

<b>LANE EDUCATION SERVICE DISTRICT</b>	<b>BOARD MEETING</b>
1200 Hwy 99 N	Tuesday, June 4, 2024
Eugene, Oregon 97402	Regular Meeting: 6:00 PM

**LANE ESD BOARD MEETING  
AGENDA**

Tuesday, June 4, 2024

1. Call Regular Meeting To Order

Board Chair

2. Welcome

Guests attending the meeting will be introduced.

Board Chair

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.

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.

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. To make a comment or present a topic during public comment, if the opportunity is available on the Board agenda, please complete the Intent to Speak card and submit it to the Board secretary prior to the start of the meeting. An individual that has submitted an Intent to Speak card 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.

4. Agenda Review

Board Chair

5. Lane Education Service District Statement of Accountability: Land Acknowledgement

Lane ESD acknowledges that the lands we call Lane County - the lands that sustain our children, our future, and our collective well-being - are the traditional ancestral home of the Kalapuya, Siuslaw, Molalla, and other indigenous people who have lived in Lane County since time immemorial. Native children, families, and communities bear witness to a legacy of displacement and forced relocation. As an educational institution we are accountable for addressing the current and former silencing, erasure and genocide of native people in Oregon and Turtle Island. We aim to join with indigenous people, honoring their resilience, courage, and self-determination in a purposeful pursuit of justice.

Board Member

Lane ESD Board of Directors Land Acknowledgement

6. 2024-25 Budget Hearing

Board Chair

A. Declaration of Public Meeting

The Board Chair will declare the public Budget Hearing for 2024-25 open.

Board Chair

B. Invitation for Comments from the Public

The Board Chair will receive any comments from the public.

Board Chair

C. Action, if any, on Public Comments

The Board will determine any action to take based upon any public comment.

Board Chair

D. Closing of Hearing

The Board Chair will close the Budget Hearing.

Board Chair

7. 2023-24 Supplemental Budget Hearing

Board Chair

A. Declaration of Public Meeting

The Board Chair will declare of the Supplemental Budget Hearing.

Board Chair

B. Summary of Supplemental Budget

Oregon's local budget law allows the ESD to make a supplemental budget during the fiscal year for which the original budget was adopted. The proposed supplemental budget is summarized below. Changes in appropriations for the fund exceed 10% of total appropriations so a public hearing is required prior to adoption.

Proposed changes in the **Capital Projects Fund** recognize a \$495,000 increase in resources and modifies appropriations by the same amount. Major changes recognize anticipated loan proceeds and actual beginning fund balance to fund the technology office remodel project.

Olivia Meyers Buch

Cover to Resolution to Supplemental Budget for Capital Projects Fund 26

C. Invitation for Comments from the Public

The Board Chair will invite comments from the public on the 2023-24 Supplemental Budget.

Board Chair

D. Action, if any, on Public Comments

The Board will determine action based on any public comment received.

Board Chair

E. Closing of Hearing

The Board Chair will close the Supplemental Budget Hearing.

Board Chair

8. Action Items

Board Chair

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 May 7, 2024

2. Human Resource Report, dated June 1, 2024

Board Chair

LESD Board Minutes - May 7 2024 27

Hrrpt 6-1-2024 51

B. Accept Financial Report

**BE IT RESOLVED** that the Board of Directors of Lane ESD accepts the Financial Report for April 2024.

Board Chair

April 2024 Financial Report 53

C. Approve Chapter 190 Agreement with Oregon Association of Education Service Districts (OAESD)

The Board of Directors of Lane ESD will approve the CH.190 Agreement with OAESD, as presented. The Ch.190 Agreement is a legal agreement for operational structures for OAESD and its members. It enables the OAESD to be recognized governmentally and for liability protections.

**BE IT RESOLVED** that the Board of Directors of Lane ESD approve the Chapter 190 Agreement with Oregon Association of Education Service Districts.

Superintendent Scurto, Board Chair

2024-05-14 ORS 190 Agreement (1) (1) 55

D. Approve Tentative Agreement with Lane County Education Association

In May the LESD and LCEA held two sessions to discuss items specified in the 2023-27 collective bargaining agreement for interim bargaining. Topics for discussion were:

- Bilingual Stipend
- Instructional Assistant Wages
- Memorandum of Understanding (MOU) Insurance Opt Out Incentive Pilot

The parties agreed that the bilingual stipend would remain at 2%. It was noted that bilingual requirements are considered in determining where such positions are placed on the salary range. The parties discussed how to make this consideration more visible to employees.

Instructional Assistants will receive an additional .5% wage increase for a total increase of 5% for the 2024-25 school year. As for all employees, this increase is in addition to any step increase that an employee is eligible to receive.

The discussion of wage increases was constrained by the current school funding forecast which is requiring cost containment efforts to avoid further draw down of ending fund balance and other more substantive budget reduction actions such as layoffs.

The parties also agreed that the opt-out incentive was beneficial to employees and the agency. The pilot will continue next year at the same incentive level of \$300, with the goal of having more data to inform discussion of changes to the opt-out incentive in the future.

Members of the bargaining teams included:

LCEA

Rhonda Brown

Jess Garnica Tapia

Tanya Ray

Stuart Rush

Teagan Wynne

ESD

Eric Anderson

Sherry Duerst Higgins

Carol Knobbe

Olivia Meyers Buch

Tony Scurto

Ana Quintero Arias

Board Chair, Superintendent

#### E. Implement Board Policy GDPA: Layoff/Recall, Classified

If the Board determines the need for a reduction in work force, the procedures outlined below will be followed. A layoff means the reduction of an employee's annual hours of assigned work by more than 20 percent or a reduction that would be below the level required to qualify for medical insurance benefits.

Any employee who is to be laid off will be so notified in writing 45 calendar days (or more) prior to the lay-off date. The association will simultaneously be sent a copy of the notification if a member or members are involved.

Layoff criteria to be considered by the Board are:

1. Maintenance of a sound and balanced service program;
2. Qualifications of the staff as defined in the job descriptions; and
3. Seniority.

An employee whose position is being eliminated will be eligible to bump the least senior employee in the same position description/category with the same or fewer hours of employment and same or lesser rate of pay, if qualified. If there are no positions within the job category for which the employee is qualified and has greater seniority, then the employee may bump the least senior employee outside their job category with the same or fewer hours of employment and same or lesser rate of pay so long as the laid off employee is qualified for that position. An employee displaced by bumping may also have the option to bump on the same basis.

Job categories are educational/behavioral assistant; program assistant; business services; media/courier/maintenance/custodial; production; and network services/technology.

The following positions are being reduced due to a reduction in grant funding.

- Student Engagement/Community Outreach Facilitator, 1.0 FTE
- Program Assistant -Title Programs, 1.0 FTE  
Superintendent Scurto

#### F. Adopt 2024-25 Budget and Make Appropriations

The Board of Directors of Lane ESD will approve and adopt the budget as presented for the year 2024-25. There are three motions to be made together. Language and information is attached.

BE IT RESOLVED that the Board of the Lane Education Service District hereby adopts the budget for fiscal year 2024-25 in the total of \$72,975,360. This budget is now on file at the Lane ESD Main Campus at 1200 Highway 99 N, Eugene, OR 97402.

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2024, and for the purposes shown below are hereby appropriated:

**100 - General Fund**

1000 - Instruction	\$ 13,292,681
2000 - Support Services	12,267,969
5000 - Other Uses	3,297,987
5200 - Interfund Transfers	449,000
6000 - Contingency	1,265,842
<b>Total</b>	<b>\$ 30,573,479</b>

**200 - Special Revenue Fund**

1000 - Instruction	\$ 3,252,835
2000 - Support Services	14,531,841
3000 - Enterprise and Community Services	75,000
5000 - Other Uses	22,102,824
5200 - Interfund Transfers	2,500
<b>Total</b>	<b>\$ 39,965,000</b>

**300 - Debt Service Fund**

2000 - Support Services	\$ 30
5100 - Debt Service	916,825
<b>Total</b>	<b>\$ 916,855</b>

**400 - Capital Projects Fund**

2000 - Support Services	\$ 148,914
4000 - Facilities Acquisition and Construction	136,086
<b>Total</b>	<b>\$ 285,000</b>

**600 - Internal Service Fund**

2000 - Support Services	\$ 435,026
<b>Total</b>	<b>\$ 435,026</b>

**Total Appropriations, All Funds** \$ 72,175,360

**Total Unappropriated and Reserve Amounts, All Funds** \$ 800,000

**TOTAL ADOPTED BUDGET** \$ 72,975,360

BE IT RESOLVED, that the following ad valorem property taxes are hereby imposed for tax year 2024-2025 upon the assessed value of all taxable property within the district:

- At the rate of \$0.2232 per \$1,000 of assessed value for permanent rate tax;

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

Education Limitation

Permanent Rate Tax.....\$0.2232/\$1,000

Board Chair

Resolution - Adopt 2024-25 Budget 83

Cover to Resolution to Adopt 2024-25 Budget, Make Appropriations, Impose Property Taxes, and Categorize Taxes 85

G. Adopt Supplemental 2023-24 Budget

Oregon’s local budget law allows the ESD to make a supplemental budget during the fiscal year for which the original budget was adopted. The proposed supplemental budget is summarized below. Changes in appropriations for the fund exceed 10% of total appropriations so a public hearing is required prior to adoption.

Proposed changes in the **Capital Projects Fund** recognize a \$495,000 increase in resources and modifies appropriations by the same amount. Major changes recognize anticipated loan proceeds and actual beginning fund balance to fund the technology office remodel project.

**CAPITAL PROJECTS FUND**

	As Adopted	Proposed	Change
<i>Resources</i>			
Loan Receipts	\$ -	\$ 300,000	\$ 300,000
Interfund Transfers	285,000	285,000	-
Beginning Fund Balance	50,000	245,000	195,000
<b>Total Change in Resources</b>	<b>\$ 335,000</b>	<b>\$ 830,000</b>	<b>\$ 495,000</b>

*Requirements*

Support Services	\$ 271,925	\$ 766,925	\$ 495,000
Debt Service	63,075	63,075	-
<b>Total Change in Requirements</b>	<b>\$ 335,000</b>	<b>\$ 830,000</b>	<b>\$ 495,000</b>

**WHEREAS**, ORS 294.471 provides for a governing body to make supplemental budgets for the fiscal year in certain cases;

**AND WHEREAS**, the Capital Projects Fund requires a change in budgeted resources and appropriations which were not included in the adopted budget because the amounts were not known with certainty at the time the budget was prepared;

**BE IT RESOLVED**, that the Board of the Lane Education Service District hereby adopts a supplemental budget to the 2023-24 budget for the Capital Projects Fund as

set forth below, and that the amounts for the 2023-24 fiscal year and for the purposes shown below are hereby appropriated

**Board Chair**

Cover to Resolution to Supplemental Budget for Capital Projects Fund 86

Resolution - Supplemental Budget for Capital Projects Fund 87

**H. Transfer of Appropriations**

Oregon Revised Statute 294.463 allows the ESD to transfer appropriations within a fund when authorized by resolution of the governing body. Proposed changes are based on transferring funds from one function to another as needed in anticipation that expenditures may exceed appropriations in the General Fund and Special Revenue Fund.

**WHEREAS**, ORS 294.463 provides for a governing body to transfer appropriations within a fund for the fiscal year;

**AND WHEREAS**, the appropriations made by the Board for the General Fund and Special Revenue Fund require adjustment to acknowledge that projected actual expenditures may exceed the amounts appropriated by the Board.

**BE IT RESOLVED**, that the Board of the Lane Education Service District hereby transfers 2023-24 budget appropriations in the General Fund and Special Revenue Fund as follows:

<b>100 General Fund</b>	<b>As Adopted</b>	<b>Proposed</b>	<b>Change</b>
Requirements			
1000 Instruction	\$ 12,474,005	\$ 13,324 005	\$ 850,000
2000 Support Services	11,697,177	11,197,177	(500,000)
5000 Other Uses	3,410,163	4,110,163	700,000
5200 Transfers of Funds	459,000	459,000	-
6000 Contingencies	2,415,956	1,365,956	(1,050,000)
7000 Unappropriated Ending Fund Balance	600,000	600,000	-
<b>Total</b>	<b>\$ 31,056,300</b>	<b>\$ 31,056,300</b>	<b>\$ -</b>

<b>200 Special Revenue Fund</b>	<b>As Adopted</b>	<b>Proposed</b>	<b>Change</b>
Requirements			
1000 Instruction	\$ 3,376,551	\$ 3,226,551	\$ (150,000)
2000 Support Services	12,961,539	13,111,539	150,000
3000 Enterprise and Community Services	71,300	71,300	-
5000 Other Uses	20,047,420	20,047,420	-
<b>Total</b>	<b>\$ 36,456,810</b>	<b>\$ 36,456,810</b>	<b>\$ -</b>

**Board Chair**

Cover to Resolution to Transfer of Appropriations in General Fund 88

Resolution Transfer of Appropriations 89

**I. Adopt Instructional Calendar(s)**

The Board recognizes that the preparation of a calendar for the instructional year of the schools is necessary for orderly educational planning and for the efficient operation of the district.

The Board shall establish annually the number of days and number of hours when classrooms shall be in session for instructional purposes. The specific calendar in each case shall be that of the school and district in which the classroom is located or shall be the calendar established by the ESD generally. The calendar will meet state requirements.

The superintendent shall prepare each year a calendar which accommodates the calendars of the host schools as well as the needs of the ESD. The calendar shall be prepared in consultation with appropriate staff members and shall be presented to the Board for adoption.

The Board reserves the right to alter the school calendar when advisable in the best interests of the students involved, but shall not in so doing disturb coordination with calendars for host schools nor exceed the total number of instructional and duty days originally adopted.

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

The Board will adopt the calendars for the Westmoreland Campus, the Serbu campuses, and the State Hospital program (Daffodil School), as presented.

Board Chair, Superintendent

DRAFT - MLK Licensed Summer 193 day 2024-25	91
DRAFT - Serbu Licensed 228 day 2024-25	93
DRAFT - State Hospital Licensed 228 day 2024-25	95
DRAFT - MLK Licensed 193 day 2024-25	97
DRAFT - MLK Licensed 216 day 2024-25	99
DRAFT-Westmoreland Licensed 193 day 2024-25	101

J. Adopt Meeting Calendar for 2024-25

The Board of Directors will review the proposed calendar for 2024-25, discuss and may move this item to action by motion to approve conducting meetings on the first Tuesday of each month.

**BE IT RESOLVED** that the Board of Directors of Lane Education Service District adopt the meeting calendar for 2024-25, as follows:

- August 6
- September 10
- October 1
- November 5
- December 3
- January 7
- February 4
- March 4
- April 1
- May 6
- June 3 (June 1-3: Shavuot)

Board Chair

K. Adopt Policy Updates

**BE IT RESOLVED** that the Board of Directors of Lane ESD adopt policies as presented and as first read at the May 2024 meeting.

Superintendent Scurto, Board Chair

1. DJC - Bidding Requirements

OSBA recommends deleting the current versions of DJC - Bidding Requirements, DJC-AR - Exemptions from Competitive Bidding and Special Procurements, DJCA - Personal Service Contracts and DJCA-AR - Personal Service Contracts, and replacing them with the new proposed versions of DJC and DJC-AR. The proposed DJC outlines the procurement requirements for Small Procurement, Intermediate Procurement, Regular Procurement, Emergency Procurement, Sole Source Procurement and Personal Services Contracts. Additionally, the proposed policy DJC - Bidding Requirements, reflects the new amounts for the procurement levels passed in House Bill 1047 (2023) and went into effect January 1, 2024. The policy also defines "public improvements" for purposes of the procurement levels, defines "community benefit contract" and the "Construction Manager/General Contractor procurement."

The proposed administrative regulation, DJC-AR - Exemptions from Competitive Bidding and Special Procurements, has been updated and continues to provide guidance for procurements which are exempt from competitive bidding or are special procurements.

Collective Bargaining Impact: None

Local ESD Responsibility: Revise and readopt highly recommended policy DJC - Bidding Requirements and consider whether to also add optional DJC-AR - Exemptions from Competitive Bidding and Special Procurements.

Board Chair

DJC Bidding Requirements - For Review

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2. GBEB: Staff - HIV, AIDS, and HBV for DELETION

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop "a written prevention-oriented health services plan for all students" (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention,

communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR's) which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: OAR 581-022-2220. Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

ODE resources and School Health Services include tools to support some requirements.

Collective Bargaining Impact: Review any terms and conditions of an applicable agreement.

Local ESD Responsibility: Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

Policy(ies) and ARs Impacted by these Revisions

EBBA - First Aid\*\*, Delete

EBBA - Student Health Services\*\*, Highly Recommended, New

EBBA-AR - First Aid - Infection Control, Delete

EBBAA - Infection Control and Bloodborne Pathogens, Optional

EBBB - Injury or Illness Reports, Highly Recommended

GBEB - Communicable Diseases in Schools, Highly Recommended

GBEB-AR - Communicable Diseases in Schools, Highly Recommended

**GBEBA - Staff - HIV, AIDS, and HBV, Delete**

JHC - Student Health Services and Requirements\*\*, Delete (in lieu of new EBBA)

JHCC - Communicable Diseases - Students, Delete

JHCC-AR - Communicable Diseases - Students, Delete

JHCCA - Students - HIV, HBV and AIDS\*\*, Delete

Board Chair

### 3. GBN/JBA: Sexual Harassment

House Bill 2280 (2023 Legislature) modified the definition of sexual harassment affecting schools. The revised definition changes the meaning of assault within the sexual harassment context and adds a section describing the meaning of "without consent," which is also a new definition added to the law. Rule revisions have been adopted by the State Board and are also reflected in the recommended changes. When considering these recommended revisions, please review the designated names and positions listed for receiving such reports and amend as needed.

Collective Bargaining Impact: None

Local ESD Responsibility: Review recommended changes and board-adopt revisions to policy GBN/JBA (JBA/GBN) - Sexual Harassment.

Policy(ies) and ARs Impacted by these Revisions:

GBN/JBA - Sexual Harassment, Required

JBA/GBN - Sexual Harassment, Required

Board Chair

GBN\_JBA Sexual Harassment - For Review

107

#### 4. GBNAB/JHFE: Suspected Abuse of a Child Reporting Requirements

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

Policy(ies) and ARs Impacted by these Revisions:

BBF - Board Member Standards of Conduct (Version 1 or 2), Highly Recommended

BBFC - Reporting of Suspected Abuse of a Child, Optional

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements\*\*, Required

GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child,

Required

GBNAB/JHFE-AR(2) - Abuse of a Child Investigations Conducted on ESD Premises, Highly Recommended (no updates)

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements\*\*, Required

JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child, Required

JHFE/GBNAB-AR(2) - Abuse of a Child Investigations Conducted on ESD Premises, Highly Recommended (no updates)

Board Chair

GBNAB\_JHFE Suspected Abuse of Child Reporting Requirements - For Review 117

5. GCDA/GDDA: Criminal Records Checks and Fingerprinting

Newly revised rules regarding fingerprint collection offer the addition of a statewide vendor identified by DAS as an authorized fingerprint collector and removed the option for volunteers to appeal to ODE on a fitness determination issued by ODE. The other resulting changes come from a decision to have a stand-alone board policy.

Collective Bargaining Impact: None

Local ESD Responsibility: Review the recommended changes and issue them to the board for readoption. To clean up duplicate language, a new version of model policy GCDA/GDDA - Criminal Records Checks and Fingerprinting \* has been developed and eliminates the need for an administrative regulation. Consider a complete delete/rescind of the old policy version and adopt the revised version to implement new policy language for GCDA/GDDA; make changes to reflect current practices as needed.

Policy(ies) and ARs Impacted by these Revisions:

GCDA/GDDA - Criminal Records Checks and Fingerprinting \*, Delete

GCDA/GDDA - Criminal Records Checks and Fingerprinting \*, Required, New

GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting, Delete

Board Chair

GCDA\_GDDA Criminal Records Checks and Fingerprinting - For Review 120

6. IGBAF: Special Education - Individualized Education Program

IGBAF-AR - Special Education: Individualized Education Program (IEP)\*\* is updated to include information regarding abbreviated school days. The legal references to IGBAF - Special Education - Individualized Education Program (IEP)\*\* were updated to add references to the new laws.

Collective Bargaining Impact: None

ESD Responsibility: Revise required administrative regulation IGBAF-AR - Special Education: Individualized Education Program (IEP)\*\*. Update the legal references to IGBAF - Special Education - Individualized Education Program (IEP)\*\*.

Policy(ies) and ARs Impacted by these Revisions:

IGBAF - Special Education - Individualized Education Program (IEP)\*\*, Required

IGBAF-AR - Special Education: Individualized Education Program (IEP)\*\*, Required

Board Chair

IGBAF Special Education Individualized Education Program - For Review 125

## 7. JBA/GBN: Sexual Harassment

House Bill 2280 (2023 Legislature) modified the definition of sexual harassment affecting schools. The revised definition changes the meaning of assault within the sexual harassment context and adds a section describing the meaning of "without consent," which is also a new definition added to the law. Rule revisions have been adopted by the State Board and are also reflected in the recommended changes. When considering these recommended revisions, please review the designated names and positions listed for receiving such reports and amend as needed.

Collective Bargaining Impact: None

Local ESD Responsibility: Review recommended changes and board-adopt revisions to policy GBN/JBA (JBA/GBN) - Sexual Harassment.

Policy(ies) and ARs Impacted by these Revisions:

GBN/JBA - Sexual Harassment, Required

JBA/GBN - Sexual Harassment, Required

Board Chair

## 8. JHCC: Communicable Diseases - DELETE

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop "a written prevention-oriented health services plan for all students" (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR's) which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

[ODE resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact: Review any terms and conditions of an applicable agreement.

Local ESD Responsibility: Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

### Policy(ies) and ARs Impacted by these Revisions

EBBA - First Aid\*\*, Delete

EBBA - Student Health Services\*\*, Highly Recommended, New

EBBA-AR - First Aid - Infection Control, Delete

EBBAA - Infection Control and Bloodborne Pathogens, Optional

EBBB - Injury or Illness Reports, Highly Recommended

GBEB - Communicable Diseases in Schools, Highly Recommended

GBEB-AR - Communicable Diseases in Schools, Highly Recommended

GBEBA - Staff - HIV, AIDS, and HBV, Delete

JHC - Student Health Services and Requirements\*\*, Delete (in lieu of new EBBA)

JHCC - Communicable Diseases - Students, Delete

JHCC-AR - Communicable Diseases - Students, Delete

JHCCA - Students - HIV, HBV and AIDS\*\*, Delete

## Board Chair

### 9. JHCCA: Students - HIV, HBV and AIDS - DELETE

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop "a written prevention-oriented health services plan for all students" (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR's) which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

[ODE resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact: Review any terms and conditions of an applicable agreement.

Local ESD Responsibility: Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

#### Policy(ies) and ARs Impacted by these Revisions

EBBA - First Aid\*\*, Delete

EBBA - Student Health Services\*\*, Highly Recommended, New

EBBA-AR - First Aid - Infection Control, Delete

EBBAA - Infection Control and Bloodborne Pathogens, Optional

EBBB - Injury or Illness Reports, Highly Recommended

GBEB - Communicable Diseases in Schools, Highly Recommended

GBEB-AR - Communicable Diseases in Schools, Highly Recommended

GBEBA - Staff - HIV, AIDS, and HBV, Delete

JHC - Student Health Services and Requirements\*\*, Delete (in lieu of new EBBA)

JHCC - Communicable Diseases - Students, Delete

JHCC-AR - Communicable Diseases - Students, Delete  
JHCCA - Students - HIV, HBV and AIDS\*\*, Delete

Board Chair

10. JHFE/GBNAB: Suspected Abuse of a Child Reporting Requirements

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

Policy(ies) and ARs Impacted by these Revisions:

BBF - Board Member Standards of Conduct (Version 1 or 2), Highly Recommended

BBFC - Reporting of Suspected Abuse of a Child, Optional

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements\*\*, Required

GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child, Required

GBNAB/JHFE-AR(2) - Abuse of a Child Investigations Conducted on ESD Premises, Highly Recommended (no updates)

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements\*\*, Required

JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child, Required

JHFE/GBNAB-AR(2) - Abuse of a Child Investigations Conducted on ESD Premises, Highly Recommended (no updates)

Board Chair

JHFE\_GBNAB Suspected Abuse of Child Reporting Requirements - For Review

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9. Discussion/Reports

A. Legislative Update

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

Superintendent Tony Scurto

B. Superintendent Report

Superintendent Tony Scurto

C. Board Retreat - Organization Meeting

The Board will discuss and plan for the August 2024 meeting.

Board Chair

D. OAESD Spring Conference Experience

The Board of Directors will discuss their reflections and experiences from the May OAESD Spring Conference.

Board Chair

10. 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

11. 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**

**Sydney Kissinger**  
**Vanessa Truett**

**Rose Wilde**

Superintendents' Council Advisor  
**Emilio Hernandez**, Liaison, Springfield Public Schools  
**Mike Anderson**, Liaison, Creswell School District  
**Erin Zygaitis**, Community Advisor

Board, Advisors, Liaisons

June Board Report - Vanessa Truett

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## 12. 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](http://www.lesd.k12.or.us/forms/kudos.html)

Administrators

C. Announcements

Board Chair

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

Lane ESD Workshops

June 5, 2024: Oregon LGBTQIA2S+ School Board Members Advisory Committee

June 7, 2024: **Westmoreland June Jam is Friday June 7th from 12:45 - 2:15. Bring your swimsuits ... there will be a water slide!**

June 8, 2024: Oregon School Board Members of Color Caucus Leadership Council Meeting

June 11, 2024: OSBA Executive Committee Meeting

June 15, 2024: OSBA Board of Directors Meeting

June 26, 2024: OSBA Governance Committee Meeting

July 9, 2024: OSBA Executive Committee Meeting

August 10, 2024: Oregon School Board Members of Color Caucus Membership Meeting

August 13, 2024: OSBA Executive Committee Meeting

November 7-9, 2024: OSBA Annual Convention

2. **Component District Board Meeting Dates**

Bethel: The school board usually meets in regular public sessions at 6:30 p.m. on some Mondays of the month during the regular school year. at the Bethel District Office located at 4640 Barger Drive in Eugene. This schedule sometimes varies, and special meetings and work sessions are scheduled as necessary. The Bethel School District Board of Directors will conduct meetings in-person and virtually, unless otherwise noted.

Blachly: The District Board meets on the third Wednesday of each month at 6:00 pm in the school library.

Creswell: Regular Board of Director meetings are typically held the second Wednesday of each month at 7:00 PM. Special meetings and work sessions are scheduled as necessary.

Crow-Applegate-Lorane: The Board of Directors for Crow-Applegate-Lorane School District #66 holds a regular meeting at 7:00 pm on the third Thursday of each month. The meetings are held at Applegate

Elementary School and at the Lorane Grange. For current information, contact the CAL district office at 541-935-2100. Executive sessions usually begin at 6:30 pm and are closed to the public.

Eugene: The school board usually meets in regular public sessions on the first and third Wednesdays of each month at 7 p.m. at the Education Center, 200 North Monroe, Eugene. This schedule sometimes varies, and special meetings and work sessions are scheduled as necessary.

Fern Ridge: The Fern Ridge School District Board of Directors meets on the 3rd Monday of each month unless posted otherwise.

Junction City: Monthly Meetings are held 4th Monday of the month except in December and July.

Lowell: Regular Board Meetings are scheduled for the 4th Monday of the month, with the meeting beginning at 4:00 pm. When there is a holiday on the 4th Monday, normally, the meeting will be held on an alternate Monday. Study sessions are tentatively scheduled to provide the opportunity for the Board to meet to study an individual aspect of the District.

Mapleton: The Mapleton School Board meets on the third Wednesday of each month. There is no meeting during the month of July. The School Board meeting is held in the high school at 6:00pm, unless otherwise noted.

Marcola: Regular board meetings are scheduled for the 2nd Monday of each month at 6 PM.

McKenzie:

Oakridge: Board Meeting calendar is posted on the Oakridge School District website.

Pleasant Hill: Board meeting calendar is posted on the Pleasant Hill School District website.

Siuslaw: The board of directors meet the second Wednesday of each month with the exception of a regular meeting scheduled for August 17, 2022. The board normally meets in the district board room located at 2111 Oak Street in Florence, Oregon. The meetings are scheduled to begin at 6:00 p.m. with work session and the regular meeting will begin at approximately 6:30p.m. Please see the school calendar on the district website to confirm dates and times or call the district office at 541-997-2651.

South Lane: The South Lane School Board usually meets in regular public sessions on the first Monday and third Monday of each month at 5:30 p.m. for a work session. This schedule sometimes varies, and additional meetings and work sessions are scheduled as necessary. Meetings normally are held at the South Lane School District Office, 455 Adams Ave in Cottage Grove.

Springfield: The Board of Directors meet twice during most months

during the school year. Regular business meetings begin at 7 p.m. on the second Mondays of the month. Work sessions are generally held at 5:30 p.m. on the fourth Monday of the month. All meetings, unless otherwise noted, are held in the Board Room of the Springfield Public Schools Administration Building, 640 A Street, Springfield, OR 97477.

13. Adjournment

- The next regular meeting is scheduled to be held Tuesday, August 6, 2024, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North | 541.461.8200 | www.lesd.k12.or.us  
 Eugene, OR 97402 | 541.461.8298 [Fax]

EQUITY    COMMITMENT    LEADERSHIP    COLLABORATION    INTEGRITY

Prepared for: Lane ESD Board of Directors  
 Prepared by: Olivia Meyers Buch, Executive Director of Business Services  
 Meeting Date: June 4, 2024

**Resolution: Supplemental Budget for Capital Projects Fund**

Oregon’s local budget law allows the ESD to make a supplemental budget during the fiscal year for which the original budget was adopted. The proposed supplemental budget is summarized below. Changes in appropriations for the fund exceed 10% of total appropriations so a public hearing is required prior to adoption.

Proposed changes in the **Capital Projects Fund** recognize a \$495,000 increase in resources and modifies appropriations by the same amount. Major changes recognize anticipated loan proceeds and actual beginning fund balance to fund the technology office remodel project.

**CAPITAL PROJECTS FUND**

	<u>As Adopted</u>	<u>Proposed</u>	<u>Change</u>
<i>Resources</i>			
Loan Receipts	\$ -	\$ 300,000	\$ 300,000
Interfund Transfers	285,000	285,000	-
Beginning Fund Balance	50,000	245,000	195,000
<b>Total Change in Resources</b>	<b>\$ 335,000</b>	<b>\$ 830,000</b>	<b>\$ 495,000</b>
<i>Requirements</i>			
Support Services	\$ 271,925	\$ 766,925	\$ 495,000
Debt Service	63,075	63,075	-
<b>Total Change in Requirements</b>	<b>\$ 335,000</b>	<b>\$ 830,000</b>	<b>\$ 495,000</b>

Please contact me with questions or if you would like any additional information.



## LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North  
Eugene, OR 97402

541.461.8200  
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[www.lesd.k12.or.us](http://www.lesd.k12.or.us)

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

### LANE EDUCATION SERVICE DISTRICT

1200 Hwy 99 N  
Eugene, Oregon 97402

### BOARD WORK SESSION

Tuesday, May 7, 2024  
Regular Meeting 6:00 PM  
Budget Committee 5:15 PM

#### 1. Budget Committee Meeting

Chair Sherry Duerst-Higgins called the Budget Committee to order at 5:15 p.m.

##### 1.A. Election of Officers

The Lane ESD Board Chair Sherry Duerst-Higgins called for nominations for Presiding Officer of the meeting.

Nominations:

Leslie Harris nominates Mike Anderson

##### 1.A.1. Nominations for Presiding Officer

**DIRECTOR HARRIS MOVED: BE IT RESOLVED** that the Budget Committee of Lane ESD nominate Mike Anderson as Chair of the 2023-24 Budget Committee. Director Wilde seconded, and the **MOTION CARRIED UNANIMOUSLY. (ESD Resolution #23-071)**

##### 1.B. Welcome and Introductions

Budget Committee Members present: Sherry Duerst-Higgins, Linda Hamilton, Leslie Harris, Nora Kent, Sydney Kissinger, Vanessa Truett, Rose Wilde, Rick Hamilton (Position 1 - Eugene 4J School District), Mike Anderson (Position 2 - Creswell School District), Andrea Larsen (Position 6 - Fern Ridge School District), Robin Zygaitis (Position 7 - Bethel School District), and Mizu Burrus (Mapleton School District)

Advisors/Liaisons present: Erin Zygaitis (Community advisor)

Administrators present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, Executive Director Business Services Olivia Meyers Buch, Executive Director Special Education Sue Mathisen, Interim Executive Director Human Resources Carol Knobbe, Chief Information Officer Brandon Webb (remote), Executive Director School Improvement Ana Quintero Arias, Executive Director School Improvement Cassadie Ross, Facilities Manager Brad Johnston, Recording Secretary Christina Okesson

Guests present: Rhonda Brown (LCEA), Annie Galaxy, Jess Garnick Tapia, Teagan Wynne (remote) and Cortney Harrington (remote)

##### 1.C. Presentation of Superintendent's Budget Message

As this 2024-25 proposed budget was being prepared, we have been receiving media reports of financial shortfalls at several large Oregon school districts. Factors contributing to this included a State School Fund (SSF) for the 2023-25 biennium that did not adequately allocate enough money to account for current service level roll up costs. Our advocacy partners calculated that the SSF would need to be at least \$10.3 billion; the SSF was set at \$10.2 billion. This \$100 million gap is part of the challenge. High inflation rates and increased labor costs are having a constricting effect on school budgets.

At Lane ESD, there is added pressure to our budget. The money we budgeted to receive this year for providing menu services to districts is out of alignment with the actual services ordered by districts. The

biggest gap is in our Life Skills program where districts projected enrollment to be much higher than the actual number of students we are serving.

To help offset this revenue shortage, in early April Lane ESD implemented these cost-measures:

- Hiring Freeze-refraining from posting and filling current and future vacancies, except for those that are deemed absolutely necessary.
- Spending Freeze-restricting the use of general funds only for expenses that are considered necessary to maintain continuity of operations. All other spending will be paused.
- Travel Freeze-involving participation in conferences or events that require long distance travel.

We do not see this as a time to panic; it is time to "tighten our belts." Even with the cost saving measures enacted this year, we will need to reduce budget allocations for 2024-25. The Lane ESD Board's preferred ending fund balance is 8.0%. We will likely end the 2023-24 year with a 5.5% ending fund balance. This proposed budget projects an ending fund balance of approximately 6.0%. Our vision is to end the 2024-25 year in a position to step the ending fund balance up to the recommended 8.0%.

I am presenting for your consideration this proposed budget for the 2024-25 fiscal year that contains an appropriated General Fund amount of \$31,373,479 and a total for all funds of \$72,975,360. This represents increases of \$317,179 (1.0%) and \$3,425,220 (4.9%), respectively. The projected unreserved ending General Fund balance is 6.0%.

With this proposed budget, we are more closely scrutinizing expenditures in all areas, with the goal being to maintain fiscal responsibility and retain as many jobs as possible. Still, this proposed budget reflects a reduction of approximately 10 FTE. The impetus for this is largely due to fewer services ordered by districts and the changing or ending of certain grants. Major programmatic differences in this proposed budget include the following:

- Life Skills and Intensive Services Program: the proposed budget reflects two fewer classrooms than what was budgeted this year in alignment with orders from districts. In addition to one Intensive Services Program classroom, a total of 20 Life Skills classrooms are planned for next year to serve 206 students, supported by 103 Instructional Assistant positions.
- Lane School Program: the proposed budget reflects an additional teacher to support an increase in instructional time as a result of implementing Senate Bill 819 (Abbreviated Day).
- Behavior Consultant Services: the proposed budget reflects less behavior consultant staffing as a result of fewer orders by districts.
- Speech Pathology Services: the proposed budget reflects less speech language pathologist staffing that recognizes a shift to contracting for these services as these positions remain extremely hard to fill.
- Youth Transition Program: the proposed budget reflects changes to this federal grant program that prohibits the use of funding for staff not directly linked to the provision of services.

- African American Black Student Success: the proposed budget reflects the state funding for this program coming to an end on June 30, 2024.
- Juvenile Detention Education Program: the proposed budget includes the utilization of additional state funding to support successful transition practice in juvenile justice.
- With the "tightness" of this proposed budget there are also some reductions in central office staff. These reductions would be deeper if not for a component district wanting to add business services as a custom item.

This 2024-25 proposed budget is consistent with prior Lane ESD budgets in several ways. We will spend ninety percent on services for component school districts in four main categories:

- Services to Students with Special Needs
- School Improvement Services
- Technology Services
- Administrative Support Services

Specific services offered in each of these areas are determined through the Local Service Plan which is created through a cooperative process by Lane ESD and component school district superintendents. This past fall the process resulted in the [2023-25 Local Service Plan—Year Two](#) which was unanimously supported by our sixteen component school districts. This is intended to be a two-year plan coinciding with Oregon's biennium school funding cycles.

Our Local Service Plan offers districts a Core and Flex Fund model. Core services are essential services available to all districts. Technology and School Improvement are examples of Core. Allocated to each district based on ADMw are Flex dollars with which districts can purchase services from our Menu. These include Special Education and Administrative services.

Another feature of our Local Service Plan allows districts a Transit Funds option. Some districts may not spend all of their Flex dollars on ESD Menu items. Component district school boards can elect to take up to 50% of their Transit Funds to their general budget.

It is always important to remember that while a budget is numbers on paper, these figures represent the resources that help our high quality staff make a positive difference. I am very proud of Lane ESD staff's continued dedication to the students and educators of our local school districts. Gratitude for the creation of this proposed budget goes to the Lane County Superintendent Council, Lane County School District Boards and the Lane ESD Board and Budget Committee. Special thanks goes to Business Director Olivia Meyers Buch and her department for their hard work and effort, and for their fiscally sound product. What follows in this document are the details of the proposed 2024-25 Lane ESD budget, presented for your consideration.

#### 1.D. Review of Proposed Budget Document

Olivia Meyers Buch reviewed the 2024-25 proposed budget document.

#### 1.E. Committee Discussion

The Budget Committee discussed the presentation of the Budget. Superintendent Scurto provided remarks on the funding related to the HOPE Factory and issues related to SB819: Abbreviated Day for Lane School. Physical Education FTE was added to meet the needs at Lane School after the bill was

enacted. The Board inquired about the duration of spending freezes; the district will review the budget status at the conclusion of the 2023-24 year.

#### 1.F. Public Comment(s)

This was an opportunity for the audience to address the Budget Committee on topics related to the Budget Committee proceedings. No written public comments or testimony was submitted to [supt-office@lesd.k12.or.us](mailto:supt-office@lesd.k12.or.us) to be included in the Board packet. The Lane Education Service District Board and Budget Committee values public input. No public comment was offered.

#### 1.G. Committee Action

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the 2024-25 Budget Committee for Lane Education Service District approves the budget for 2024-25 in the amount of \$72,975,360 for all funds, and approves a permanent tax rate of \$0.2232 per \$1,000 of assessed value to be levied for operating purposes. Board Chair Duerst-Higgins seconded, and the **MOTION CARRIED UNANIMOUSLY. (ESD Resolution #24-072)**

#### 1.H. Adjourn Budget Committee

Presiding Officer Mike Anderson adjourned the Budget Committee at 5:45 p.m.

#### 1.I. Recess

The Board of Directors of Lane ESD observed a brief recess to allow for transition activities between sessions of the Board.

### 2. Call Regular Meeting To Order

Chair Sherry Duerst-Higgins called the regular meeting of the Board of Directors of Lane ESD to order at 6:05 p.m.

### 3. Welcome

Chair Sherry Duerst-Higgins called the regular meeting of the Board of Directors of Lane ESD to order at 6:05 p.m.

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

Advisors/Liaisons present: Erin Zygaitis (Community advisor), Mike Anderson (Creswell School District Board), Heidi Brown (Superintendents' Council)

Administrators present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, Executive Director Business Services Olivia Meyers Buch, Brandon Webb (remote), Recording Secretary Christina Okesson

Guests present: Rhonda Brown (LCEA), Annie Galaxy, Jess Garnick Tapia, Teagan Wynne (remote) and Cortney Harrington (remote)

### 4. Public Participation

There was no public comment offered.

### 5. Agenda Review

The agenda was reviewed.

### 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 KENT MOVED: 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 April 2, 2024
2. Human Resource Report, dated May 1, 2024

Director Truett seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-073)**

#### 6.B. Implement Reduction in Force, Professional

A layoff means the reduction of an employee's annual hours of assigned work by more than 20 percent or a reduction that would be below the level required to qualify for medical insurance benefits.

Any employee who is to be laid off will be so notified in writing 45 calendar days (or more) prior to the lay-off date. The association will simultaneously be sent a copy of the notification if a member or members are involved.

Layoff criteria to be considered by the Board for a reduction in Professional staff are:

1. Maintenance of a sound and balanced service program;
2. Qualifications of the staff as defined in the job descriptions; and
3. Seniority. An employee whose position is being eliminated will be eligible to bump the least senior employee in the same position description/category with the same or fewer hours of employment and same or lesser rate of pay, if qualified.

If there are no positions within the job category for which the employee is qualified and has greater seniority, then the employee may bump the least senior employee outside their job category with the same or fewer hours of employment and same or lesser rate of pay so long as the laid off employee is qualified for that position. An employee displaced by bumping may also have the option to bump on the same basis.

The Board has policies in place to address the reduction of both Classified and Licensed staff, and will use this basis to implement the reduction of Professional staff.

The following professional positions will experience a reduction in force:

- 2.0 FTE Lane African American Black Student Success Student Navigators (due to change in grant funding)
- 1.0 FTE Coordinator, YTP (due to change in grant funding)

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD implements a Reduction in Force of Professional Staff as described. Director Harris seconded, and **the MOTION**

**CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-074)**

**6.C. Implement Reduction in Force, Confidential/Management**

If the Board determines the need for a reduction in work force, the procedures outlined below will be followed:

A layoff means the reduction of an employee's annual hours of assigned work by more than 20 percent or a reduction that would be below the level required to qualify for medical insurance benefits. Any employee who is to be laid off will be so notified in writing 45 calendar days (or more) prior to the lay-off date. The association will simultaneously be sent a copy of the notification if a member or members are involved.

Layoff criteria to be considered by the Board are:

1. Maintenance of a sound and balanced service program;
2. Qualifications of the staff as defined in the job descriptions; and
3. Seniority.

The Board will implement a reduction of Confidential/Management staff. The following position(s) will be impacted by the reduction in force:

- 1.0 Human Resource Generalist (due to budget)
- 1.0 Supervisor, Lane African American Black Student Success (due to change in grant funding)

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD implements a Reduction in Force of Confidential/Management Staff as described. Director Truett seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-075)**

There was a discussion related to options for the board to do advocacy with the State, Tony indicated we might discuss that at the June meeting.

**6.D. Implement Policy GCPA: Layoff/Recall, Licensed**

When the Lane ESD Board determines that a layoff of staff is necessary, it will discuss the matter at a regular or special Board meeting and will consider such factors and alternatives it deems necessary to arrive at a decision. Layoff may take place under the following conditions:

1. The ESD's lack of funds to continue its educational program at its anticipated level;
2. Elimination or adjustment of classes due to an administrative decision;
3. Other reasons as determined by the Board.

Nothing in this policy, however, is intended to interfere with the right of the ESD to discharge, remove or nonrenew the contract of a probationary teacher or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law. Grant funded positions which are posted and hired as having a specific, limited term of employment, shall have no reduction-in-force rights. Staff positions of Coordinator, Consultant and Specialist, who perform services for which a TSPC license is not required or for which a TSPC license could be required, in the discretion of the Board, shall be considered 'Licensed Staff' for the purpose of this policy and any administrative regulation adopted to implement this policy.

The following position(s) are impacted by this action:

- Behavior Consultant reduction to .6 FTE thru end of school year; position eliminated for 2024-25 based on service orders

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD implements a Reduction in Force of Licensed Staff as described. Director Harris seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-076)**

6.E. Implement Policy GDPA: Layoff/Recall Classified

If the Board determines the need for a reduction in work force, the procedures outlined below will be followed. A layoff means the reduction of an employee's annual hours of assigned work by more than 20 percent or a reduction that would be below the level required to qualify for medical insurance benefits.

Any employee who is to be laid off will be so notified in writing 45 calendar days (or more) prior to the lay-off date. The association will simultaneously be sent a copy of the notification if a member or members are involved.

Layoff criteria to be considered by the Board are:

1. Maintenance of a sound and balanced service program;
2. Qualifications of the staff as defined in the job descriptions; and
3. Seniority.

An employee whose position is being eliminated will be eligible to bump the least senior employee in the same position description/category with the same or fewer hours of employment and same or lesser rate of pay, if qualified. If there are no positions within the job category for which the employee is qualified and has greater seniority, then the employee may bump the least senior employee outside their job category with the same or fewer hours of employment and same or lesser rate of pay so long as the laid off employee is qualified for that position. An employee displaced by bumping may also have the option to bump on the same basis.

Job categories are educational/behavioral assistant; program assistant; business services; media/courier/maintenance/custodial; production; and network services/technology. Employees holding positions that are temporary or have a specific, limited term of employment will have no reduction in force rights.

The superintendent or designee will make the determination of employee qualifications for "bumping." Qualified means that an individual can do the primary duties and accountabilities of the job as described in the position description. Seniority is determined by the date the employee became a regular employee. Any probationary periods thereafter served due to "bumping" and unpaid leaves of absence are subtracted from the original hire date to determine seniority. A probationary employee shall not be considered to have seniority over a nonprobationary employee.

The following position(s) are impacted by this action:

- .20 FTE (from .80 FTE to .60 FTE) Program Assistant (due to change in grant YTP funding)

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD implements a Reduction in Force of Classified Staff as described. Director Harris seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-077)**

6.F. Accept Financial Report

Executive Director of Business Services Olivia Meyers Buch provided comments on the March 2024 Financial Report.

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD accepts the Financial Report for March 2024 as presented. Director Harris seconded, and **the MOTION CARRIED**

**WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-078)**

6.G. Approve Grants

**State Summer Learning Grant**

Background

In response to the educational disruptions caused by the pandemic, the Oregon Legislature authorized funding

for summer learning in 2021 and 2022 in the form of budget bills. These funds were aimed to support students' return to in-person instruction, facilitate connection building, provide resources to address the immediate needs of students, and address unfinished learning. Despite efforts, there was a gap in funding for 2023, which Governor Kotek highlighted as critical unfinished work. Addressing this, the Legislature passed HB 4082 in the 2024 session, marking a pivotal moment for summer learning in Oregon.

It's widely recognized that summer learning is an evidence-based strategy for providing students with vital educational opportunities which help to accelerate learning rates and content retention. In addition, summer programs provide opportunities for students to connect with their peers and caring adults and sustain enthusiasm for learning. Research on summer learning consistently demonstrates the positive impact of high-quality programs on academic achievement, student engagement, and overall well-being, which has a profound influence on academic success.

HB 4082 serves two pivotal functions in enhancing Oregon's educational landscape. First, with an eye on immediate needs, HB 4082 allocates \$30 million for summer learning in 2024. Second, the bill initiates the creation of a work group tasked with exploring strategies for funding summer learning in a permanent and sustainable manner. This initiative underscores the state's commitment to integrating summer learning as a continuous element of student education in Oregon.

Understanding that the 2024 State Summer Learning Grants mark a significant shift from the initiatives of 2021 and 2022 is key. This change is guided by legislative mandates aimed at using these funds to secure measurable academic improvements among students. HB 4082 sets forth stricter borders for implementation than the programs of 2021-22, drawing on evidence-based research and practices that have demonstrated success. This guidance document is designed to detail the parameters of the new State Summer Learning Grant program under HB 4082.

Purpose

This grant is designed to accelerate learning and enhance academic growth. Striving to do more than merely fill learning gaps, these programs seek to transform summer into a time of deep learning through enriching educational experiences that transcend the limitations of a traditional summer school model. The 2024 State Summer Learning Grants are centered on three fundamental goals for summer programs:

1. Provide academic enrichment (aligned with academic content standards adopted under ORS 329.045 and focused on mathematics, science, language arts, or personal financial education and provide credit recovery or transition programming if applicable);
2. Provide youth development (using broad array of well-rounded enrichment opportunities that include hands-on, inquiry-based, and project-based learning and support students' mental, emotional, and social well-being); and
3. Provide equitable access, outreach, and family engagement (using culturally and linguistically responsive approaches to student academic success and well-being; and engaging families as partners in students' academic success).

State Summer Learning Grant Program Parameters 5

All aspects of these grants are centered around meeting these three key requirements. Applicants must outline their strategies for fulfilling these criteria and subsequently report on their success in achieving them at the program's conclusion. Additionally, partners of grantees are expected to demonstrate their role in supporting the grantees to meet these essential requirements.

## **Native Youth Wellness Expansion**

### **Overview**

The Lane Community Health Council (LCHC) works in partnership with PacificSource Community Solutions Lane County Coordinated Care Organization (CCO) to fund and support initiatives that improve the health and wellness of the Lane County CCO. One of the primary goals of this grant process is to fund innovative projects that address prevention and/or intervention for Youth and Family Behavioral Health, with a target goal to support BIPOC communities in rural areas. The Native Youth Wellness program intends to apply and if award will focus on the following outcomes: Implement, Promote and Increase Wellness and Health Promotion Activities with the belief that "Culture is Prevention."

The Native Youth Wellness program was developed in partnership with Native American community members around Lane County. As the Native Youth Wellness Specialist, I meet with a consortium of Native educators around Lane County including: Title VI coordinators from Eugene 4j, Bethel, and Springfield, Longhouse stewards and student support from Lane Community College and the University of Oregon, Springfield Public Library/History Museum, ect. These voices have all contributed to either the design of this project, helped with implementation, or both.

This proposal to expand the Native Youth Wellness Program specifically works to dismantle systems of racism and oppression. Indigenous erasure is systematic racism invisibilizing the Native American experience and our history. The Native Youth Wellness Program focuses on awareness of current lifeways, telling accurate histories (promoting and training teachers on the Tribal History/Shared History curriculum), and supporting student wellness through culture and education.

This proposal has the potential to positively impact ALL students and educators because Native American history IS United States history and everybody can benefit from learning accurate histories and more about current lifeways and contributions of Indigenous peoples.

Program goals are three-fold supporting Native students, supporting Native families and community, and supporting and training Lane County educators. The NYW program will employ a mixed-method approach to measure its success, capturing the rich and multifaceted impact of our work through both qualitative and quantitative data collection and analysis. We gather survey data from community events, in affinity group spaces, and from educational professional development training.

### **Lane County CTE Resiliency Network Grant**

We will pursue the following strategies with this funding: 1) identify up to seven (7) sites/schools for analysis to determine which are most ready/critical to shore up as regional recovery build sites; 2) equip up to three (3) sites including energy source redundancy; 3) Expand training; and 4) conduct site specific exercises/drills and one regional system wide drill.

We learned many lessons from our recovery role during the Holiday Farm Fire and have used these to establish a baseline, countywide infrastructure - Constructing A Bright Future (CBF). CBF addresses the need for skilled employees in construction and building trades and supports learners to successfully navigate career pathways through a myriad of unique project components that leverage community strengths and help solve community crises; thus, serves community every day. Our baseline was born from crisis and these funds will help take this baseline and grow it toward a regional Career Technical Education (CTE) community recovery ecosystem that serves as a county-wide responsive infrastructure for community need/disaster/emergency housing preparedness and recovery. The Resilience Hubs and Networks Grant is intended to support:

- Places where people come together daily to share resources, support one another and can find resources during an emergency.
- Local networks of people and groups that help strengthen their communities.

**DIRECTOR HARRIS MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD approves grants as presented. Director Kissinger seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES.** (ESD Resolution #24-079)

6.H. Authorize Issuance of Full Faith and Credit Obligation

**DIRECTOR HARRIS MOVED: BE IT RESOLVED**

**A RESOLUTION OF LANE EDUCATION SERVICE DISTRICT, LANE COUNTY, OREGON AUTHORIZING THE ISSUANCE AND NEGOTIATED SALE OF A FULL FAITH AND CREDIT OBLIGATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$310,000; DESIGNATING AN AUTHORIZED REPRESENTATIVE AND SELECTING A LENDER; AUTHORIZING EXECUTION AND DELIVERY OF A FINANCING AGREEMENT; AND RELATED MATTERS.**

**WHEREAS**, Lane Education Service District, Lane County, Oregon (the "**District**") is authorized pursuant to the Constitution and laws of the State of Oregon, namely Oregon Revised Statutes Sections 271.390, 287A.300 and 287A.315 (collectively, the "**Act**") to enter into a financing agreement to finance the cost of real and personal property as more fully described in Exhibit A attached hereto (the "**Project**") and pay the costs of issuance of such obligations; and

**WHEREAS**, it is advantageous for the District to authorize and enter into a financing agreement with a lender to finance the Project as described below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LANE EDUCATION SERVICE DISTRICT, LANE COUNTY, OREGON AS FOLLOWS:**

**Section 1. Authorization.** The Board hereby authorizes the execution and delivery of a financing agreement (the "**Agreement**") to finance through Government Capital Corporation, as Lender, the Project. The aggregate principal amount of the Agreement shall not exceed \$310,000 and the final maturity shall not be more than 10 years from the date of the Agreement. The rate of interest on the Agreement shall not exceed 6.50%.

**Section 2. Payments.** The payments for the Agreement shall be payable from the general, non-restricted revenues of the District and other funds which may be available for that purpose, including taxes levied within the restrictions of Sections 11 and 11b, Article XI of the Constitution of the State of Oregon. The obligation of the District to make payments shall be a full faith and credit obligation of the District, and is not subject to appropriation. The Lender shall not have a lien or security interest on the property financed with the proceeds of the Agreement.

**Section 3. Designation of Authorized Representative.** Pursuant to ORS 287A.300(4), the District hereby authorizes the Superintendent or the Chair of the Board (the "**Authorized Representative**") to act on behalf of the District and determine the remaining terms of the Agreement as specified in Section 4 of this Resolution.

**Section 4. Delegation of Final Terms of the Agreement and Additional Documents.** The Authorized Representative is hereby authorized, on behalf of the District, to:

a. establish the dated date, interest payment dates, interest rate (not to exceed the interest rate stated in Section 1 of this Resolution), principal payment dates and maturities, and final principal amount, not to exceed \$310,000 in the aggregate; and to establish prepayment provisions for the payments;

b. prepare the Agreement which the Authorized Representative determines to be in the best interest of the District, and to execute and deliver the Agreement; and

c. enter into any other agreements and to execute any other certificates or documents, and take any actions, which are necessary to finance the Project in accordance with this Resolution.

**Section 5. Maintenance of Tax-Exempt Status.** The District hereby covenants for the benefit of the Lender to use proceeds of the Agreement and to otherwise comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for the interest component of the payments payable under the Agreement to be excluded from gross income for federal income tax purposes, as provided in the Agreement. The District makes the following specific covenants with respect to the Code:

- a. The District will not take any action or omit any action if it would cause the Agreement to become an arbitrage bond under Section 148 of the Code.
- b. The District shall operate the facilities and equipment financed with the Agreement so that the Agreement does not become a private activity bond within the meaning of Section 141 of the Code.
- c. The District shall comply with appropriate reporting requirements.
- d. The District shall pay, when due, all rebates and penalties with respect to the Agreement which are required by Section 148(f) of the Code.

**Section 6. Bank Designation.** The District designates the Agreement for purposes of paragraph (3) of Section 265(b) of the Code as a "qualified tax-exempt obligation" since the Agreement does not constitute a private activity bond as defined in Section 141 of the Code, and not more than \$10,000,000 aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes (excluding, however, private activity bonds other than qualified 501(c)(3) bonds) including the Agreement, have been or shall be issued by the District, including all subordinate entities of the District, if any, during the calendar year 2022.

**Section 7. Resolution to Constitute Contract.** In consideration of the purchase and acceptance of the Agreement, the provisions of this Resolution shall be part of the contract of the District with the Lender and shall be deemed to be and shall constitute a contract between the District and the Lender. The covenants, pledges, representations and warranties contained in this Resolution and in the closing documents executed in connection with the Agreement, including without limitation the District's covenants and pledges contained in Section 2 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the District, shall be contracts for the equal benefit, protection and security of the Lender.

Director Wilde seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-080)**

**6.I. Accept Summary of Superintendent Tony Scurto Evaluation**

The Superintendent Evaluation Committee, consisting of the Board Chair and Vice-Chair, will present the Superintendent Evaluation Summary for the Board's acceptance. Director Wilde read the summary aloud:

**Summary of Superintendent Tony Scurto's Annual Evaluation by the Education Service District Board**

The seven members of the Lane Education Service District Board of Directors have completed the annual evaluation of Superintendent Tony Scurto for 2023-24. All board members have served on the board for at least one full year and have been able to observe and be a part of the successes achieved so far this year.

All board members, the Lane Superintendents' Council members, and the Superintendent's Cabinet were invited to provide input via survey. Superintendent Scurto provided the Board with a self-

evaluation for consideration in the development of his evaluation.

The Board's evaluation focused on 1) professional standards and 2) the goals for the organization set previously by the board and developed by Superintendent Scurto in the Fall of 2023.

When reviewing performance based on the professional standards, the Board determined that Superintendent Scurto's performance was effective or accomplished in the areas of visionary leadership, policy and governance, communications and community relations, effective management, resource management, labor relations, organizational and resource management, ethical leadership, and labor relations.

The board determined that Superintendent Scurto is effective and/or accomplished in attaining the goals set by the board and superintendent in Fall of 2023 to support reopening school efforts. He was rated as accomplished in implementing the use of the Equity Lens with the Board and the Superintendent's Leadership team. The Board rated Superintendent Scurto as accomplished in engaging Equity centered professional development for all staff at Lane ESD. The Board found Superintendent Scurto is effective in recruiting and retaining staff. The Board rated Superintendent Scurto as accomplished in support component district Leadership. Finally, Superintendent Scurto was rated by the Board as developing in the creation of a Communication Plan.

Superintendents' Council members rated Superintendent Scurto favorably over all Performance questions. A sampling of remarks from staff include:

- "Tony is a proactive problem solver, and is definitely a leader among his peers."
- "Big or small, every district has a say and no one is left out in the cold. Superintendent Scurto pushes innovative programs for students in special education and career technical fields."
- "All of the local district's have unique challenges and he works to see that each is addressed."

The Board praises Superintendent Scurto for spectacular performance. The Board appreciates Superintendent Scurto's approach and ability to extend the culture of serving the districts. Superintendent Scurto brings a calming influence to the organization. When looking at the relationships with the peers and constituents, the Board sees that Superintendent Scurto and his peers are positively engaged. The agency is fortunate to have Superintendent Scurto at the lead.

The Board looks forward to working together to further Lane ESD's success.

**DIRECTOR WILDE MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD accepts the Summary of Superintendent Tony Scurto Evaluation as presented. Director Truett seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-081)**

6.J. Asian American Pacific Islander Month May 2024

**Asian American Pacific Islander (AAPI) Heritage Month** takes place every May in the United States.

AAPI Heritage Month, formerly Asian Pacific American Heritage Month until 2009, originated in 1992 when then New York Congressman Frank Horton introduced the bill that called for the month of May to receive that designation, which came from the idea of former Capitol Hill staffer Jeanie Jew in the mid 1970s - more than 15 years earlier.

Jeanie Jew witnessed the U.S. Bicentennial celebrations of 1976 and was concerned about the lack of recognition given to Asian Americans and Pacific Islanders. At the time, celebrations of Black History Month and Hispanic Heritage were already in place. While Black History Month was decreed by

President Gerald Ford in 1976 to become a national observance, Hispanic Heritage Week was designated as a national celebration by President Lyndon B. Johnson in 1968.

The month of May was selected for two reasons: First, to commemorate the arrival of the first known Japanese immigrant to the U.S. on May 7, 1843; secondly, to honor the completion of the transcontinental railroad on May 10, 1869, which upwards of 20,000 Chinese workers helped to construct. The month pays tribute to the generations of Asian and Pacific Islanders who have enriched the United State's history and are instrumental in its future success.

**DIRECTOR WILDE MOVED: BE IT RESOLVED**

**WHEREAS:** Asian and Pacific Americans have lived and worked in Oregon for more than 200 years, contributing to the state's rich history, economy, and culture; and

**WHEREAS:** Asian and Pacific Americans have helped advance our community's prosperity through their contributions to all fields of education, business, the arts, economic development, science, and technology; and

**WHEREAS:** Asian and Pacific American history is marked by a struggle for freedom, equality, and justice, prevailing over the adversity of exclusion, persecution, incarceration, and disparities; and

**WHEREAS:** The vibrant history and diverse cultures of Oregon's Asian and Pacific Americans are here to be honored as a central part of our state's story and shared across all Oregon communities; and

**WHEREAS:** The month of May is nationally recognized as a time to celebrate the contributions of Asian and Pacific Americans to our society and collective history.

**THEREFORE:** The Lane Education Service District Board hereby proclaims May 2024 to be ASIAN PACIFIC AMERICAN HERITAGE MONTH in Lane Education Service District.

Director Kent seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-082)**

6.K. Teacher Appreciation Week Proclamation

National Teacher Day is May 7, 2024, and National Teacher Appreciation Week is **May 6-10, 2024.**

This year, we're joining together to listen to and stand with teachers and uniting to take action and demand our leaders provide the resources and respect educators deserve.

**DIRECTOR HAMILTON MOVED:**

**WHEREAS,** teachers mold future citizens through guidance and education; and

**WHEREAS,** teachers encounter students of widely differing backgrounds; and

**WHEREAS,** our country's future depends upon providing quality education to all students; and

**WHEREAS,** teachers spend countless hours preparing lessons, evaluating progress, counseling and coaching students and performing community service; and

**WHEREAS,** our community recognizes and supports its teachers in educating the children of this community.

**NOW, THEREFORE, BE IT RESOLVED** that the Lane Education Service District Board of Directors proclaims May 6-10, 2024 to be TEACHER APPRECIATION WEEK; and

**BE IT FURTHER RESOLVED** that the Lane Education Service District Board of Directors strongly encourages all members of our community to join with it in personally expressing appreciation to our teachers for their dedication and devotion to their work.

Director Kent seconded, and **the MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT, KISSINGER, TRUETT AND WILDE VOTING YES. (ESD Resolution #24-083)**

## 7. Discussion/Reports

### 7.A. Legislative Update

Superintendent Scurto discussed the OSBA and COSA Legislative Report that was attached to the agenda.

COSA hosted a superintendent meeting several weeks ago to begin developing a plan to for targeted advocacy. COSA is developing priorities, including potential changes to Special Education funding. The funding is not growing enough to meet the costs of serving students with special needs. ESD superintendents will discuss ESD priorities at the OAESD Spring Conference this week. Lori Sattenspiel will begin working as the OAESD lobbyist.

### 7.B. Superintendent Report

#### Regional Inclusive Services

Legislatively, the gap in funding was not met for this year. Superintendent Scurto has received confirmation that ODE is filling the funding gap in the amount of roughly \$550,000. OAESD continue advocacy for additional funding for Regional Inclusive Services.

#### Summer Camp for Special Education

Summer Camp will be held at Harrison Elementary School from August 5-16. The location is close to a pool, and the building has air conditioning. Lane ESD continues to seek additional funding for Camp. The goal is to create a sustainable program that can be a regular summer opportunity. Enrollment is currently forecast at 40 students.

### 7.C. Election Season

The Board discussed policy and guidance related to campaigns, political positions and endorsements.

Lane ESD's Board Policy KBE-Political Campaigns states:

Lane ESD may not use funds, facilities or equipment to influence a political campaign, nor to advocate "yes" or "no" votes on elections or political campaigns. The Board may vote to take positions on political issues and members may advocate for those positions in their capacity as Board members, provided that they do not use ESD funds, facilities or equipment in that advocacy. In addition, Vice-Chair Harris shares the following with the Board:

Oregon law prohibits the use of public funds, equipment, and supplies to advocate for or against a candidate or ballot measure. It also restricts what public employees, which include University of Oregon employees, may do in support of or opposition to a candidate or ballot measure.

Public employees on their work time may NOT:

- collect funds, distribute campaign materials, or prepare correspondence on behalf of a political committee, candidate, or ballot measure;
- produce, copy, or distribute documents that advocate for or against a candidate or ballot measure;
- post website information, transmit emails, or make a presentation that advocates for or against a candidate or ballot measure;
- make outgoing calls to schedule or organize campaign events or other activity that advocates for or against a candidate or ballot measure;
- encourage others to volunteer for a partisan political committee or efforts related to a candidate or ballot measure;
- place posters that advocate for or against a candidate or ballot measure in a public work space or facing out on doors or windows;
- distribute flyers that advocate for or against a candidate or ballot measure.

## Public employees MAY:

- engage in non-partisan activities that promote political participation, such as voter registration drives;
- express their views on issues facing our community that are not on the ballot;
- use personal time, lunch hours, breaks, and days off for partisan political activity;
- express personal political views;
- wear campaign buttons at work;
- provide balanced, objective information on ballot measures;
- impartially advise other public employees about possible effects of a ballot measure;
- use personal time and personal equipment to write letters in their personal capacity expressing an opinion on a ballot measure or candidate.

## Additional resources

- [Restrictions on Political Advocacy by Public Employees](#) (policy manual from Oregon Secretary of State)

Board members as elected officials may endorse, but not utilize Lane ESD resources to do so. It was previously agreed that if the board endorses, to do so without names, with titles as "Lane ESD Board Member" if names are used, with discretion.

### 7.D. OAESD Spring Conference

Board members who RSVP'd are registered to attend the OAESD Spring Conference along with the Superintendent and the Assistant Superintendent, Cassadie Ross, Ana Quintero-Arias, as well as Annie Galaxy, Gabriel Gellon, Lee Kounovsky and Shareen Vogel (presenting). The theme of the conference is "Telling Our Stories."

### 7.E. Youth Voice Summit

Board members are invited to the 1st annual Lane ESD Integrated Guidance Student Summit. This event serves as our Spring Integrated Guidance community engagement event - the last in this year's series of three - and a powerful opportunity to authentically engage your students in the planning process as we look ahead to Spring 2025's Integrated Guidance application.

When: Thursday May 23rd, 2024 from 9am-3:00pm

Where: Lane Event Center Wheeler Pavillion

What: A summit featuring student-led workshops on authentic student voice, affinity spaces, and school culture/climate. This event also includes facilitated breakout sessions for administrators/building leaders, educators, and students. Please see the attached flyer for details.

Why: This event creates the opportunity for you to come together in learning, reflection, and action planning in building teams (including high school students and educators) to reflect on what is working towards reaching your IG goals, as well as to get connected with peers, ESD staff, and community partners who can help you continue this engagement throughout next school year.

Who: Space is limited for this event, with each school district's high school holding a set number of tables (determined by size). The registration link below offers a guide to help think about your compositions and the number of tables your high school is assigned.

Per table you should bring:

- 3-4 high school (or incoming high school) students
- 2-3 educators who are holding affinity space or student voice/leadership, and
- 1-2 administrators that can help you learn and action plan for student-centered IG goals at the elementary, middle, and high school levels.

Please feel free to reach out to [Maddy Ahearn](#) or [Shareen Springer](#), Lane ESD Student Voice Specialist, if you have any questions!

#### 7.F. 2024-25 Board of Directors Meeting Calendar

Superintendent Scurto and the Board of Directors discussed the 2024-25 Board of Directors meeting schedule. The Board discussed continuing to conduct meetings on the first Tuesday of each month, August through June. This will be an action item to adopt the meeting calendar on the June 2024 meeting agenda. September 3 is the day after Labor Day, and the first day of school in many districts. In the past, this month was moved to the second Tuesday. The Board of Directors will review the schedule to ensure there aren't conflicting dates.

#### 7.G. Policy Updates: First Read

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.

Policies shall be adopted, amended or repealed by the affirmative vote of four or more Board members. Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in the ESD's policy manual.

The Board shall communicate its position on matters of public policy and shall interact with the community, other governmental bodies and agencies and the media through the spokesperson designated by the Board.

Board representatives to the Policy Committee will provide an overview of the Policy Committee process in reviewing and recommending policy and administrative rule updates.

##### 7.G.1. DJCA

OSBA recommends deleting the current versions of DJC - Bidding Requirements, DJC-AR - Exemptions from Competitive Bidding and Special Procurements, DJCA - Personal Service Contracts and DJCA-AR - Personal Service Contracts, and replacing them with the

new proposed versions of DJC and DJC-AR. The proposed DJC outlines the procurement requirements for Small Procurement, Intermediate Procurement, Regular Procurement, Emergency Procurement, Sole Source Procurement and Personal Services Contracts. Additionally, the proposed policy DJC - Bidding Requirements, reflects the new amounts for the procurement levels passed in House Bill 1047 (2023) and went into effect January 1, 2024. The policy also defines "public improvements" for purposes of the procurement levels, defines "community benefit contract" and the "Construction Manager/General Contractor procurement."

The proposed administrative regulation, DJC-AR - Exemptions from Competitive Bidding and Special Procurements, has been updated and continues to provide guidance for procurements which are exempt from competitive bidding or are special procurements.

Collective Bargaining Impact: None

Local ESD Responsibility: Revise and readopt highly recommended policy DJC - Bidding Requirements and consider whether to also add optional DJC-AR - Exemptions from Competitive Bidding and Special Procurements.

#### 7.G.2. GBEBA: Staff - HIV, AIDS, and HBV for DELETION

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop "a written prevention-oriented health services plan for all students" (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR's) which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

[ODE resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact: Review any terms and conditions of an applicable agreement.

Local ESD Responsibility: Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

#### 7.G.3. GBN/JBA: Sexual Harassment

House Bill 2280 (2023 Legislature) modified the definition of sexual harassment affecting schools. The revised definition changes the meaning of assault within the sexual harassment context and adds a section describing the meaning of "without consent," which is also a new definition added to the law. Rule revisions have been adopted by the State Board and are also reflected in the recommended changes. When considering these recommended revisions, please review the designated names and positions listed for receiving such reports and amend as needed.

Collective Bargaining Impact: None

Local ESD Responsibility: Review recommended changes and board-adopt revisions to policy GBN/JBA (JBA/GBN) - Sexual Harassment.

#### 7.G.4. GBNAB/JHFE: Suspected Abuse of a Child Reporting Requirements

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 7.G.5. GCDA/GDDA: Criminal Records Checks and Fingerprinting

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 7.G.6. IGBAF: Special Education - Individualized Education Program

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 7.G.7. JBA/GBN: Sexual Harassment

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 7.G.8. JHCC: Communicable Diseases - DELETE

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 7.G.9. JHCCA: Students - HIV, HBV and AIDS - DELETE

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 7.G.10. JHFE/GBNAB: Suspected Abuse of a Child Reporting Requirements

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

Collective Bargaining Impact: None

Local ESD Responsibility: The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

### 7.H. Administrative Rule Updates

#### 7.H.1. EBBA-AR: First Aid/Infection Control - DELETE

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.

#### 7.H.2. GBNAB/JHFE-AR(1): Reporting of Suspected Abuse of a Child

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop "a written prevention-oriented health services plan for all students" (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR's) which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of Education with additional questions regarding plan requirements and/or implementation.

[ODE resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact: Review any terms and conditions of an applicable agreement.

Local ESD Responsibility: Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

#### 7.H.3. GCDA/GDDA-AR: Criminal Records Checks and Fingerprinting - DELETE

Newly revised rules regarding fingerprint collection offer the addition of a statewide vendor identified by DAS as an authorized fingerprint collector and removed the option for volunteers to appeal to ODE on a fitness determination issued by ODE. The other resulting changes come from a decision to have a stand-alone board policy.

Collective Bargaining Impact: None

Local ESD Responsibility:

Review the recommended changes and issue them to the board for readoption. To clean up duplicate language, a new version of model policy GCDA/GDDA - Criminal Records Checks and Fingerprinting \* has been developed and eliminates the need for an administrative regulation. Consider a complete delete/rescind of the old policy version and adopt the revised version to implement new policy language for GCDA/GDDA; make changes to reflect current practices as needed.

#### 7.H.4. IGBAF-AR: Special Education - Individualized Education Program

IGBAF-AR - Special Education: Individualized Education Program (IEP)\*\* is updated to include information regarding abbreviated school days. The legal references to IGBAF - Special Education - Individualized Education Program (IEP)\*\* were updated to add references to the new laws.

Collective Bargaining Impact: None

ESD Responsibility:

Revise required administrative regulation IGBAF-AR - Special Education: Individualized Education Program (IEP)\*\*. Update the legal references to IGBAF - Special Education - Individualized Education Program (IEP)\*\*.

#### 7.H.5. JHCC-AR: Communicable Diseases - Students - DELETE

The State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-022-2220 on health services. The changes result in a requirement to develop "a written prevention-oriented health services plan for all students" (OAR 581-022-2220(1)). The plan requirements include a variety of topics, including but not limited to, plan for health care space, communicable disease prevention, communication strategies, health screenings, and hearing, vision and dental screenings.

As a result of these changes there is a list of policies and administrative regulations (AR's) which have been revised. Recommendations may include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

The entire rule can be accessed here: [OAR 581-022-2220](#). Reach out to the Oregon Department of

Education with additional questions regarding plan requirements and/or implementation.

[ODE resources](#) and [School Health Services](#) include tools to support some requirements.

Collective Bargaining Impact: Review any terms and conditions of an applicable agreement.

Local ESD Responsibility: Review the recommendations regarding board policy changes and make decisions regarding same. Any policy revisions or recommendation to rescind a policy should be submitted to the board for action. An AR may be submitted to the board for review for either removing or keeping and revising as recommended.

#### 7.H.6. JHFE/GBNAB-AR(1): Reporting of Suspected Abuse of a Child

The Oregon Department of Human Services (DHS) reports the purpose of Senate Bill 231 (2023) was to align state law with the agency's current process for receiving child abuse reporting, through a centralized child abuse reporting system established by DHS. These changes do not change how reports are made and must still be submitted to DHS as directed or to a law enforcement agency.

The form found in GBNAB/JHFE-AR(2) (JHFE/GBNAB-AR(2)) - Abuse of a Child Investigations Conducted on ESD Premises, is included for convenience and reference; no updates were made.

Collective Bargaining Impact: None

Local ESD Responsibility:

The ESD should recommend board adoption of revised policy and reissue an updated administrative regulation to the board for review.

#### 8. Information from Administrative Staff

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

#### 9. Board Member Reports and Comments/Agenda Planning

##### 9.A. Agenda Planning

The Board discussed potential agenda items for future meetings. 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

**Heidi Brown**, Superintendents' Council Advisor: District increasing in enrollment, Elementary increased from 105 to 170 students. Hired 3 teachers for the Fall to reduce class sizes. Changes to Life Skills program to bring students into their neighborhood schools for supports. Board voted to go to a 4-day school week for 2024-2025. This was decided for staff recruitment/retention, as well as improved student and staff attendance. The move also results in more instructional hours because they are 4 full days (no half days or early release). District is in 3rd year of no-cost student athletics. District took over the preschool program and is at full capacity, with a nominal enrollment fee. Free before and after school care on school days, at no cost to families.

**Erin Zygaitis**, Community Advisor: Bethel track and field has started. Attended a track meet already, another one in May. Hired a HS Basketball coach this week. Mentorship program looking for participants for next year. Looking for male or POC mentors. Mentors do not need to be from Bethel SD. Program serves MS students currently. New Cascade MS is almost complete with transition this summer. Volunteer event at Cascade for neighborhood beautification.

**Mike Anderson**, Liaison, Creswell School District: New football field, softball/baseball stadium seating, campus fencing, as a result of the bond that was passed. Once fencing is completed, the campus will be locked for student safety. New CTE building that will include Aviation, Nursing, Culinary, and other classes. Send HS students to Future Business Leaders of America, and all students placed. Social media presence for bond project updates.

**Emilio Hernandez**, Liaison, Springfield Public Schools

### 10. Announcements/Correspondence

10.A. Acknowledgements and Recognition

10.B. Kudos

10.C. Announcements

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

May 4-16, 2024: Lane County High School Student Art Show (flyer attached)

May 7, 2024: [Oregon Rural School Board Members Caucus Executive Committee Meeting - May 2024](#)

May 8, 2024: [National School Nurse Day](#)

May 14, 2024: [OSBA Executive Committee Meeting](#)

May 18, 2024: [Oregon School Board Members of Color Caucus Membership Meeting - May 2024](#)

May 21, 2024: [Oregon Rural School Board Members Caucus Leadership Assembly Meeting - May 2024](#)

May 23, 2024: [Inaugural IG Student Voice Summit](#) (RSVP by May 10)

May 29, 2024: [OSBA Governance Committee Meeting](#)

June 4, 2024: [Oregon Rural School Board Members Caucus Executive Committee Meeting](#)  
[Oregon Rural School Board Members Caucus Executive Committee Meeting](#)

June 5, 2024: Oregon LGBTQIA2S+ School Board Members Advisory Committee

June 7, 2024: **Westmoreland June Jam** is Friday June 7th from 12:45 - 2:15. **Bring your swimsuits ... there will be a water slide!**

June 8, 2024: Oregon School Board Members of Color Caucus Leadership Council Meeting

June 11, 2024: OSBA Executive Committee Meeting

June 15, 2024: OSBA Board of Directors Meeting

June 26, 2024: OSBA Governance Committee Meeting

July 9, 2024: OSBA Executive Committee Meeting

August 10, 2024: Oregon School Board Members of Color Caucus Membership Meeting

August 13, 2024: OSBA Executive Committee Meeting

#### 10.C.2. **Component District Board Meeting Dates**

**Bethel:** The school board usually meets in regular public sessions at 6:30 p.m. on some Mondays of the month during the regular school year. at the Bethel District Office located at 4640 Barger Drive in Eugene. This schedule sometimes varies, and special meetings and work sessions are

scheduled as necessary. The Bethel School District Board of Directors will conduct meetings in-person and virtually, unless otherwise noted.

[Blachly](#): The District Board meets on the third Wednesday of each month at 6:00 pm in the school library.

[Creswell](#): Regular Board of Director meetings are typically held the second Wednesday of each month at 7:00 PM. Special meetings and work sessions are scheduled as necessary.

[Crow-Applegate-Lorane](#): The Board of Directors for Crow-Applegate-Lorane School District #66 holds a regular meeting at 7:00 pm on the third Thursday of each month. The meetings are held at Applegate Elementary School and at the Lorane Grange. For current information, contact the CAL district office at 541-935-2100. Executive sessions usually begin at 6:30 pm and are closed to the public.

[Eugene](#): The school board usually meets in regular public sessions on the first and third Wednesdays of each month at 7 p.m. at the Education Center, 200 North Monroe, Eugene. This schedule sometimes varies, and special meetings and work sessions are scheduled as necessary.

[Fern Ridge](#): The Fern Ridge School District Board of Directors meets on the 3rd Monday of each month unless posted otherwise.

[Junction City](#): Monthly Meetings are held 4th Monday of the month except in December and July.

[Lowell](#): Regular Board Meetings are scheduled for the 4th Monday of the month, with the meeting beginning at 4:00 pm. When there is a holiday on the 4th Monday, normally, the meeting will be held on an alternate Monday. Study sessions are tentatively scheduled to provide the opportunity for the Board to meet to study an individual aspect of the District.

[Mapleton](#): The Mapleton School Board meets on the third Wednesday of each month. There is no meeting during the month of July. The School Board meeting is held in the high school at 6:00pm, unless otherwise noted.

[Marcola](#): Regular board meetings are scheduled for the 2nd Monday of each month at 6 PM. McKenzie:

Oakridge: [Board Meeting calendar](#) is posted on the Oakridge School District website.

[Pleasant Hill](#): [Board meeting calendar](#) is posted on the Pleasant Hill School District website.

[Siuslaw](#): The board of directors meet the second Wednesday of each month with the exception of a regular meeting scheduled for August 17, 2022. The board normally meets in the district board room located at 2111 Oak Street in Florence, Oregon. The meetings are scheduled to begin at 6:00 p.m. with work session and the regular meeting will begin at approximately 6:30p.m. Please see the school calendar on the district website to confirm dates and times or call the district office at 541-997-2651.

[South Lane](#): The South Lane School Board usually meets in regular public sessions on the first Monday and third Monday of each month at 5:30 p.m. for a work session. This schedule sometimes varies, and additional meetings and work sessions are scheduled as necessary. Meetings normally are held at the South Lane School District Office, 455 Adams Ave in Cottage Grove.

[Springfield](#): The Board of Directors meet twice during most months during the school year. Regular business meetings begin at 7 p.m. on the second Mondays of the month. Work sessions are generally held at 5:30 p.m. on the fourth Monday of the month. All meetings, unless otherwise noted, are held in the Board Room of the Springfield Public Schools Administration Building, 640 A Street, Springfield, OR 97477.

## 11. Adjournment

Board Chair Sherry Duerst-Higgins adjourned the meeting at 7:32 PM

- The next regular meeting is scheduled to be held Tuesday, June 4, 2024, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Minutes Approved:

\_\_\_\_\_  
Sherry Duerst-Higgins, Chairperson

\_\_\_\_\_  
Tony Scurto, Superintendent

# HUMAN RESOURCES REPORT TO LANE ESD BOARD

June 1, 2024

## CLASSIFIED STAFF (Information)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	Migeon, Sophie	Instructional Assistant, At-Large	5/29/2024	
	Easton, Jennifer	Instructional Assistant, Life Skills	5/14/2024	
	Idlewild, Persimmon	Construction Manufacturing Assistant, CTE	5/28/2024	
	Ferriera, Anthony	Instructional Assistant, Life Skills	5/14/2024	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	Fickel, Angie	Instructional Assistant, Life Skills	5/10/2024	
<i>Change of Status</i>				

## LICENSED STAFF (Action)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	Lancaster, Nicole	Teacher, Life Skills	8/22/2024	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

## MANAGEMENT STAFF (Action)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	Gillett, Molly	Executive Director, Special Education	7/1/2024	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

## PROFESSIONAL STAFF (Information)

	Employee Name	Position	Effective Date	Notes
<i>Appointments</i>	McNab, Joshua	Systems Engineer	6/3/2024	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

## VACANCY NOTICES (Information)

Posting #	Position	Closing Date	Notes
776	Sign Language Interpreter	6/14/2024	In process
948	Instructional Assistant, Life Skills	6/12/2024	In process
957	Instructional Assistant, At-Large	6/12/2024	In process
961	Instructional Assistant, Life Skills	Open pool	In process
963	Instructional Assistant, Life Skills	Open pool	In process
966	Speech Language Pathologist	6/12/2024	In process
969	Program Supervisor	6/12/2024	In process
975	Instructional Assistant, Life Skills	Open pool	In process
982	Speech Language Pathologist	Open pool	In process
986	Summer School Teacher, Elem., MEP	Open pool	In process
987	Summer School Teacher, Elem., MEP	Open pool	In process
988	Summer School Teacher, Pre-K., MEP	Open pool	In process
989	Summer School Instructional Assistant, Elem., MEP	6/14/2024	In process
992	Sign Language Interpreter	Open pool	In process
1004	Instructional Assistant, At-Large	Open pool	In process
1006	Instructional Assistant, At-Large	Open pool	In process
1012	Assistant Director, Special Education	6/14/2024	In process

**VACANCY NOTICES (Continued)**

<b>Posting #</b>	<b>Position</b>	<b>Closing Date</b>	<b>Notes</b>
1013	Specialist, Teacher Pathways Program	6/14/2024	In process
1018	Executive Director, Human Resources	4/26/2024	In process
1019	Instructional Assistant, Life Skills	Open pool	In process
1020	Instructional Assistant, Life Skills	Open pool	In process
1024	System Administrator	6/12/2024	In process
1028	Human Resources Specialist & Substitute Coordinator	6/3/2024	In process



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North  
Eugene, OR 97402

541.461.8200  
541.461.8298 [Fax]

[www.lesd.k12.or.us](http://www.lesd.k12.or.us)

EQUITY    COMMITMENT    LEADERSHIP    COLLABORATION    INTEGRITY

Prepared for: Lane ESD Board of Directors  
Prepared by: Olivia Meyers Buch, Executive Director of Business Services  
Meeting Date: June 4, 2024

**April 2024 Financial Report (Unaudited)**

The Financial Report for the General Fund for the period ending April 30, 2024 follows this report. Year-to-date operating revenues through April 30, 2024 total \$24.0 million or 85.3% of total budgeted operating revenues as compared to \$23.2 million or 87.5% through April 30, 2023. As usual, state school fund formula revenue (state school fund - general support and property taxes levied by district) constitutes the majority of funds received at this point in the year.

Total projected resources of \$30.7 million is \$0.4 million less than budgeted, primarily due to reduced revenue from services provided to districts compared to the actual level of services being provided.

Year-to-date operating expenditures through April 30, 2024 total \$16.4 million or 67.7% of total budgeted operating expenditures as compared to \$15.9 million or 69.2% through April 30, 2023.

Total projected operating expenditures of \$23.6 million is \$0.6 million less than budgeted, primarily due to savings as a result of implementing a new opt out incentive that has resulted in lower health insurance premium costs. Total projected transfers and transits of \$4.4 million is \$0.6 million more than budgeted, primarily due to increased transits to districts as a result of less services ordered.

Projected resources and requirements through April 30, 2024 result in an ending fund balance of \$2.6 million, with \$1.1 million assigned (reserved) for districts. The remaining ending fund balance of \$1.5 million is unassigned and represents 5.5% of projected operating revenues. The projected ending fund balance reflects a decrease, or operating deficit, of \$0.6 million.

Please contact me with questions or if you would like any additional information.

**Lane Education Service District  
General Fund Financial Report (Unaudited)  
For the Period Ending April 30, 2024**

	Fiscal Year 2022-23					Fiscal Year 2023-24					
	Final Budget	Actuals thru 4/30	% of Budget	Actuals thru 6/30	% of Budget	Adopted Budget	Actuals thru 4/30	% of Budget	Projected thru 6/30	% of Budget	Budget Variance
<b>RESOURCES</b>											
State School Fund Formula Revenue											
State School Fund - General Support	\$ 15,425,800	\$ 14,045,160	91.0%	\$ 15,420,256	100.0%	\$ 15,532,800	\$ 14,546,261	93.6%	\$ 15,931,520	102.6%	\$ 398,720 <sup>(1)</sup>
Property Taxes Levied by District	8,393,000	8,194,471	97.6%	8,419,024	100.3%	8,688,000	8,423,723	97.0%	8,721,882	100.4%	33,882
Other Local Revenues	77,200	74,539	96.6%	118,881	154.0%	66,200	35,802	54.1%	81,794	123.6%	15,594
Services Provided to Districts	1,398,800	-	0.0%	1,376,808	98.4%	2,550,400	13,330	0.5%	1,373,076	53.8%	(1,177,324) <sup>(2)</sup>
Fees Charged to Grants	630,000	352,266	55.9%	940,066	149.2%	670,000	394,179	58.8%	650,000	97.0%	(20,000)
Other Revenues	565,000	500,637	88.6%	561,641	99.4%	577,700	556,476	96.3%	653,749	113.2%	76,049
<b>Total Operating Revenues</b>	<b>\$ 26,489,800</b>	<b>\$ 23,167,074</b>	<b>87.5%</b>	<b>\$ 26,836,675</b>	<b>101.3%</b>	<b>\$ 28,085,100</b>	<b>\$ 23,969,770</b>	<b>85.3%</b>	<b>\$ 27,412,021</b>	<b>97.6%</b>	<b>\$ (673,079)</b>
Beginning Fund Balance (District Reserves)	1,129,000	1,080,566	95.7%	1,080,566	95.7%	921,200	1,165,894	126.6%	1,165,894	126.6%	244,694
Beginning Fund Balance	3,401,000	3,316,093	97.5%	3,316,093	97.5%	2,050,000	2,080,746	101.5%	2,080,746	101.5%	30,746
<b>TOTAL RESOURCES</b>	<b>\$ 31,019,800</b>	<b>\$ 27,563,733</b>	<b>88.9%</b>	<b>\$ 31,233,335</b>	<b>100.7%</b>	<b>\$ 31,056,300</b>	<b>\$ 27,216,410</b>	<b>87.6%</b>	<b>\$ 30,658,661</b>	<b>98.7%</b>	<b>\$ (397,639)</b>
<b>REQUIREMENTS</b>											
Salaries	\$ 9,384,434	\$ 6,902,102	73.5%	\$ 9,141,836	97.4%	\$ 10,981,147	\$ 8,130,827	74.0%	\$ 11,086,657	101.0%	\$ 105,510
Associated Payroll Costs	6,409,373	4,329,228	67.5%	5,738,735	89.5%	7,372,687	4,880,706	66.2%	6,721,399	91.2%	(651,288) <sup>(3)</sup>
Purchased Services	6,612,088	3,888,206	58.8%	6,815,071	103.1%	5,140,697	2,596,763	50.5%	5,054,695	98.3%	(86,002)
Supplies and Materials	419,400	604,188	144.1%	763,976	182.2%	446,550	500,954	112.2%	491,515	110.1%	44,965
Other Objects	215,700	214,133	99.3%	312,523	144.9%	230,100	249,583	108.5%	248,943	108.2%	18,843
<b>Total Operating Expenditures</b>	<b>\$ 23,040,996</b>	<b>\$ 15,937,858</b>	<b>69.2%</b>	<b>\$ 22,772,140</b>	<b>98.8%</b>	<b>\$ 24,171,181</b>	<b>\$ 16,358,833</b>	<b>67.7%</b>	<b>\$ 23,603,209</b>	<b>97.7%</b>	<b>\$ (567,972)</b>
Transfers											
Interfund Transfers	459,000	429,000	93.5%	459,000	100.0%	459,000	429,000	93.5%	429,000	93.5%	(30,000)
Transits to Districts	4,917,153	2,111,495	42.9%	4,755,555	96.7%	3,410,163	882,847	25.9%	4,008,135	117.5%	597,972 <sup>(2)</sup>
Other Uses of Funds											
Planned Reserve (District Reserves)	1,427,538	-	0.0%	-	0.0%	965,956	-	0.0%	-	0.0%	(965,956)
Planned Reserve	575,113	-	0.0%	-	0.0%	1,450,000	-	0.0%	-	0.0%	(1,450,000)
Reserved for Next Year	600,000	-	0.0%	-	0.0%	600,000	-	0.0%	-	0.0%	(600,000)
<b>TOTAL REQUIREMENTS</b>	<b>\$ 31,019,800</b>	<b>\$ 18,478,353</b>	<b>59.6%</b>	<b>\$ 27,986,695</b>	<b>90.2%</b>	<b>\$ 31,056,300</b>	<b>\$ 17,670,680</b>	<b>56.9%</b>	<b>\$ 28,040,344</b>	<b>90.3%</b>	<b>\$ (3,015,956)</b>
<b>ENDING FUND BALANCE</b>	<b>-</b>	<b>\$ 9,085,380</b>		<b>\$ 3,246,640</b>		<b>-</b>	<b>\$ 9,545,730</b>		<b>\$ 2,618,317</b>		
Assigned for Districts				\$ 1,165,894					\$ 1,103,757		
Unassigned Fund Balance				\$ 2,080,746	7.8% *				\$ 1,514,560	5.5% *	
<i>* Percent of Operating Revenues</i>				<b>\$ 3,246,640</b>					<b>\$ 2,618,317</b>		

(1) Variance is due to an increase in the state school allocation from \$9.9 billion to \$10.2 billion.

(2) Variance is due to actual services ordered by districts being less than anticipated.

(3) Variance is due to savings as a result of implementing a new opt out incentive that has resulted in lower health insurance premium costs.

**ORS 190 ENTITY STATEMENT**

The following statement is submitted to satisfy the requirements of ORS 190.085(2).

*ORS 190.085(2) Not later than 30 days after the effective date of an intergovernmental agreement creating an intergovernmental entity under ORS 190.010, the parties to the intergovernmental agreement shall file with the Secretary of State copies of the ordinances required under this section together with a statement containing the name of the intergovernmental entity created, the parties to the agreement, the purpose of the agreement and the effective date of the agreement.*

**INTERGOVERNMENTAL ENTITY NAME**

ORS 190 Entity, Oregon Association of Education Service Districts

**PARTIES TO THE AGREEMENT**

- |   |  |
|---|--|
| Clackamas Education Service District        | Linn Benton Lincoln Education Service District |
| Columbia Gorge Education Service District   | Malheur Education Service District             |
| Douglas Education Service District          | Multnomah Education Service District           |
| Grant County Education Service District     | North Central Education Service District       |
| Harney Education Service District           | Northwest Regional Education Service District  |
| High Desert Education Service District      | Wallowa Education Service District             |
| InterMountain Education Service District    | South Coast Education Service District         |
| Jefferson County Education Service District | Southern Oregon Education Service District     |
| Lake Education Service District             | Willamette Education Service District          |
| Lane Education Service District             |  |

**PURPOSE OF THE AGREEMENT**

The public purposes for which the intergovernmental entity is formed are:

- A. To serve as the legal entity to support the Oregon Department of Education and Oregon school districts in achieving Oregon’s educational goals by providing equitable, high quality, cost-effective and locally responsive educational services at a regional level.
- B. To serve as the parent organization for the Oregon ESD P-20 Network in order to ensure the equity of, and access to, the educational opportunity for all of Oregon’s children; to utilize all Oregon ESDs in a coordinated and integrated approach to focus on statewide implementation of targeted initiatives; and, to support the Oregon Department of Education and other state entities in the effective and efficient design and implementation of initiatives requiring statewide or multi-ESD coordination and collaboration.
- C. To coordinate and improve infrastructure to deliver services for school improvement, technology, special education and administrative services; establish cooperative regional

programs among ESDs, school districts and partners; provide leadership to develop innovation processes and practices to meet the needs of local districts, students and families; promote cost efficiency through collaborative service models; and, provide equitable access and opportunities for all students.

- D. To attain the greatest degree of intergovernmental cooperation possible in the State of Oregon to ensure the equity of and access to equitable, high quality, cost-effective and locally responsive educational services.

**EFFECTIVE DATE OF THE AGREEMENT**

\_\_\_\_\_, 2024.

**ORS 190 AGREEMENT OF THE  
OREGON ASSOCIATION OF EDUCATION SERVICE DISTRICTS**

This Agreement is made and entered into this \_\_\_ day of \_\_\_\_\_ 2024, by and between the undersigned governmental bodies.

**RECITALS**

- A. ORS 190.003 through 190.118 permits units of local government, state governmental agencies, and Tribes to enter into intergovernmental agreements to perform their respective functions or activities more efficiently.
- B. Each Party to this Agreement has the authority to participate in this Intergovernmental Agreement as granted in ORS 190.010.
- C. Each Party intends to create an Intergovernmental Agreement entity known as Oregon Association of Education Services Districts (OAESD) to serve as the parent organization for the Oregon ESD P-20 Network in order to ensure the equity of, and access to, educational opportunity for all of Oregon’s children by providing locally responsive educational services at a regional level ; utilize all Oregon ESDs in a coordinated and integrated approach to focus on statewide implementation of targeted initiatives; and, assist the Oregon Department of Education and other state entities in the effective and efficient design and implementation of initiatives requiring statewide or multi-ESD coordination and collaboration..
- D. The Parties intend that the Oregon Association of Education Service Districts to function separately from any other existing governmental entity, but to work collaboratively with the Oregon Department of Education and others in the furtherance of objectives of ORS Chapter 334.
- E. Coordinating this system is a complex undertaking that no single education service district can accomplish on its own; rather, a collaboration of many education service districts is necessary to achieve Oregon’s goals and objectives for Oregon Education.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants and agreements herein, the parties agree as follows:

## **AGREEMENT**

### **I. CITATION**

Providing equitable, high quality, cost-effective and locally responsive education services throughout the state of Oregon is essential to the education and development of Oregon youth. The purpose of this Agreement is for the affected governmental units to join together as an ORS 190 Entity to serve as the parent organization for the Oregon ESD P-20 Network in order to ensure the equity of, and access to, educational opportunity for all of Oregon's children by providing locally responsive educational services at a regional level ; utilize all Oregon ESDs in a coordinated and integrated approach to focus on statewide implementation of targeted initiatives; and, assist the Oregon Department of Education and other state entities in the effective and efficient design and implementation of initiatives requiring statewide or multi-ESD coordination and collaboration and to implement the requirements of ORS Chapter 334, to more effectively address the needs of school districts and its students.

### **II. AUTHORITY**

This Agreement is established under the authority of the following Oregon Revised Statutes:

- A. ORS 190.010 which authorizes local governments to form intergovernmental entities which are public bodies of the State of Oregon.
- B. ORS 190.030 which provides that any agency established under the authority of ORS 190.010 is vested with all powers, rights, duties, and functions therefore existing by law in separate agencies, pertaining to functions and activities.
- C. ORS 190.085 which requires that any participant in an intergovernmental agreement creating a separate entity ratify its participation by legislative act of its governing body.
- D. ORS 190.110 which authorizes public corporations, public subdivisions, and state agencies to cooperate.

### **III. DEFINITIONS**

- A. "Agreement" shall mean the ORS 190 agreement by which this document is titled.
- B. "ESD" or "Member" shall mean an education service district.
- C. "OAESD" shall mean the Oregon Association of Oregon Education Service Districts, parent organization for the Oregon ESD P-20 Network created by its Constitution which is recognized and incorporated herein.
- D. "OAESD Governance Council" is the governing council of the Oregon Association of Oregon Education Service Districts as set out in its Constitution.
- E. "OAESD Board" refers to a body of the OAESD Governance Council comprised of Board members appointed by each education service district to serve.
- F. "Superintendents Council" refers to a body of the OAESD Governance Council comprised of the Superintendent of each member education service district.

#### **IV. NATURE OF AGREEMENT**

- A. The Parties to this Agreement recognize the need to support the OAESD to carry out the purposes of ORS Chapter 334.
- B. This Agreement is based on the principle of the sovereign equality of all the member governments.
- C. Nothing in this Agreement shall authorize this ORS 190 Entity to intervene in matters which are essentially within the jurisdiction of any member without its consent.
- D. This Agreement shall be within the framework of the laws of the State of Oregon and its subdivisions.
- E. All members, in order to ensure to each of them the rights and benefits resulting from membership, shall endeavor to fulfill in good faith the obligations assumed by them in accordance with this Agreement.

#### **V. WARRANTIES AND REPRESENTATIONS OF THE PARTIES**

- A. Warranties of the Parties. Each Party of this Agreement warrants and represents that it has the legal authority to enter the Agreement.
- B. Limitation of Financial Obligations of the Parties. No Party to this Agreement shall be responsible or liable for the financial decisions or obligations of the OAESD or any project undertaken by the OAESD, except as that Party explicitly agrees in writing and as otherwise authorized by law.
- C. Authorizing Ordinances. Each Party certifies that it has undertaken the necessary public procedures and, if applicable, has passed ordinance, in accordance with ORS 190.085, which authorizes the signatories to this Agreement to act on behalf of the Party in executing this Agreement. The Parties further agree that, if required, they will file with the Secretary of State, within 30 days after the effective date of this Agreement, a copy of the adopted ordinance and statement of information as specified in ORS 190.085(2). Any copies of documents filed pursuant to ORS 190.085(2) shall also be furnished to and be retained by the OAESD.

#### **VI. ESTABLISHMENT**

The OAESD was established as a network of nineteen (19) education service districts across the state of Oregon to provide support in providing equitable, high-quality educational services to Oregon school districts. OAESD also assists with providing technical assistance to school districts in developing, implementing and reviewing a plan for receiving a grant from statewide initiatives. OAESD operates under a Constitution which may be amended by a majority vote of the ESDs represented on the OAESD Governance Council.

#### **VII. PURPOSE**

The purposes of this Agreement are:

- A. To serve as the legal entity to support school districts and the Oregon Department of Education in achieving Oregon's educational goals by providing equitable, high quality, cost-effective and locally responsive educational services at a regional level.
- B. To serve as the parent organization for the Oregon ESD P-20 Network in order to ensure the equity of, and access to, the educational opportunity for all of Oregon's children; to utilize all Oregon ESDs in a coordinated and integrated approach to focus on statewide implementation

of targeted initiatives; and, to support the Oregon Department of Education and other state entities in the effective and efficient design and implementation of initiatives requiring statewide or multi-ESD coordination and collaboration.

- C. To coordinate and improve infrastructure to deliver services for school improvement, technology, special education and administrative services; establish cooperative regional programs among ESDs, school districts and partners; provide leadership to develop innovation processes and practices to meet the needs of local districts, students and families; promote cost efficiency through collaborative service models; and, provide equitable access and opportunities for all students.
- D. To attain the greatest degree of intergovernmental cooperation possible in the state of Oregon to ensure the equity of and access to equitable, high quality, cost-effective and locally responsive educational services.

## **VIII. FUNCTIONS**

The ORS 190 Entity's primary function is to serve as the parent organization for the Oregon ESD P-20 Network in furtherance of implementing plans for the improvement of student academic achievements as set forth in OAESD's Constitution.

## **IX. POWERS**

Until further amended, Linn Benton Lincoln Education Service District (LBLESD) will continue to serve as the Sponsoring ESD, which means it will be the employer of all employees assigned to serve OAESD and will serve as the fiscal agent for OAESD. Serving as the Sponsoring ESD is voluntary; thus, the Sponsoring ESD can be changed through the amendment process described in Article XIX, so long as the Sponsoring ESD accepts this appointment.

In this role of Sponsoring ESD, Linn Benton Lincoln Education Service District will have the authority to perform the following functions on behalf of the ORS 190 Entity:

- A. To enter into agreements with the United States of America, State of Oregon, or any subdivision or agency or any municipal corporation for the purpose of obtaining financial aid or other participation in attaining the objectives and purposes of the OAESD.
- B. To enter into contracts for the provision of goods and services for terms not to exceed five years to effectuate the functions of the ORS 190 Entity, including the provisions of financial purchasing, personnel, legal and other administrative services to the OAESD. Notwithstanding the foregoing limitation, the ORS 190 Entity may enter into real property lease agreements for terms not exceeding 20 years.
- C. To appoint or contract with staff and assign duties, responsibilities, and authorities.
- D. To organize and collect funds to hold conferences several times each year.

The ORS 190 Entity shall have the following functions:

- A. To establish an office and sub-offices, as directed by the member governments.
- B. To approve an annual budget for the ORS 190 Entity.

- C. To exercise any and all powers and functions authorized by law for an intergovernmental entity, including the powers conferred by ORS 190.080, necessary to effectuate the decisions of the OAESD Governance Council.

## **X. MEMBERSHIP**

The membership of the ORS 190 Entity created by this Agreement shall consist of signatories of this Agreement and any education service district which may become a member as herein provided. Continued membership in good standing, including the right to vote, shall be conditioned upon being current in payment of member contributions, as set forth in Article XI of this Agreement. Membership may be attained by ESDs by:

- A. Entering into a legally binding action, adopting an ordinance, or other legislative act by the governing body, ratifying its participation in the ORS 190 Entity as provided in ORS 190.085; and
- B. Providing a portion of the finances necessary to defray the expenses of the OAESD as provided in Article XII of this Agreement, which portion shall be established annually by the OAESD Governance Council prior to the approval of individual government budgets by governing bodies of member governments and governments seeking membership in the ORS 190 Entity.

## **XI. OAESD GOVERNANCE COUNCIL**

- A. Membership. The OAESD Governance Council of the ORS 190 Entity shall consist of an OAESD Board and the Superintendents Council. The OAESD Board shall consist of appointed representatives designated by the governing body of the Member. The Superintendents Council will consist of each member ESD Superintendent. Each ESD Member shall have one vote that can be cast by either the Superintendent or Board member representative.
- B. Bylaws. The OAESD Governance Council shall adopt bylaws to establish rules for the governance of the ORS 190 Entity, meetings of the OAESD Governance Council, and ancillary matters, consistent with this Agreement.
- C. Officers. The Officers Council of the OAESD shall consist of the Chair, Chair-Elect, and Past Chair of the OAESD Board and President, President-Elect, and Past President of the OAESD Superintendents' Council. Officers shall be elected through a nomination process and majority vote as described in the Bylaws. The terms of the Officers shall be one year. Any Officer may be elected to no more than two successive terms. Duties of the Officers shall be designated in the Bylaws.
- D. Executive Director. An LBLESD employee will serve as the ORS 190 Entity Executive Director. The Executive Director will maintain ORS 190 Entity records, schedule meetings of the OAESD Governance Council, develop meeting agendas, arrange for minutes to be taken for all official OAESD meetings, and perform other duties articulated in the Bylaws.
- E. Meetings. Meetings shall be held in accordance with Oregon public meetings law. A quorum, consisting of 50.01% of ESD members, shall be necessary for the OAESD Governance Council to transact business. The OAESD Governance Council shall regularly meet three times per year. Special meeting of the OAESD Governance Council may be called by the Executive Director upon confirmation by the Chair and President.

## **XII. EXPENSES**

- A. Each ESD member shall appropriate in its budget and contribute its share of the expenses of the ORS 190 Entity in accordance with the budget approved by the ORS 190 Entity Council, to the extent that revenues are available therefore insofar as each ESD member is concerned. The ORS 190 Entity may accept grants and contributions from other entities for the benefit of OAESD.
- B. The ORS 190 Entity ESD members, through the OAESD, have agreed to provide funding for OAESD to supplement its operation, contingent on the ESD member's budgetary authority, as approved annually by the OAESD Governance Council. ORS 190 Entity's budget shall include each ESD member's designated contribution, in addition to funds necessary for the operation of the ORS 190 Entity, as approved by the ORS 190 Entity's Governance Council.
- C. The parties agree that all 19 ESDs (including LBLES D) will be responsible for any additional costs incurred by LBLES D, which are directly related to the execution of the Powers in Section IX, including unanticipated additional costs from LBLES D's risk pool to provide coverage for OAESD activities and operations, or any out-of-pocket costs related to legal claims brought against LBLES D related to the administration of OAESD. Each of the 19 ESDs will be responsible for a proportional share of these additional costs, which will be prorated based upon the current OAESD tiered dues structure.
- D. The ORS 190 Entity Governance Council shall approve an annual appropriation to be used for OAESD expenses. Additional amounts may be authorized by the ORS 190 Entity Governance Council contingent on availability of funds.

## **XIII. DURATION AND TERMINATION**

- A. Entity Term and Dissolution. This Agreement shall continue and remain in full force and this ORS 190 Entity shall not be dissolved unless by a unanimous vote of the members; provided, however, that any such dissolution shall not become effective until such time as any contracts to which the ORS 190 Entity is a party have been fully performed and are no longer in effect. In the event of such dissolution, all assets on hand shall be distributed to the member governments in proportion to their contribution for the purchase of such assets.
- B. Member Withdrawal. Any ESD member may withdraw as a participating member in the ORS 190 Entity under this Agreement at the termination of the fiscal year by notifying the ESD members at least six months prior to the end of the fiscal year of its intention to withdraw. In the event of withdrawal of an ESD member, the ORS 190 Entity shall determine the portion of the ORS 190 Entity's assets, if any, to which the withdrawing ESD member shall be entitled. Any indebtedness incurred by the ORS 190 Entity on behalf of the government which is withdrawing shall remain an obligation of that ESD provided that such indebtedness was incurred at the time the obligation was incurred and is evidenced by written agreement or memorandum.
- C. Member Removal. A ESD member may be removed for non-payment, and only upon a two-thirds majority vote of the Council. Upon the effective date of removal, the removed ESD member shall be entitled to any unused portion of its most recent, unused member contribution.

The removed ESD member shall not be entitled to distribution of any other ORS 190 Entity asset unless and until the ORS 190 Entity dissolves as set forth above in section A.

**XIV. COMPLIANCE WITH APPLICABLE LAWS**

The parties shall comply with all applicable federal, state, and local laws and ordinances applicable to the parties and the work to be done under this Agreement. The parties agree that this Agreement shall be administered and construed under the laws of the State of Oregon. If any one or more provisions contained in this Agreement is determined to be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

**XV. NONDISCRIMINATION**

The parties agree to comply with all applicable requirements of federal, state, and local civil rights statutes, rules, and regulations in the performance of this Agreement.

**XVI. HOLD HARMLESS**

The parties agree to indemnify and hold harmless each other for, from and against all claims, costs, expenses (including attorney fees), losses, damages, fines, charges, actions, or other liabilities solely to the extent arising from their own intentional or negligent acts or those of their agents, contractors, or employees and, to the extent applicable, the above indemnification is subject to and shall not exceed the limits of the Oregon Tort Claims Act (ORS 30.260 through 30.300) and the Oregon Constitution. The parties intend to provide reciprocal indemnity obligations.

**XVII. INSURANCE**

Each party shall insure or self-insure and be independently responsible for the risks of its own liability for claims within the scope of the Oregon Tort Claims Act (ORS 30.260 to 30.300). The parties intend to provide reciprocal liability insurance obligations.

**XVIII. MERGER CLAUSE**

Parties concur and agree that this Agreement constitutes the entire agreement among the parties. No waiver, consent, modification, or change to the terms of this agreement shall bind any party unless in writing and signed by all parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding the agreement. Parties, by the signatures below of their authorized representatives, hereby agree to be bound by its terms and conditions.

**XIX. AMENDMENTS**

Amendments to this Agreement may be made only by three-fourths votes of the total ESDs represented on the OAESD Governance Council in favor of an amendment.

IN WITNESS WHEREOF, the parties to this Agreement have caused these articles to be executed by their authorized officers or representatives as of the day and year first above written.

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**CLACKAMAS EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Larry Didway**  
**Clackamas ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Greg McKenzie**  
**Clackamas ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**COLUMBIA GORGE EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Pat Sublette**  
**Columbia Gorge ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Paul Zastrow**  
**Columbia Gorge ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**DOUGLAS EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Analia Nicholson**  
**Douglas ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mike Keizer**  
**Douglas ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**GRANT COUNTY EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Robert Waltenburg**  
**Grant County ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Shilo Fretwell**  
**Grant County ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**HARNEY EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Shannon Criss**  
**Harney ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Dan Brown**  
**Harney ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**HIGH DESERT EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Paul Andrews**  
**High Desert ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Matt McGowan**  
**High Desert ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**INTERMOUNTAIN EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Dr. Mark Mulvihill**  
**InterMountain ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Kelly Bissinger**  
**InterMountain ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**JEFFERSON EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Shay Mikalson**  
**Jefferson ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Barbara Ibrahim**  
**Jefferson ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**LAKE EDUCATION SERVICE DISTRICT**

---

**Lane Stratton**  
**Lake ESD Superintendent**

---

**Date**

---

**Will Cahill**  
**Lake ESD Chair**

---

**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**LANE EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Tony Scurto**  
**Lane ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Sherry Duerst-Higgins**  
**Lane ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**LINN BENTON LINCOLN EDUCATION SERVICE DISTRICT**

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**Jason Hay**  
**Linn Benton Lincoln ESD**  
**Superintendent**

---

**Date**

---

**Jean Wooten**  
**Linn Benton Lincoln ESD Chair**

---

**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**MALHEUR EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Mark Redmond**  
**Malheur ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Don Hodge**  
**Malheur ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**MULTNOMAH EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Dr. Paul Coakley**  
**Multnomah ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Katrina Doughty**  
**Multnomah ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**NORTH CENTRAL EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Penny Fender**  
**North Central ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Jim Doherty**  
**North Central ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**NORTHWEST REGIONAL EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Dan Goldman**  
**Northwest Regional ESD**  
**Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Doug Dougherty**  
**Northwest Regional ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**REGION 18 - WALLOWA EDUCATION SERVICE DISTRICT**

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**Landon Braden**  
**Region 18 - Wallowa ESD**  
**Superintendent**

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**Date**

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**Breanne Austin**  
**Region 18 - Wallowa ESD Chair**

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**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**SOUTH COAST EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Paul Peterson**  
**South Coast ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**John Buckley**  
**South Coast ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**SOUTHERN OREGON EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Scott Beveridge**  
**Southern Oregon ESD**  
**Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Justin Wright**  
**Southern Oregon ESD Chair**

\_\_\_\_\_  
**Date**

**ORS 190 AGREEMENT OF THE OREGON ASSOCIATION OF EDUCATION  
SERVICE DISTRICTS**

**WILLAMETTE EDUCATION SERVICE DISTRICT**

\_\_\_\_\_  
**Dr. Joe Morelock**  
**Willamette ESD Superintendent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Anna Ali**  
**Willamette ESD Chair**

\_\_\_\_\_  
**Date**

Lane Education Service District

**RESOLUTION ADOPTING THE BUDGET**

BE IT RESOLVED that the Board of the Lane Education Service District hereby adopts the budget for fiscal year 2024-25 in the total of **\$72,975,360**. This budget is now on file at the Lane ESD Main Campus at 1200 Highway 99 N, Eugene, OR 97402.

**RESOLUTION MAKING APPROPRIATIONS**

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2024, and for the purposes shown below are hereby appropriated:

**100 - General Fund**

1000 - Instruction	\$ 13,292,681
2000 - Support Services	12,267,969
5000 - Other Uses	3,297,987
5200 - Interfund Transfers	449,000
6000 - Contingency	1,265,842
<b>Total</b>	<b>\$ 30,573,479</b>

**200 - Special Revenue Fund**

1000 - Instruction	\$ 3,252,835
2000 - Support Services	14,531,841
3000 - Enterprise and Community Services	75,000
5000 - Other Uses	22,102,824
5200 - Interfund Transfers	2,500
<b>Total</b>	<b>\$ 39,965,000</b>

**300 - Debt Service Fund**

2000 - Support Services	\$ 30
5100 - Debt Service	916,825
<b>Total</b>	<b>\$ 916,855</b>

**400 - Capital Projects Fund**

2000 - Support Services	\$ 148,914
4000 - Facilities Acquisition and Construction	136,086
<b>Total</b>	<b>\$ 285,000</b>

**600 - Internal Service Fund**

2000 - Support Services	\$	435,026
<b>Total</b>	<b>\$</b>	<b>435,026</b>
<hr/>		
<b>Total Appropriations, All Funds</b>	<b>\$</b>	<b>72,175,360</b>
<b>Total Unappropriated and Reserve Amounts, All Funds</b>	<b>\$</b>	<b>800,000</b>
<hr/>		
<b>TOTAL ADOPTED BUDGET</b>	<b>\$</b>	<b>72,975,360</b>

**RESOLUTION IMPOSING THE TAX**

BE IT RESOLVED, that the following ad valorem property taxes are hereby imposed for tax year 2024-2025 upon the assessed value of all taxable property within the district:

(1) At the rate of \$0.2232 per \$1,000 of assessed value for permanent rate tax;

**RESOLUTION CATEGORIZING THE TAX**

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

**Education Limitation**

Permanent Rate Tax.....\$0.2232/\$1,000

The above resolution statements were approved and declared adopted on this 4th day of June, 2024.

**LANE EDUCATION SERVICE DISTRICT  
LANE COUNTY, OREGON**

\_\_\_\_\_  
Sherry Duerst-Higgins, Board Chair

ATTEST:

\_\_\_\_\_  
Tony Scurto, Clerk



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North  
Eugene, OR 97402

541.461.8200

541.461.8298 [Fax]

[www.lesd.k12.or.us](http://www.lesd.k12.or.us)

EQUITY

COMMITMENT

LEADERSHIP

COLLABORATION

INTEGRITY

Prepared for: Lane ESD Board of Directors  
Prepared by: Olivia Meyers Buch, Executive Director of Business Services  
Meeting Date: June 4, 2024

**Resolution: Adopt 2024-25 Budget, Make Appropriations, Impose Property Taxes, and Categorize Taxes**

Oregon Revised Statute 294.456 prescribes that the governing body shall enact resolutions to adopt the budget, to make the appropriations, to determine, make and declare the ad valorem property tax amount or rate to be certified to the assessor, and to itemize and categorize the ad valorem property tax amount or rate as required under ORS 310.060. The format and wording is based on recommendations from the Oregon Department of Revenue. The Board is required by law to adopt a balanced budget before July 1, 2024, the start of the new fiscal year.

The Board annually levies a permanent tax rate for general operating purposes of the school district. The tax rate for the General Fund is a permanent rate computed by the Oregon Department of Revenue expressed in dollars per thousand of assessed value. No action of the Board can increase this limit. This tax rate is \$0.2232 per \$1,000 of assessed value and was approved by the Budget Committee.

Please contact me with questions or if you would like any additional information.



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North | 541.461.8200 | www.lesd.k12.or.us  
 Eugene, OR 97402 | 541.461.8298 [Fax]

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Prepared for: Lane ESD Board of Directors  
 Prepared by: Olivia Meyers Buch, Executive Director of Business Services  
 Meeting Date: June 4, 2024

**Resolution: Supplemental Budget for Capital Projects Fund**

Oregon’s local budget law allows the ESD to make a supplemental budget during the fiscal year for which the original budget was adopted. The proposed supplemental budget is summarized below. Changes in appropriations for the fund exceed 10% of total appropriations so a public hearing is required prior to adoption.

Proposed changes in the **Capital Projects Fund** recognize a \$495,000 increase in resources and modifies appropriations by the same amount. Major changes recognize anticipated loan proceeds and actual beginning fund balance to fund the technology office remodel project.

**CAPITAL PROJECTS FUND**

	<u>As Adopted</u>	<u>Proposed</u>	<u>Change</u>
<i>Resources</i>			
Loan Receipts	\$ -	\$ 300,000	\$ 300,000
Interfund Transfers	285,000	285,000	-
Beginning Fund Balance	50,000	245,000	195,000
<b>Total Change in Resources</b>	<b>\$ 335,000</b>	<b>\$ 830,000</b>	<b>\$ 495,000</b>
<i>Requirements</i>			
Support Services	\$ 271,925	\$ 766,925	\$ 495,000
Debt Service	63,075	63,075	-
<b>Total Change in Requirements</b>	<b>\$ 335,000</b>	<b>\$ 830,000</b>	<b>\$ 495,000</b>

Please contact me with questions or if you would like any additional information.

Lane Education Service District  
**Resolution**

**Supplemental Budget for Capital Projects Fund**

**WHEREAS**, ORS 294.471 provides for a governing body to make supplemental budgets for the fiscal year in certain cases;

**AND WHEREAS**, the Capital Projects Fund requires a change in budgeted resources and appropriations which were not included in the adopted budget because the amounts were not known with certainty at the time the budget was prepared;

**BE IT RESOLVED**, that the Board of the Lane Education Service District hereby adopts a supplemental budget to the 2023-24 budget for the Capital Projects Fund as set forth below, and that the amounts for the 2023-24 fiscal year and for the purposes shown below are hereby appropriated as follows:

<b>CAPITAL PROJECTS FUND</b>			
<b>Total Resources-Adopted Budget</b>	<b>\$335,000</b>	<b>Total Requirements-Adopted Budget</b>	<b>\$335,000</b>
<b>Supplemental Budget</b>			
Loan Receipts	300,000	Support Services	495,000
Beginning Fund Balance	195,000		
<b>Total Resources</b>	<b>495,000</b>	<b>Total Requirements</b>	<b>495,000</b>
<b>Total Resources-Amended Budget</b>	<b>\$830,000</b>	<b>Total Requirements-Amended Budget</b>	<b>\$830,000</b>

The above resolution statements were approved and declared adopted on this 4th day of June, 2024.

**LANE EDUCATION SERVICE DISTRICT  
LANE COUNTY, OREGON**

\_\_\_\_\_  
Sherry Duerst-Higgins, Board Chair

ATTEST:

\_\_\_\_\_  
Tony Scurto, Clerk



*LANE EDUCATION SERVICE DISTRICT*

1200 Highway 99 North  
Eugene, OR 97402

541.461.8200  
541.461.8298 [Fax]

[www.lesd.k12.or.us](http://www.lesd.k12.or.us)

EQUITY    COMMITMENT    LEADERSHIP    COLLABORATION    INTEGRITY

Prepared for: Lane ESD Board of Directors  
Prepared by: Olivia Meyers Buch, Executive Director of Business Services  
Meeting Date: June 4, 2024

**Resolution: Transfer of Appropriations in General Fund**

Oregon Revised Statute 294.463 allows the ESD to transfer appropriations within a fund when authorized by resolution of the governing body. Proposed changes are based on transferring funds from one function to another as needed in anticipation that expenditures may exceed appropriations in the General Fund and Special Revenue Fund.

Please contact me with questions or if you would like any additional information.

Lane Education Service District  
**Resolution**

**Transfer of Appropriations  
General Fund and Special Revenue Fund**

**WHEREAS**, ORS 294.463 provides for a governing body to transfer appropriations within a fund for the fiscal year;

**AND WHEREAS**, the appropriations made by the Board for the General Fund and Special Revenue Fund require adjustment to acknowledge that projected actual expenditures may exceed the amounts appropriated by the Board.

**BE IT RESOLVED**, that the Board of the Lane Education Service District hereby transfers 2023-24 budget appropriations in the General Fund and Special Revenue Fund as follows:

<u>100 General Fund</u>	<u>As Adopted</u>	<u>Proposed</u>	<u>Change</u>
Requirements			
1000 Instruction	\$ 12,474,005	\$ 13,324,005	\$ 850,000
2000 Support Services	11,697,177	11,197,177	(500,000)
5000 Other Uses	3,410,163	4,110,163	700,000
5200 Transfers of Funds	459,000	459,000	-
6000 Contingencies	2,415,956	1,365,956	(1,050,000)
7000 Unappropriated Ending Fund Balance	600,000	600,000	-
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<b>Total</b>	<b>\$ 31,056,300</b>	<b>\$ 31,056,300</b>	<b>\$ -</b>

<u>200 Special Revenue Fund</u>	<u>As Adopted</u>	<u>Proposed</u>	<u>Change</u>
Requirements			
1000 Instruction	\$ 3,376,551	\$ 3,226,551	\$ (150,000)
2000 Support Services	12,961,539	13,111,539	150,000
3000 Enterprise and Community Services	71,300	71,300	-

5000 Other Uses	20,047,420	20,047,420	-
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<b>Total</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
_____	<b>36,456,810</b>	<b>36,456,810</b>	<b>-</b>
	_____	_____	_____

The above resolution statements were approved and declared adopted on this 4th day of June, 2024.

**LANE EDUCATION SERVICE DISTRICT  
LANE COUNTY, OREGON**

\_\_\_\_\_  
Sherry Duerst-Higgins, Board Chair

ATTEST:

\_\_\_\_\_  
Tony Scurto, Clerk



Special Education

M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
July [ 19 ]					August [ 4 ]					September [ 1 ]					October [ 23 ]				
<u>1</u>	<u>2</u>	<u>3</u>	☺	🚌				1	2	☺	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>		1	2	3	4
8	9	10	11	12	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	7	8	9	10	📅
15	16	17	18	19	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	14	15	16	17	18
22	23	24	25	26	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	21	22	23	24	25
29	30	31	📅	<u>27</u>	📅	<u>29</u>	<u>30</u>	30						28	29	30	31		
November [ 18 ]					December [ 15 ]					January [ 19 ]					February [ 19 ]				
				1	2	3	4	5	6			☺	<u>2</u>	<u>3</u>	📅	4	5	6	7
4	5	6	7	📅	9	10	11	12	13	📅	7	8	9	10	10	11	12	13	14
☺	12	13	14	15	16	17	18	19	20	13	14	15	16	17	<u>17*</u>	18	19	20	21
18	19	20	21	22	<u>23</u>	☺	☺	<u>26</u>	<u>27</u>	☺	21	22	23	24	24	25	26	27	28
25	26	27	☺	☺	<u>30</u>	<u>31</u>				27	28	29	30	📅					
March [ 16 ]					April [ 22 ]					May [ 21 ]					June [ 10 ]				
3	4	5	6	7		1	2	3	4				1	2	2	3	4	5	6
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17	18	19	20	21	14	15	16	17	📅	12	13	14	15	16	<u>16*</u>	<u>17*</u>	<u>18</u>	<u>19</u>	<u>20</u>
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	21	22	23	24	25	19	20	21	22	23	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>
📅					28	29	30			☺	27	28	29	30	<u>30</u>				
📅	First day of work				☺	Paid Holiday				📅	Grading Day				187	Work days			
☀	Last day of work				📅	Inservice Day				*	Possible Inclement Weather Make Up				6	Paid holidays			
<u>1</u>	Non-contract Day (Underline)				[ ]	Number of workdays per month				Dec. 23 – Jan 3 March 24-28			Winter Break Spring Break		193	Total days			

**Important ESD-wide, Service Area, or District Assignment Dates**

2024-25 Cohort Training	August 21, 2024	For Employees hired since the 2023-24 Cohort
All Staff Welcome Back	August 28, 2024	
All Staff Professional Development	January 6, 2025*	*date is unconfirmed



Special Education

Serbu Education Center – 228 days

M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
July [ 19 ]					August [ 12 ]					September [ 20 ]					October [ 23 ]				
<u>1</u>	<u>2</u>	<u>3</u>	☺	🚌				1	2	☺	3	4	5	6		1	2	3	4
8	9	10	11	12	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	9	10	11	12	13	7	8	9	10	📖
15	16	17	18	19	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	16	17	18	19	20	14	15	16	17	18
22	23	24	25	26	19	20	21	22	23	23	24	25	26	27	21	22	23	24	25
29	30	31			26	📖	📖	29	30	30					28	29	30	31	
November [ 18 ]					December [ 15 ]					January [ 19 ]					February [ 20 ]				
				1	2	3	4	5	6			☺	<u>2</u>	<u>3</u>	📖 □	4	5	6	7
4	5	6	7	8	9	10	11	12	13	6	7	8	9	10	10	11	12	13	14
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18	19	20	21	22	<u>23</u>	☺	☺	<u>26</u>	<u>27</u>	☺	21	22	23	24	24	25	26	27	28
25	26	27	☺	☺	<u>30</u>	<u>31</u>				27	28	29	30	31					
March [ 16 ]					April [ 22 ]					May [ 21 ]					June [ 15 ]				
3	4	5	6	7		1	2	3	4				1	2	2	3	4	5	6
10	11	12	13	14	7	8	9	10	11	5	6	7	8	9	9	10	11	12	13
17	18	19	20	21	14	15	16	17	18	12	13	14	15	16	16	17	18	☺	20
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	21	22	23	24	25	19	20	21	22	23	☀	<u>24*</u>	<u>25*</u>	<u>26*</u>	<u>27*</u>
31					28	29	30			☺	27	28	29	30	<u>30</u>				
🚌	First day of work				☺	Paid Holiday				📖 □	Grading Day				220	Work days			
☀	Last day of work				📖	Inservice Day				*	Possible Inclement Weather Make Up				8	Paid holidays			

<u>1</u>	<b>Non-contract Day</b> ( <u>Underlined</u> )	[ ]	Number of workdays per month	Dec. 23 – Jan 3 March 24-28	Winter Break Spring Break	228	Total days
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Special Education

State Hospital Ed. Program – 228 days

M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	
<b>July [ 19 ]</b>					<b>August [ 12 ]</b>					<b>September [ 20 ]</b>					<b>October [ 23 ]</b>					
<u>1</u>	<u>2</u>	<u>3</u>	☺	🚌				1	2	☺	3	4	5	6		1	2	3	4	
8	9	10	11	12	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	9	10	11	12	13	7	8	9	10	11	
15	16	17	18	19	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	16	17	18	19	20	14	15	16	17	18	
22	23	24	25	26	19	20	21	22	23	23	24	25	26	27	21	22	23	24	25	
29	30	31			26	📅	📅	29	30	30					28	29	30	31		
<b>November [ 18 ]</b>					<b>December [ 15 ]</b>					<b>January [ 19 ]</b>					<b>February [ 20 ]</b>					
				1	2	3	4	5	6			☺	<u>2</u>	<u>3</u>	📅 □	4	5	6	7	
4	5	6	7	8	9	10	11	12	13	6	7	8	9	10	10	11	12	13	14	
☺	12	13	14	15	16	17	18	19	20	13	14	15	16	17	17	18	19	20	21	
18	19	20	21	22	<u>23</u>	☺	☺	<u>26</u>	<u>27</u>	☺	21	22	23	24	24	25	26	27	28	
25	26	27	☺	☺	<u>30</u>	<u>31</u>				27	28	29	30	31						
<b>March [ 16 ]</b>					<b>April [ 22 ]</b>					<b>May [ 21 ]</b>					<b>June [ 15 ]</b>					
3	4	5	6	7		1	2	3	4				1	2	2	3	4	5	6	
10	11	12	13	14	7	8	9	10	11	5	6	7	8	9	9	10	11	12	13	
17	18	19	20	21	14	15	16	17	18	12	13	14	15	16	16	17	18	<u>19</u>	20	
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	21	22	23	24	25	19	20	21	22	23	☀	<u>24*</u>	<u>25*</u>	<u>26*</u>	<u>27*</u>	
31					28	29	30			☺	27	28	29	30	<u>30</u>					
🚌	First day of work				☺	Paid Holiday				📅 □	Grading Day				220	Work days				
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<u>1</u>	Non-contract Day ( <u>underline</u> )				[ ]	Number of workdays per month				Dec. 23 – Jan 3 March 24-28			Winter Break Spring Break			228	Total days			

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Special Education

Serbu Education Center – 193 days

M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
<b>July [ 0 ]</b>					<b>August [ 4 ]</b>					<b>September [ 20 ]</b>					<b>October [ 23 ]</b>				
<u>1</u>	<u>2</u>	<u>3</u>	☺	<u>5</u>				<u>1</u>	<u>2</u>	☺	📅	4	5	6		1	2	3	4
<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	9	10	11	12	13	7	8	9	10	📅
<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	16	17	18	19	20	14	15	16	17	18
<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	23	24	25	26	27	21	22	23	24	25
<u>29</u>	<u>30</u>	<u>31</u>			<u>26</u>	📅	📅	📅	📅	30					28	29	30	31	
<b>November [ 18 ]</b>					<b>December [ 15 ]</b>					<b>January [ 19 ]</b>					<b>February [ 19 ]</b>				
				1	2	3	4	5	6			☺	<u>2</u>	<u>3</u>	📅	4	5	6	7
4	5	6	7	📅 □	9	10	11	12	13	📅	7	8	9	10	10	11	12	13	14
☺	12	13	14	15	16	17	18	19	20	13	14	15	16	17	<u>17*</u>	18	19	20	21
18	19	20	21	22	<u>23</u>	☺	☺	<u>26</u>	<u>27</u>	☺	21	22	23	24	24	25	26	27	28
25	26	27	☺	☺	<u>30</u>	<u>31</u>				27	28	29	30	📅 □					
<b>March [ 16 ]</b>					<b>April [ 22 ]</b>					<b>May [ 21 ]</b>					<b>June [ 10 ]</b>				
3	4	5	6	7		1	2	3	4				1	2	2	3	4	5	6
10	11	12	13	14	7	8	9	10	11	5	6	7	8	9	9	10	11	12	☀
17	18	19	20	21	14	15	16	17	📅 □	12	13	14	15	16	<u>16*</u>	<u>17*</u>	<u>18</u>	<u>19</u>	<u>20</u>
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	21	22	23	24	25	19	20	21	22	23	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>
📅					28	29	30			☺	27	28	29	30	<u>30</u>				
📅	First day of work				☺	Paid Holiday				📅 □	Grading Day				187	Work days			
☀	Last day of work				📅	Inservice Day				*	Possible Inclement Weather Make Up				6	Paid holidays			
<u>1</u>	Non-contract Day <u>Underline</u>				[ ]	Number of workdays per month				Dec. 23 – Jan 3		Winter Break			193	Total days			
										March 24-28		Spring Break							

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Special Education

Serbu Education Center – 216 days

M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
<b>July [ 19 ]</b>					<b>August [ 6 ]</b>					<b>September [ 20 ]</b>					<b>October [ 23 ]</b>				
<u>1</u>	<u>2</u>	<u>3</u>	☺	🚌				1	2	☺	📅	4	5	6		1	2	3	4
8	9	10	11	12	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	9	10	11	12	13	7	8	9	10	📅
15	16	17	18	19	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	16	17	18	19	20	14	15	16	17	18
22	23	24	25	26	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	23	24	25	26	27	21	22	23	24	25
29	30	31			<u>26</u>	📅	📅	📅	📅	30					28	29	30	31	
<b>November [ 18 ]</b>					<b>December [ 15 ]</b>					<b>January [ 19 ]</b>					<b>February [ 19 ]</b>				
				1	2	3	4	5	6			☺	<u>2</u>	<u>3</u>	📅	4	5	6	7
4	5	6	7	👤	9	10	11	12	13	📅	7	8	9	10	10	11	12	13	14
☺	12	13	14	15	16	17	18	19	20	13	14	15	16	17	<u>17*</u>	18	19	20	21
18	19	20	21	22	<u>23</u>	☺	☺	<u>26</u>	<u>27</u>	☺	21	22	23	24	24	25	26	27	28
25	26	27	☺	☺	<u>30</u>	<u>31</u>				27	28	29	30	👤					
<b>March [ 16 ]</b>					<b>April [ 22 ]</b>					<b>May [ 21 ]</b>					<b>June [ 10 ]</b>				
3	4	5	6	7		1	2	3	4				1	2	2	3	4	5	6
10	11	12	13	14	7	8	9	10	11	5	6	7	8	9	9	10	11	12	☀
17	18	19	20	21	14	15	16	17	👤	12	13	14	15	16	<u>16*</u>	<u>17*</u>	<u>18</u>	<u>19</u>	<u>20</u>
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	21	22	23	24	25	19	20	21	22	23	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>
📅					28	29	30			☺	27	28	29	30	<u>30</u>				
🚌	First day of work				☺	Paid Holiday				👤	Grading Day				208	Work days			
☀	Last day of work				📅	Inservic Day				*	Possible Inclement Weather Make Up				8	Paid holidays			
<u>1</u>	Non-contract Day (Underline)				[ ]	Number of workdays per month				Dec. 23 – Jan 3 March 24-28		Winter Break Spring Break			216	Total days			

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M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
<b>July [ 0 ]</b>					<b>August [ 4 ]</b>					<b>September [ 20 ]</b>					<b>October [ 23 ]</b>				
<u>1</u>	<u>2</u>	<u>3</u>	☺	<u>5</u>				<u>1</u>	<u>2</u>	☺	☰	4	5	6		1	2	3	4
<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	9	10	11	12	13	7	8	9	10	☰
<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	16	17	18	19	20	14	15	16	17	18
<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	23	24	25	26	27	21	22	23	24	25
<u>29</u>	<u>30</u>	<u>31</u>			<u>26</u>	☰	☰	☰	☰	30					28	29	30	31	
<b>November [ 18 ]</b>					<b>December [ 15 ]</b>					<b>January [ 19 ]</b>					<b>February [ 19 ]</b>				
				1	2	3	4	5	☰			☺	<u>2</u>	<u>3</u>	☰	4	5	6	7
4	5	6	7	☰ ☐	9	10	11	12	13	☰	7	8	9	10	10	11	12	13	14
☺	12	13	14	15	16	17	18	19	20	13	14	15	16	17	<u>17*</u>	18	19	20	21
18	19	20	21	22	<u>23</u>	☺	☺	<u>26</u>	<u>27</u>	☺	21	22	23	24	24	25	26	27	28
25	26	☰	☺	☺	<u>30</u>	<u>31</u>				27	28	29	30	☰ ☐					
<b>March [ 16 ]</b>					<b>April [ 22 ]</b>					<b>May [ 21 ]</b>					<b>June [ 10 ]</b>				
3	4	5	6	7		1	2	3	4				1	2	2	3	4	5	6
10	11	12	13	14	7	8	9	10	11	5	6	7	8	9	9	10	11	12	☀
17	18	19	20	21	14	15	16	☰	☰ ☐	12	13	14	15	16	<u>16*</u>	<u>17*</u>	<u>18*</u>	<u>19</u>	<u>20</u>
<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	21	22	23	24	25	19	20	21	22	☰	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>
☰					28	29	30			☺	27	28	29	30	<u>30</u>				
☰	First day of work				☺	Paid Holiday				☰ ☐	Grading Day				187	Work days			
☀	Last day of work				☰	Inservice Day				*	Possible Inclement Weather Make Up				6	Paid holidays			
<u>1</u>	Non-contract Day (Underline)				[ ]	Number of workdays per month				Dec. 23 – Jan 3 March 24-28			Winter Break Spring Break		193	Total days			

**Important ESD-wide, Service Area, or District Assignment Dates**

2024-25 Cohort Training	August 21, 2024	For Employees hired since the 2023-24 Cohort
All Staff Welcome Back	August 28, 2024	
All Staff Professional Development	January 6, 2025*	*date is unconfirmed

# OSBA Model ESD Sample Policy

Code: DJC  
Adopted:

## Bidding Requirements

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

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

~~The Board is the Local Contract Review Board (LCRB) for the ESD. The LCRB has adopted its own rules of procedure that will govern ESD purchasing.<sup>3</sup> Consequently, the model rules<sup>4</sup> adopted by the Attorney General shall not apply to the ESD. The ESD shall review its rules each time the Attorney General adopts a modification of the model rules to determine whether any modifications need to be made to ESD rules, as required by ORS 279A.065(6)(b). New rules, as necessary, shall be adopted by the LCRB. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.~~

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

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

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

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

## Goods and Services

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<sup>1</sup> Oregon Administrative Rules (OAR) 137-045 - 049

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

<sup>3</sup> ~~{The ESD should insert date of adoption of such rules and their location here and remove brackets.}~~

<sup>4</sup> Oregon Administrative Rules (OAR) 137-045 - 049

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

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

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<sup>5</sup> “Emergency” means circumstances that:

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

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

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

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

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

## Public Improvements

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the ESD.<sup>10</sup> The ESD will contract for public improvements using the following procedures, unless an exception applies.

1. Public improvements contracts with a value of less than \$25,000 are exempt from competitive bidding.
2. Intermediate Procurements. For public improvement contracts not exceeding \$100,000, the ESD may utilize three quotes<sup>11</sup>:
  - a. The request for the quotes shall be in writing (unless not reasonably practicable)<sup>12</sup>;

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

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

<sup>9</sup> See ORS 670.600 and OAR 459-005-0020.

<sup>10</sup> Public improvement does not include:

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

<sup>11</sup> If three quotes are not reasonably available, the ESD shall make a written record of the effort made to obtain these quotes.

<sup>12</sup> For Public Works Contracts, oral quotations may only be utilized in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.

- b. The request for quotes shall include the selection criteria and if the criteria are not of equal value, their relative value or ranking.

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

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

[ORS 670.600](#)  
[OAR Chapter 125](#), Divisions 246 -  
249

[OAR Chapter 137](#), Divisions 045 -  
049  
[OAR 459-005-0020](#)

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

# OSBA Model ESD Sample Policy

Code: GBN/JBA  
Adopted:

## Sexual Harassment

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

The ESD is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the ESD. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The ESD processes complaints<sup>{1}</sup> or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

### General Procedures

When information, a report or complaint regarding sexual harassment is received by the ESD, the ESD will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The ESD may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures<sup>{2}</sup>.

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>3</sup> shall include:

1. A demand or request for sexual favors in exchange for benefits;

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<sup>1</sup> {Some ESDs choose not to use the terms “complaint” and “complainant” because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the ESD chooses to change these terms, new terms must be consistent and clear. Note, “complainant” is defined under federal law.}

<sup>2</sup> {Common complaint procedures that may also be involved include: Nondiscrimination (AC), Workplace Harassment (GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (GBNAA/JHFF).}

<sup>3</sup> “Third party” means a person who is not a student or a school or ESD staff member and who is: 1) on or immediately adjacent to school grounds or ESD property; 2) at a school-sponsored activity or program; or 3) off school grounds or ESD property if a student or a school or ESD staff member acts toward the person in a manner that creates a hostile environment for the person while on school or ESD property, or at a school- or ESD-sponsored activity.

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student’s educational activity or program;
  - b. Interferes with a school or ESD staff member’s ability to perform their job; or
  - c. Creates an intimidating, offensive, or hostile environment.
  
3. Assault when sexual contact occurs without ~~the student’s, staff member’s or third party’s consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats~~ consent<sup>4</sup>.<sup>{5}</sup>

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

Examples of sexual harassment may include, but not be limited to, <sup>{6}</sup>physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

### Oregon Procedures

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

Name	Position	Phone	Email
Morgan Christensen	Human Resources Director	541.461.8200	<a href="mailto:mchristensen@lesd.k12.or.us">mchristensen@lesd.k12.or.us</a>
Molly Gillette	Special Education Director	541.461.8200	<a href="mailto:mgillette@lesd.k12.or.us">mgillette@lesd.k12.or.us</a>

These individuals are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. These persons are also designated as the Title IX coordinators.<sup>{7}</sup> See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

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

<sup>5</sup> {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the ESD would like to include the full statutory definition, it can do so.}

<sup>6</sup> {OAR 581-021-0038 requires that the policy include a “examples of harassing behaviors covered by policy”. The bracketed list in this policy reflects OSBA’s recommendations. The ESD has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the ESD’s legal counsel.}

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

## Response

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

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

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

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

## Investigation

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

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The ESD will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment. <sup>{8}</sup>

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<sup>8</sup> {OSBA strongly recommends the Board receive input from ESD administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a *reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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

1. Discipline of staff and students engaging in sexual harassment;
7. Removal of third parties engaged in sexual harassment;
8. Additional supervision in activities;
9. Additional controls for ESD electronic systems;
10. Trainings and education for staff and students; and
11. Increased notifications regarding ESD procedures and resources.

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

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

#### **No Retaliation**

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

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

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

## Notice

When a person<sup>9</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the ESD shall provide written notification to the following:

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

The written notification must include<sup>10</sup>:

1. Name and contact information for all person designated by the ESD to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or ESD that the person who filed the complaint may pursue, including the person designated for the school or ESD for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or ESD may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or ESD, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or ESD;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
  - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
  - b. For the reported persons, information about and contact information for state and community-based mental health services;
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the ESD's drug and alcohol

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<sup>9</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the ESD should consider when to contact the person's parent.

<sup>10</sup> Remember confidentiality laws when providing any information.

policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

9. Prohibition of retaliation.

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

The notice must:

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

**Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request.

**FEDERAL DEFINITION AND PROCEDURES**

**Federal Definition**

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

1. An employee of the ESD conditioning the provision of an aid, benefit, or service of the ESD on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ESD's education program or activity<sup>11</sup>;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;

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<sup>11</sup> "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (Title 34 C.F.R. § 106.44(a))

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

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

### Federal Procedures

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

### Reporting

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

[Person or position] is designated as the Title IX coordinator and can be contacted at [insert phone number]. The Title IX coordinator will coordinate the ESD’s efforts to comply with its responsibilities related to this AR. The ESD prominently will display the contact information for the Title IX coordinator on the ESD website and in each handbook. {<sup>12</sup>}

**Commented [1]:** Current policy reads “Human Resource Director”

**Commented [2]:** Current policy reads “541-461-8264” - CK’s former number. Should we insert general phone number?

### Response

The ESD will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>13</sup> The ESD shall treat complainants and respondents equitably by providing supportive measures<sup>14</sup> to the complainant and by

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

<sup>13</sup> (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

<sup>14</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ESD’s educational environment, or deter sexual harassment. The ESD must maintain as

following a grievance procedure<sup>15</sup> prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>16</sup>

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>17</sup>The ESD must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

### **Notice**

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

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

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary<sup>18</sup>, or both.

### **No Retaliation**

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confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

<sup>16</sup> The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

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

<sup>18</sup> Of the United States Department of Education

Neither the ESD or any person may retaliate<sup>19</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The ESD must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

### **Publication**

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

END OF POLICY

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### **Legal Reference(s):**

[ORS 243.706](#)

[ORS 334.125](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

[ORS 342.865](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

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<sup>19</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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).

## OSBA Model ESD Sample Policy

Code: GBNAB/JHFE  
Adopted:

### Suspected Abuse of a Child Reporting Requirements\*\*

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

Any ESD employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse<sup>1</sup> shall ~~orally report or cause an oral report~~ immediately ~~by telephone or otherwise to the local office of the~~ make a report to Oregon Department of Human Services (DHS) ~~or its designee~~ through the centralized child abuse reporting system or to ~~the a~~ law enforcement agency within the county where the person making the report is located at the time of the contact ~~pursuant to Oregon Revised Statute (ORS) 419B.010~~. Any ESD employee who has reasonable cause to believe that **any person**<sup>2</sup> with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010~~. ~~If known,~~ The report shall ~~must~~ contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by ESD employees, contractors<sup>3</sup>, agents<sup>4</sup>, volunteers<sup>5</sup>, or students is prohibited and will not be tolerated. All ESD employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

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

<sup>1</sup> Includes the neglect of a child as it is defined in ORS 419B.005.

<sup>2</sup> "Person" could include adult, student or other child.

<sup>3</sup> "Contractor" means a person providing services to the ESD under a contract in a manner that requires the person to have direct, unsupervised contact with students.

<sup>4</sup> "Agent" means a person acting as an agent for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

<sup>5</sup> "Volunteer" means a person acting as a volunteer for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

The ESD will designate a {<sup>6</sup>} licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by ESD employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the [insert {<sup>7</sup>} licensed administrator position title] who shall refer the report to the Board chair.

Commented [JS1]: Assistant Superintendent?

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

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

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

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

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

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

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

<sup>6</sup> {ORS 339.372 requires the ESD to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the ESD and holds an administrative license issued by TSPC or may be a person employed by the ESD that does not hold an administrative license issued by TSPC if the ESD does not require the administrator to be licensed by TSPC.}

<sup>7</sup> {A "licensed administrator" is a person employed as an administrator by the ESD and holds an administrative license issued by TSPC or may be a person employed by the ESD that does not hold an administrative license issued by TSPC if the ESD does not require the administrator to be licensed by TSPC.}

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

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

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

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

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

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

Commented [JS2]: Select language

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

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)                      [ORS 419B.005 - 419B.050](#)                      [OAR 581-022-2205](#)  
[ORS 418.257 - 418.259](#)

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

# OSBA Model ESD Sample Policy

Code: GCDA/GDDA

Adopted:

## **Criminal Records Checks and Fingerprinting \***

{Required policy. Requirement/Authority for policy comes from OAR 581-021-0510 - 021-0512 and ORS 326.603 - 326.607.}

In a continuing effort to ensure the safety and welfare of students and staff, the ESD shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers and others.

### **Requirements for Employees <sup>{1}</sup> not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)**

All newly hired employees<sup>2</sup> not identified under Oregon Revised Statutes (ORS) 342.223<sup>3</sup> are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the ESD has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district<sup>4</sup> or private school, and has not resided outside the state between the two periods of employment<sup>{5}</sup>.

An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the ESD. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the ESD and not requiring licensure shall be paid by the individual. An individual may request the fee be withheld from the amount otherwise due the individual. The ESD will withhold this amount only upon request of the subject individual.

The ESD may begin the employment of an individual on a probationary basis pending the return and disposition of the required criminal records checks.

When the criminal records check indicates an individual has been convicted of any crimes<sup>6</sup> prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any

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<sup>1</sup> {If the ESD wants to include the larger section on TSPC licensed employees (see p. 2), keep this bracketed language. If the ESD does not want to include the larger section on TSPC licensed individuals, omit this bracketed language.}

<sup>2</sup> Any individual hired within the last three months. This 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).

<sup>3</sup> ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

<sup>4</sup> As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, ESDs and public charter schools.

<sup>5</sup> {Additional exception applies through July 1, 2024. See ORS 326.603(4)(b).}

<sup>6</sup> See OAR 581-021-0511(8).

crime, the individual will not be employed by the ESD, or if employed by the ESD will be terminated. An individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the ESD as provided by law may be employed by the ESD. Employment termination shall remove the individual from any ESD policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Requirements for individuals in positions requiring licensure, certification or registration with Teacher Standards and Practices Commission (TSPC) are outlined in ORS 342.223.

OR

### **Requirements for TSPC Licensed, Certified or Registered Individuals**

1. ~~Any individual who is applying for a license as a teacher, administrator or personnel specialist is subject to a criminal records check and fingerprinting, unless the individual has submitted to such a check through the Teacher Standards and Practices Commission (TSPC) within the previous three years, or has remained continuously licensed by or registered with TSPC for a different license or registration for which the individual has already submitted to a criminal records check and fingerprinting.~~
2. ~~Any individual who is applying for an initial certificate under ORS 342.475 as a school nurse shall submit to a criminal records check and fingerprinting with TSPC.~~
3. ~~Any individual who is applying for a registration as a public charter school teacher or administrator with TSPC shall submit to a criminal records check and fingerprinting with TSPC.~~
4. ~~Any individual applying for reinstatement of an Oregon license or registration as a teacher, administrator or personnel specialist, or a certificate as a school nurse with the TSPC, whose license, registration or certificate has lapsed for at least three years, shall submit to a criminal records check and fingerprinting with TSPC.~~
5. ~~Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the individual does not hold a current license issued by TSPC and has not submitted to a criminal records check by TSPC within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist, shall be required to submit to a criminal records check and fingerprinting with TSPC.~~

### Requirements for Contractors<sup>{7}</sup>

All individuals employed as or by a contractor and considered by the ESD to have direct, unsupervised contact with students<sup>8</sup> or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

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<sup>7</sup> {The ESD should include language regarding background checks in any contract that includes direct, unsupervised contact with students whenever applicable.}

<sup>8</sup> “Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

The superintendent or designee will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the ESD upon:

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification<sup>9</sup> from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

A subject individual will be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

### **Requirements for Volunteers**

The service of a volunteer into a position identified by the ESD as requiring a fingerprint-based criminal records check may begin on a probationary basis pending the return and disposition of a state and national criminal records check based on fingerprints.

{<sup>10</sup>} Volunteers allowed by the ESD into a position designated by the ESD to have direct, unsupervised contact with students shall submit to an in-state criminal records check.

The service of a volunteer allowed to have direct, unsupervised contact with students may begin on a probationary basis pending the return and disposition of a criminal records check.

A volunteer who knowingly made a false statement on an ESD volunteer application form or has a conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the ESD.

Fees associated with a required fingerprinting for volunteers shall be paid by the individual. Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the individual.

A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the ESD.

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<sup>9</sup> 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.

<sup>10</sup> {If the ESD allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and ESDs are required to conduct criminal records checks on these volunteers.}

## **Requirements for Others**

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day is required to submit to a criminal records check and a fingerprint-based criminal records check.

Any individual who is an employee of a public charter school and not identified under ORS 342.223 is required to submit to a criminal records check and a fingerprint-based criminal records check.

## **Notification**

The ESD will provide written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The ESD will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment or contract status or the ability to volunteer in the ESD;
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the ESD may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;
5. An individual determined to have knowingly made a false statement as to the conviction of any crime on ESD employment applications, contracts, or ODE forms (written or electronic) will result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status.
7. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the ESD.

## **Processing and Reporting Procedures**

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the ESD. The ESD shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing ESD staff;
2. Contracted agent of employing ESD;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the ESD will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the 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 or has a conviction of a crime prohibiting employment, or contract or volunteering.

A copy of the fingerprinting results will be kept by the ESD. The ESD's use of criminal history must be relevant to the specific requirements of the position, services or employment.

END OF POLICY

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**Legal Reference(s):**

[ORS 181A.180](#)  
[ORS 181A.230](#)  
[ORS 326.603](#)  
[ORS 326.607](#)  
[ORS 334.125](#)

[ORS 336.631](#)  
[ORS 342.143](#)  
[ORS 342.223](#)  
[OAR 414-061-0010 – 061-0030](#)  
[OAR 581-021-0510 – 021-0512](#)

[OAR 581-022-2430](#)  
[OAR 584-050-0012](#)  
[OAR 584-050-0100](#)

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

# OSBA Model ESD Sample Policy

Code: IGBAF

Adopted:

## Special Education - Individualized Education Program (IEP)\*\*

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21 years of age, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district; or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district 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 district 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 district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls or individual meetings.

END OF POLICY

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### Legal Reference(s):

[ORS 343.151](#)  
[ORS 343.155](#)  
[ORS 343.321 - 343.333](#)

[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 (2012).

# OSBA Model ESD Sample Policy

Code: JBA/GBN  
Adopted:

## Sexual Harassment

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

The ESD is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the ESD. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The ESD processes complaints<sup>{1}</sup> or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

### General Procedures

When information, a report or complaint regarding sexual harassment is received by the ESD, the ESD will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The ESD may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures<sup>{2}</sup>.

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>3</sup> shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student’s educational activity or program;
  - b. Interferes with a school or ESD staff member’s ability to perform their job; or

<sup>1</sup> {Some ESDs choose not to use the terms “complaint” and “complainant” because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If the ESD chooses to change these terms, new terms must be consistent and clear. Note, “complainant” is defined under federal law.}

<sup>2</sup> {Common complaint procedures that may also be involved include: Nondiscrimination (AC), Workplace Harassment (GBEA), Hazing, JHarassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (GBNAA/JHFF).}

<sup>3</sup> “Third party” means a person who is not a student or a school or ESD staff member and who is: 1) on or immediately adjacent to school grounds or ESD property; 2) at a school-sponsored activity or program; or 3) off school grounds or ESD property if a student or a school or ESD staff member acts toward the person in a manner that creates a hostile environment for the person while on school or ESD property, or at a school- or ESD-sponsored activity.

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

- 3. Assault when sexual contact occurs without ~~the student’s, staff member’s or third party’s consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats~~ consent<sup>4</sup>. {<sup>5</sup>}

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

Examples of sexual harassment may include, but not be limited to, {<sup>6</sup>} physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

**Oregon Procedures**

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

Name	Position	Phone	Email

**Commented [JS1]:** Who are currently our Title IX Coordinators? Both Sue Mathisen and Ze Anderson Brown are currently listed in associated AR.

These individuals are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. These persons are also designated as the Title IX coordinators. {<sup>7</sup>} See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

**Response**

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

- 1. Student is protected and to promote a nonhostile learning environment;
- 2. Staff member is protected and to promote a nonhostile work environment; or

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

<sup>5</sup> {The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1). If the ESD would like to include the full statutory definition, it can do so.}

<sup>6</sup> {OAR 581-021-0038 requires that the policy include a “examples of harassing behaviors covered by policy”. The bracketed list in this policy reflects OSBA’s recommendations. The ESD has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the ESD’s legal counsel.}

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

3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

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

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

### Investigation

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

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The ESD will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment. {<sup>8</sup>}

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

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

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

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<sup>8</sup> {OSBA strongly recommends the Board receive input from ESD administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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

### **No Retaliation**

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

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

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

### **Notice**

When a person<sup>9</sup> who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the ESD shall provide written notification to the following:

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

The written notification must include<sup>10</sup>:

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<sup>9</sup> Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the ESD should consider when to contact the person's parent.

<sup>10</sup> Remember confidentiality laws when providing any information.

1. Name and contact information for all person designated by the ESD to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or ESD that the person who filed the complaint may pursue, including the person designated for the school or ESD for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or ESD may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or ESD, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or ESD;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
  - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
  - b. For the reported persons, information about and contact information for state and community-based mental health services;
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the ESD’s drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person’s knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

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

### **Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request.

### **FEDERAL DEFINITION AND PROCEDURES**

#### **Federal Definition**

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

1. An employee of the ESD conditioning the provision of an aid, benefit, or service of the ESD on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ESD's education program or activity<sup>11</sup>;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

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

### Federal Procedures

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

### Reporting

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

[Person or position] is designated as the Title IX coordinator and can be contacted at [insert phone number]. The Title IX coordinator will coordinate the ESD's efforts to comply with its responsibilities related to this AR. The ESD prominently will display the contact information for the Title IX coordinator on the ESD website and in each handbook. {<sup>12</sup>}

**Commented [JS2]:** Current policy reads "Human Resource Director"

**Commented [JS3]:** Current policy reads "541-461-8264" - CK's former number. Should we insert general phone number?

<sup>11</sup> "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (Title 34 C.F.R. § 106.44(a))

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

## Response

The ESD will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>13</sup> The ESD shall treat complainants and respondents equitably by providing supportive measures<sup>14</sup> to the complainant and by following a grievance procedure<sup>15</sup> prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>16</sup>

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>17</sup> The ESD must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

## Notice

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

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

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<sup>13</sup> (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

<sup>14</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ESD's educational environment, or deter sexual harassment.<sup>14</sup> The ESD must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

<sup>16</sup> The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

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

Inquiries about the application to Title IX and its requirements may be referred to the Title IX coordinator or the Assistant Secretary<sup>18</sup>, or both.

### **No Retaliation**

Neither the ESD or any person may retaliate<sup>19</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The ESD must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

### **Publication**

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

END OF POLICY

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### **Legal Reference(s):**

[ORS 243.706](#)

[ORS 334.125](#)

[ORS 342.700](#)

[ORS 342.704](#)

[ORS 342.708](#)

[ORS 342.850](#)

[ORS 342.865](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 581-021-0038](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

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<sup>18</sup> Of the United States Department of Education

<sup>19</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

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).

## OSBA Model ESD Sample Policy

Code: JHFE/GBNAB  
Adopted:

### Suspected Abuse of a Child Reporting Requirements\*\*

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

Any ESD employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse<sup>1</sup> shall ~~orally report or cause an oral report~~ immediately ~~by telephone or otherwise to the local office of the~~ make a report to Oregon Department of Human Services (DHS) ~~or its designee~~ through the centralized child abuse reporting system or to ~~the a~~ law enforcement agency within the county where the person making the report is located at the time of the contact ~~pursuant to Oregon Revised Statute (ORS) 419B.010~~. Any ESD employee who has reasonable cause to believe that **any person**<sup>2</sup> with whom the employee is in contact has abused a child shall immediately report ~~or cause a report to be made~~ in the same manner ~~to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010~~. ~~If known,~~ The report shall ~~must~~ contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by ESD employees, contractors<sup>3</sup>, agents<sup>4</sup>, volunteers<sup>5</sup>, or students is prohibited and will not be tolerated. All ESD employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

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

<sup>1</sup> Includes the neglect of a child as it is defined in ORS 419B.005.

<sup>2</sup> "Person" could include adult, student or other child.

<sup>3</sup> "Contractor" means a person providing services to the ESD under a contract in a manner that requires the person to have direct, unsupervised contact with students.

<sup>4</sup> "Agent" means a person acting as an agent for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

<sup>5</sup> "Volunteer" means a person acting as a volunteer for the ESD in a manner that requires the person to have direct, unsupervised contact with students.

The ESD will designate a {<sup>6</sup>} licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by ESD employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the [insert {<sup>7</sup>} licensed administrator position title] who shall refer the report to the Board chair.

Commented [JS1]: Assistant Superintendent?

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

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

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

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

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

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

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

<sup>6</sup> {ORS 339.372 requires the ESD to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the ESD and holds an administrative license issued by TSPC or may be a person employed by the ESD that does not hold an administrative license issued by TSPC if the ESD does not require the administrator to be licensed by TSPC.}

<sup>7</sup> {A "licensed administrator" is a person employed as an administrator by the ESD and holds an administrative license issued by TSPC or may be a person employed by the ESD that does not hold an administrative license issued by TSPC if the ESD does not require the administrator to be licensed by TSPC.}

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

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

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

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

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

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

Commented [JS2]: Select language

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

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)                      [ORS 419B.005 - 419B.050](#)                      [OAR 581-022-2205](#)  
[ORS 418.257 - 418.259](#)

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

## June Lane ESD meeting/Vanessa Truett/May Activities

### Springfield High School

OSU Springfield State Competition Symphonic Band  
PSU Springfield State Competition High School Band  
Springfield Parent Partnership Council discussing SHS testing with Jose DaSilva

### Thurston High School

Life Skills Plant Sale  
Year End Assembly: Life Skills Cheer Performance

### We Can Do Better Training

Unpacking Systemic Ableism  
What is Ableism? Ableism in our systems  
Ableism and White Supremacist Culture  
Changing Ableist language/ Listening to Lived Experience  
Neurodiversity movement/Dangers of ABA and PBIS  
Sponsored by Trillium, OHSU and more

EXTENDED CLIP



We Are the Most Beautiful People/Adults with Disabilities

**Lane Education Foundation** Funded Houston Trip for The South Eugene Robotics Team, an inclusive, gender diverse, innovative, robotics team that serves students throughout Lane County who have an interest in expansive STEM opportunities and community outreach.