proposals.

- b. If the contract amount exceeds \$150,000, the ESD shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract and LCRB Rules*. The ESD shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the ESD shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

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

Conclusion of Compliance with Law

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

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

2. Telecommunications Systems - Hardware and Software Contracts

- a. The ESD may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the ESD shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The ESD shall keep a written record of the sources of the quotes or proposals received. If three

quotes or proposals are not reasonably available, fewer will suffice, but the ESD shall make a written record of the effort made to obtain the quotes or proposals.

- (2) If the contract amount exceeds \$150,000, the ESD shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract [and LCRB] Rules*. The ESD shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
- (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the ESD to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the ESD to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the ESD to take advantage of price competition in the marketplace.
- d. The ESD will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the ESD will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [and LCRB] Rules*.
- f. There are also times when the ESD needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements to make the purchase.

Conclusion of Compliance with Law

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

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

selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

2. Telecommunications Services

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

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

- b. In determining the appropriate procurement method for telecommunications services, the ESD shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the ESD may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of [Insert Name] County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the ESD requires digital services, analog services are not comparable or substitutable. If the ESD requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the ESD's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting ESD liability. For example, to be considered as the ESD's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the ESD's centralized automated billing requirements. The ESD must document for the record its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the ESD may solicit the information either through informal telephone or written contacts or through a formal solicitation such as an RFP.
- c. If the ESD determines that competition does not exist in the area for the relevant service, the ESD may proceed to secure the service on a sole source basis, as described in the ESD's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the ESD to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the ESD to take advantage of existing competition.
- c. The ESD will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The ESD shall keep a written record of the sources of the quotes or proposals received. If three

- quotes or proposals are not reasonably available, fewer will suffice, but the ESD shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the ESD will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
 - e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by ESD operations. In such instances, the ESD will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements to procure needed services from the sole source.

Conclusion of Compliance with Law

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

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

The use of this special procurement will result in a cost savings to the ESD, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the ESD some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

2. Hazardous Material Removal; Oil Cleanup

- a. The ESD may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to cleanup oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the ESD shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under 12.a.(1) of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.

- b. The ESD shall not contract pursuant to this special procurement in the absence of an order from the DEQ to cleanup a site which includes a time limit that would not allow the ESD to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

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

Conclusions of Compliance with Law

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

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

- 2. Renegotiation of Existing Contracts with Incumbent Contractors
 - a. The ESD may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
 - b. The ESD has determined that [value engineering,] [specialized expertise required,] [public safety] [and technical complexity], generally do not apply to this special procurement procedure.
 - c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.

- d. The ESD may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

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

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

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

Conclusion of Compliance with Law

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

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

EXEMPTIONS FROM COMPETITIVE BIDDING

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

- 1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and

2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335(2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

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

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

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award

the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

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

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

1. Brand Names or Products, “or Equal,” Single Seller and Sole Source
 - a. The ESD may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - b. The ESD has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
 - c. Solicitation specifications for public contracts of the ESD shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections 1.d. and 1.e. of this rule.
 - d. The ESD may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the ESD determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the ESD based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the ESD; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The ESD shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
 - e. The ESD may purchase a particular product or service available from only one source, after documenting the procurement file with the ESD’s findings of current market research to support the determination that the product is available from only one seller or source. The ESD’s findings shall include:

- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the ESD is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The ESD may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
- (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the ESD and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the ESD intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the ESD will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

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

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

2. Product Prequalification

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

Findings of Fact

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

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

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

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

Conclusion of Compliance with Law

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

The prequalification of products process is a time-consuming effort for the ESD. It is not a shortcut procurement method. The ESD would use this method only after balancing cost-saving considerations, such as the ability of the ESD to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the ESD as required by ORS 279C.335(2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

- 2. Requirements Contracts (Blanket Purchase Orders, Price)³
 - a. The business manager, on behalf of the ESD, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining ESD requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
 - b. The ESD has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
 - c. The ESD may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a

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

- competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
 - e. Schools and departments shall use requirements contracts established by the ESD, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
 - f. Under the authority of ORS 279A.025 and 279C.335, the ESD may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the ESD and the agency.
 - g. The term of any ESD requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

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

Conclusion of Compliance with Law

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

The awarding of ESD requirements contracts will likely result in a substantial cost savings and other substantial benefits to the ESD, as required by ORS 279C.335(2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual

transactions. Also, the guaranteed volume of a requirements contract allows the ESD to get better prices from bidders.

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

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

Findings of Fact/Conclusion of Compliance with Law

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

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

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

Findings of Fact/Conclusion of Compliance with Law

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

4. Projects with Complex Systems or Components

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

Finding of Fact/Conclusion of Compliance with the Law

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

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

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

OSBA Model ESD Sample Policy

Code: GCDA/GDDA-AR

Revised/Reviewed:

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall also be required to undergo a criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor², whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the ESD shall be required to submit to a criminal records check and fingerprinting.

The superintendent will identify contractors who are subject to such requirements.

5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
6. A volunteer allowed by the ESD into a position that has direct, unsupervised contact with students shall undergo an in-state criminal records check.
7. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy³ by the ESD as requiring a finger-print based criminal records check, shall undergo a state and national criminal records check based on fingerprints.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the ESD has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the ESD.

³ See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

8. A volunteer that is not likely to have direct, unsupervised contact with students [will] [will not] be required to undergo an in-state criminal records check.

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if:

1. ~~†~~ The ESD has evidence on file that the ~~employee~~-person successfully completed a state and national criminal records check for a previous employer that was a school district, private school or ESD, and has not resided outside the state between the two periods of employment; or
2. The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the commission.

Notification

1. The ESD will provide the following notification to individuals subject to criminal records checks and fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the ~~Oregon Department of Education (ODE)~~ that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the ESD;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on ESD employment applications, contracts, ODE forms (written or electronic) will result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the ESD. The ESD will remove the volunteer from the position allowing direct, unsupervised contact with students.

⁴ Any individual hired within the last three months.

2. The ESD will provide the written notice described above through means such as staff handbooks, employment applications, contracts or [volunteer] forms.

Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the ESD. The ESD shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
2. Fingerprints may be collected by one of the following:
 - a. Employing ESD staff;
 - b. Contracted agent of employing ESD; or
 - c. Local or state law enforcement agency.
3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the ESD will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the ESD of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
5. A copy of the fingerprinting results will be kept by the ESD.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the ESD and not requiring licensure, including persons hired as or by contractors⁵, shall be paid by the individual.
2. An individual offered a contract or employment by the ESD may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
3. Fees associated with required criminal records checks for volunteers shall be paid by the individual.
4. [Fees associated with a required fingerprinting for volunteers shall be paid by the individual.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

⁵ A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the ESD.

1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the ESD upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁶ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. A subject individual will be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any ESD policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of the Accountability for Schools for the 21st Century Law.
4. A volunteer who refuses to submit, when required, to criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the ESD.
5. If the ESD has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual may be denied the ability to volunteer.
6. A volunteer who knowingly makes a false statement, as determined by the ESD, on an ESD volunteer application form may be denied the ability to volunteer in the ESD.

Appeals

A subject individual may appeal a determination from ODE, that prevents employment or eligibility to contract with the ESD to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the ESD to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

OSBA Model ESD Sample Policy

Code: IGBAF-AR

Adopted/Revised/Reviewed:

{This AR is designated as required because the district is required to do everything in this AR. Having this AR may help demonstrate compliance during the ODE audit process.}

Special Education - Individualized Education Program (IEP)**

(Required only if ESD is contractor for ODE direct service programs)

1. General IEP Information

- a. The ESD ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the ESD is responsible; and
 - (3) Before the ESD implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The ESD uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The ESD develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
- e. The ESD takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The ESD ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the ESD and parents agreed to make between annual reviews.

The ESD takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The ESD provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The ESD conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The ESD convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the ESD and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the ESD will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the ESD fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The ESD's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the ESD will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about ESD resources. The representative of the ESD will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or ESD, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the ESD includes the student in the IEP team meeting.
 - (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the ESD

will take other steps to consider the student's preferences and interests in developing the IEP.

c. Participation by other agencies:

- (1) With parent or adult student written consent, and where appropriate, the ESD invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
- (2) If the ESD refers or places a student in an ESD, state operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The ESD and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The ESD designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the ESD ensures:
 - (1) The parent and the ESD consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the ESD considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The ESD ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.

- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:
 - (a) Meet the student’s needs that are present because of the disability, or because of behavior that interferes with the student’s ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the ESD provides to the student:
 - (a) The ESD bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or districtwide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or districtwide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.
- (6) A statement describing how the ESD will measure student’s progress toward completion of the annual goals and when periodic reports on the student’s progress toward the annual goals will be provided.

6. Individualized COVID-19 Recovery Services¹

Individualized COVID-19 Recovery Services are defined as those services determined necessary for eligible students based on the unique needs that arise from their disability due to the impact of the COVID-19 pandemic, which may include but are not limited to:

¹ The requirements of this section are in effect until July 1, 2023 unless extended by the State Board of Education.

- a. -Special education and related services;
- b. -Supplementary aides and services;
- c. -Additional or intensified instruction;
- d. -Social emotional learning support; and
- e. -Peer or adult support.

The IEP team for each eligible student shall consider the need for Individualized COVID-19 Recovery Services at least at each initial IEP meeting and each regularly scheduled annual review meeting.

- a.- IEP teams shall consider the impact COVID-19 on the eligible student's ability to engage in their education, develop and re-establish social connections with peers and school personnel, and adapt to the structure of in-person learning.
- b.- For initial IEPs, IEP teams shall also review the impact of COVID-19 on the eligible student's initial evaluation timeline and eligibility determination in considering the need for Individualized COVID-19 Recovery Services.
- c.- For annual reviews, IEP teams shall also consider the impact of COVID-19 on the implementation of the eligible student's IEP considering the need for Individualized COVID-19 Recovery Services.

Any member of the IEP team, including parents and eligible students, may request that the IEP team meet to review the need for Individualized COVID-19 Recovery Services at any time.

- a. IEP teams are not required to meet more than once annually to consider the need for Individualized COVID-19 Recovery Services unless updated information indicates the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.
- b. IEP teams that considered the need for Individualized COVID-19 Recovery Services at an initial IEP or annual review meeting on or after June 24, 2021 shall review the need for Individualized COVID-19 Recovery Services at the next annual review, but are not required to do so before then unless the eligible student's circumstances have changed or there is reason to suspect that the eligible student may need any additions or modifications to their Individualized COVID-19 Recovery Services.

When Individualized COVID-19 Recovery Services are recommended, the eligible student's IEP must be updated to reflect the recommendation.

The district or program shall provide written notice to the parents of each eligible student regarding the opportunity for the IEP team to meet to consider Individualized COVID-19 Recovery Services.

After each determination is made, the district or program shall provide written notice to the parent and/or adult student with a disability regarding the determination of need for Individualized COVID-19 Recovery Services. This notice shall include the following documentation:

- a. A statement of the Individualized COVID-19 Recovery Services recommended based on the meaningful input of all IEP team members, including parents and eligible students, as appropriate;
- b. The projected dates for initiation and duration of Individualized COVID-19 Recovery Services
- c. The anticipated frequency, amount, location, and provider of the services described in item a. above and whether these services are being provided within the standard instructional day for the eligible student.

If the district and parent hold an IEP meeting to discuss the need for Individualized COVID-19 Recovery Services and do not reach an agreement regarding such services, the district and parent may request a Facilitated IEP meeting. If the district and the parent choose to participate in a Facilitated IEP meeting, the district shall notify ODE.

Nothing in this section shall affect or otherwise alter a parent's right to seek mediation under OAR 581-015-2335, request a due process hearing under OAR 581-015-2345, a complaint under OAR 581-015-2030, or other parental rights under the procedural safeguards.

- 7. Nothing in this section relieves the district of its duty to create an appropriate IEP for every eligible student, regardless of whether the eligible student requires Individualized COVID-19 Recovery Services.

8. Agreement to Amend or Modify IEP

Between annual IEP meetings, the ESD and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the ESD and the parent.

- a. The ESD and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The ESD files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The ESD provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

9. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:

- (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
- (1) For a student whose behavior impedes their learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate;
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
- (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) 441-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).
 - (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the

ESD has informed the student that all procedural rights will transfer at the age of majority; and

- (3) If identified transition service providers, other than the ESD, fail to provide any of the services identified on the IEP, the ESD will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- e. To promote self-determination and independence, the district shall providing the student and the Student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

10. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

11. Extended School Year Services

- a. The ESD makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The ESD does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The ESD provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The ESD's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.

- g. “Recoupment” means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

12. Assistive Technology

- a. The ESD ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student’s IEP. These services and/or devices may be part of the student’s special education, related services or supplementary aids and services.
- b. On a case-by-case basis, the ESD permits the use of district-purchased assistive technology devices in the student’s home or in other settings if the student’s IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, ESD policy will govern liability and transfer of the device when the student ceases to attend the district.

13. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student’s parents) provides a free appropriate public education to the student (including services comparable to those described in the student’s IEP from the previous district), until the district either:

- (1) Adopts the student’s IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student’s parents, will provide a free appropriate public education to the student, including services comparable to those described in the student’s IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in the OARs.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

OSBA Model ESD Sample Policy

Code: KBA-AR

Revised/Reviewed:

Public Records Request

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the ESD:

1. A public records request shall be submitted in writing through the ~~superintendent's~~ ESD's main office at 1200 Highway 99 North, Eugene.
2. Upon receipt of a written request, the ESD shall respond within five business days¹ acknowledging receipt of the request or completing² the ESD's response to the request.

If the ESD provides an acknowledgment of the request, it must:

- a. Confirm that the ESD is the custodian of the requested record;
 - b. Inform the requester that the ESD is not the custodian of the requested record; or
 - c. Notify the requester that the ESD is uncertain whether the ESD is the custodian of the requested record.
3. If the ESD is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the ESD is required to acknowledge receipt of the request as described above, the ESD shall:
 - a. Complete its response to the public records request **in accordance with ORS 192.329(2)**. If the ESD determines that a record is exempt from public disclosure, the ESD will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the ESD is still processing the request and a reasonable estimated date by which the ESD expects to complete its response based on the information currently available.
 4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the ESD if compliance would be impracticable because:
 - a. The staff or volunteers³ necessary to complete a response to the public records request are unavailable;

¹ "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the ESD is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the ESD are closed.

² The ESD response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

³ Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

- b. Compliance would demonstrably impede the ESD's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the ESD.

~~The~~ In these situations, the ESD shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

- 5. The ESD may request additional information or clarification from the requester for the purpose of expediting the ESD's response to the request as permitted by law. If the ESD requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the ESD for information or clarification, the ESD shall close the request.
- 6. If a copy of a public record is requested, the ~~district~~ ESD will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be ~~provided~~ made available in the form the record is maintained.
- 7. If a person who is a party to a civil judicial proceeding to which the ESD is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of ESD records and at the same time to the ESD's attorney.
- 8. Information will be made available to individuals with disabilities in an ~~appropriate~~ accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
- 9. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the ESD. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate established by the business office. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the ~~district~~ ESD has informed the requester of a permitted fee, the obligation of the ~~district~~ ESD to complete its response to the request is suspended until the fee has been received by the ~~district~~ ESD. If the requester fails to pay the fee within 60 days of the date ~~he/she was~~ they were informed of the fee or fails to pay the fee within 60 days of the date on which the ~~district~~ ESD informed them of the denial of the fee waiver, the ~~district~~ ESD shall close the request.

~~The ESD reserves the right to restrict the inspection of some public records to the ESD's facilities;~~

2023 January HR Update

[Ze Anderson-Brown, Executive Director of Human Resources](#)

Recruitment

Now that 2022 has sunset and we have officially rung in 2023, we can exhale the past and breathe in the hope for a brighter new year. Estimating that 2023's hiring pool will be similar to 2022, we should plan on not being inundated with will swarms of new applicants. However, we should take the '22 lessons we learned from our recruitment and social media campaigns and apply them into 2023 so that they remain fresh and forward in peoples' minds, which is crucial to attracting viable candidates. The use of social media, commercial advertising, and exposure during a shared cinematic experience is currently working. We recognize that our advertising is like sowing seeds that may bloom later when a need for new employment arises. The hope is that the viewer will recognize the Lane ESD as a brand and apply to become part of the team.

We know from newly hired applicants are sighting the commercial when we ask, how did you hear about us? As of the last week in December, the commercial on YouTube.com has been viewed in part over 525K times. We elected to continue YouTube.com. In addition, we have elected to continue the movie theater campaigns through the first quarter of 2023 at both locations. These recruitment efforts are both cost-effective methods of reaching viable applicants. The cost for the YouTube.com exposure is approximately one cent a view. The price for the movie theater ad is less than a dollar per screen. Each movie screen is then divided by the number of attendees; each theater holds up to 200 to 300 movie guests.

Compliance with Personnel Files

HR completed an internal audit of employee records in the fall to past recordkeeping processes and is now working to address deficiencies noted so that the personnel files comply with board policy and Oregon law regarding the recordkeeping of confidential files. The Personnel File Project includes housekeeping of records that were filed incorrectly, establishing a written color-coding system for filing within the HR Office, and reviewing the personnel file policy with the HR Staff. The project included a review of role-based access to the employee personnel file and a review of past and present employee access to personnel files. The last step of the project is to add a historic access form to each file. This form tracks each time a personnel file is opened and accessed. It will show the history of the person accessing it, the date accessed, the purpose, and who supervised it.

Our School Improvement Team | Board Report | 01.03.23

School Safety and Prevention

Kaleigh Bronson-Cook has launched our School Safety and Prevention System to support our districts with suicide prevention, behavioral safety assessment, and fostering positive school climate and culture. Read more [here](#).

Hope Project

The Hope Project District Development Team, composed of the Lane CTE team and several district representatives, met for the first planning session to begin developing the marketing and curriculum for the Hope Project. This collaboration will provide students across Lane County with the opportunity to build manufactured housing to meet the needs of our community.

Curriculum Leaders

The December 6 meeting featured Oregon Department of Education's Andy Byerley who led a conversation about using statewide summative assessment (OSAS) for meaningful system evaluation and growth. Andy provided each district with their own unique target trend reports that can be used to guide systemic improvements in instruction at the district level. The ODE team will return early this spring to provide ongoing training to this group about summative assessment use. See [Dec 6 agenda](#).

Strategic Plan

The School Improvement team will spend the afternoon of January 3 using resources from the National Equity Project for a facilitated discussion and collaboration in alignment with strategy #2 *We will engage in ongoing professional development that honors the lived experiences and expertise of team members.*



Overcoming barriers to education through technology

📍 1200 Hwy 99N Eugene OR 97402 🌐 www.lesd.k12.or.us ✉ it@lesd.k12.or.us ☎ 541.461.8351

Security Systems Engineer

Our fully remote Security Systems Engineer, Aylwin Borders Jr. started work on December 16.

Database Administrator

We hired Matt Hayes from School Improvement as our new Database Administrator.

Network Engineer

We are still looking to fill this vital position.

Aruba Wireless

Aruba Controller has been updated and we can now update the classroom access allowing us to bring the system up to date.

Eduroam

This project was delayed until mid-January as we wait for Internet 2 to finalize licensing with Eduroam.

January 2023
Special Education

ASHA Conference

In December several staff attended the annual American Speech-Language-Hearing Association (ASHA) conference held in New Orleans. Speech Language Pathologists (SLP's) Stacy Warnick Hesse and Trace Mansfield attended professional development sessions. Program Supervisor Annie Galaxy ran a recruitment booth. We anticipate the need to scale up our SLP team in 2-23-24 due to program growth.

Rose Wilde Lane ESD Board Member Update for Jan 3, 2023

Last month I volunteered in the Lane School to help students select gifts from a room full of donated items to give to their loved ones. There were so many gifts donated by the caring staff and community members! Students seemed to enjoy getting to shop for parents and family. The event was extremely well organized and led by a former ESD employee and behavior consultant who helped the event go smoothly.

I also got trained by the Middle School Mentor program coordinator and hope to start mentoring a student at lunch time weekly this month through the end of the year. More volunteers are needed – those who have time and are willing to come into Eugene to volunteer once a week can find out more through the website:

<https://www.4j.lane.edu/safety/volunteers/middleschoolmentorprogram/>.