

LANE EDUCATION SERVICE DISTRICT	BOARD MEETING
1200 Hwy 99 N	Tuesday, October 7, 2025
Eugene, Oregon 97402	Regular Meeting: 6:00 PM

**LANE ESD BOARD MEETING
AGENDA**

Tuesday, October 7, 2025

Work Session: 5:00 p.m.
Regular Meeting: 6:00 p.m.

1. Call Work Session to Order

Board Chair

2. Superintendent Search

The Board of Directors of Lane ESD will discuss entering into a search for the agency's next superintendent. Board policy CBB states:

The Board vests the primary responsibility for the administration of Lane ESD to the superintendent. The appointment of the superintendent is, therefore, one of the most important functions the Board can perform.

Whenever the position of superintendent shall be vacant, the Board shall appoint a superintendent and fix his/her salary and term of office.

The Board shall actively seek the best qualified and most capable candidate for the position of chief executive officer of this district. The Board may be aided in this task by the services of professional consultants and the participation of members of the staff, component districts and community.

The Board shall develop and adopt the standards (candidate qualities and work experience), criteria (application, screening and hiring process) and policy directives (promote from within, state and/or national search) to be used in hiring the superintendent or interim superintendent at a meeting open to the public and at which the public has had an opportunity to comment.

Recruitment procedures shall be prepared in advance of the search and may include the following:

1. The preparation of a written job specification for the position of superintendent;
2. Preparation of written qualifications (in addition to proper state certification);

3. Preparation of informative material describing Lane ESD and its educational goals.

Board of Directors

CBB D1

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3. Work Session | Adjournment

Board Chair

4. Call Regular Meeting To Order

Board Chair

5. Welcome

Guests attending the meeting will be introduced.

Board Chair

6. 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

7. 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.

8. Presentation: Migrant Education Summer Program

The Board of Directors of Lane ESD will hear a presentation from Ana Quintero-Arias providing highlights of our Migrant Education Summer Program. Among the exciting elements were the CTE opportunities middle school students experienced.

Ana Quintero-Arias

10725 Board Presentation

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9. Agenda Review

Board Chair

10. 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 September 9th, 2025

2. Human Resource Report, October 2025

Board Chair

Draft_LESD Board Minutes - September 9, 2025 23

HR Board Report - October 2025 36

B. Accept Financial Report

BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for August 2025.

Board Chair

August 2025 Financial Report 38

Financial Report _ Example Questions for Finance Director 42

C. Adopt 2026-27 Budget Calendar

The Board will annually adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget.

The superintendent will prepare and recommend a proposed calendar for Board approval. The calendar will identify dates and activities to include those needed to comply with state law.

BE IT RESOLVED that the Board of Directors of Lane ESD adopts the 2026-27 Budget Calendar as presented.

Board Chair

Adopt Budget Calendar 43

D. Appoint Budget Committee Member

The budget committee consists of the seven elected Board members and eight members appointed by the Board from component school district boards or designees of component district Boards. The members appointed by the Board shall consist of five members selected by ESD zone and three members selected at large.

On September 9, 2025, the Board identified three vacant budget committee positions as noted below.

Vacant:

Position 5 | Zone 5 | Term Ends: June 30, 2028

Position 6 | At-Large | Term Ends: June 30, 2028

Position 7 | At-Large | Term Ends: June 30, 2028

The vacancies were advertised through a news item on the ESD's website and the ESD's regular communication channels with districts. Committee members completing terms were eligible for re-appointment should they be interested. At this time, we have received one request for reappointment from Robin Zygaitis, who previously served in Position 7 (At-Large) representing Bethel School District.

BE IT RESOLVED: reappoint Robin Zygaitis to Position 7 (At Large) representing Bethel District for an additional three-year term ending June 30th, 2028.

Board Chair

Appoint Budget Committee Member

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E. Approve Grants

Lane ESD shall pursue federal, state or private grants or other such funds that will assist the ESD in meeting adopted Board and ESD goals.

Proposals for external funds will be submitted to the Board for evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the superintendent is authorized to use his/her judgment in approving it for submission. The superintendent will review the proposal with the Board at its next regular meeting. The Board reserves the right to reject funds associated with any grant which has been approved.

The Board shall, before acceptance of such funds, consider the district's

obligations, expectations or encumbrances when the grant ceases.

1. Collective Impact Project Grant

In an effort to support the CTE Programs of Study across the county, Lane ESD/CTE is coordinating the convening of Regional Advisory Committees for each career cluster. We will be working collaboratively with both LCC and industry partners to support teachers and programs to be more relevant and engaging for students. As such, we are seeking grant funds to support more authentic industry-education partnerships. This grant will allow us to purchase materials that support both manufacturing and construction program projects for students. The *Collective Impact Project Initiative* employs a proven collective impact model to deliver robust work-based learning experiences for students.

Through this project proposal, we will be collaborating across all school districts, bringing projects to classrooms and therefore leveling access for students.

BE IT RESOLVED that the Board of Directors of Lane ESD approves the Collective Impact Project Grant Proposal.

Grant Proposal_ Collective Impact Project_Sept2025

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F. Acceptance of Superintendent's Retirement Announcement

Superintendent Scurto to announce his retirement from Lane Education Service District to the Lane ESD Board of Directors.

BE IT RESOLVED: that the Board of Directors of Lane ESD accepts the notice of retirement from Superintendent Scurto, effective June 30th, 2026, and extends sincere appreciation for his years of dedicated service to this district, its students, staff, and community.

Superintendent Scurto

G. Superintendent Search: Work Session

Possible action item from Board work session.

Suggested language:

BE IT RESOLVED: that the Board of Directors of Lane ESD direct the Board Chair to initiate the process for superintendent search and succession planning.

Board of Directors

H. Management Team Agreement

- 3.4% increase to the insurance Contribution
- Increase for Insurance Opt-Out to \$500 per month
- COLA:
 - 3% Management Team — except Program Administrators
 - 1% Program Administrators

BE IT RESOLVED that the Board of Directors of Lane ESD accepts the 2025-26 school year Management Team agreement as offered.

Superintendent Scurto

I. Second Reading: Adopt Policy Updates and Recommendations

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 Chair

1. Section F: Facilities

Lane ESD has engaged with OSBA to complete a desk rewrite of the Board Policy Manual.

These updates were first read at the September 9th, 2025 meeting of the Board of Directors.

Policy F: Facilities

FC: Capital Construction Program, Version 1 - Proposed

FECBA: Energy-Conserving Construction - Proposed

FFA: Memorials - Adopt Update

BE IT RESOLVED that the Board of Directors of Lane ESD adopt policy updates as presented.

Chair, Superintendent Scurto

Section F_FC_Version1_ProposedAdopt 48

Section F_FECBA_ProposedAdopt 49

Section F_FFA_AdoptedUpdate 50

2. Adopt Policy Deletions | Section F

These policy deletions for Section F were presented for first read on September 9th, 2025.

The following policies/administrative rules are recommended for deletion:

FA: Facilities Development Goals - Delete

FEB: Selection of Architect - Delete

FEF/FEFB: Construction Contracts - Bidding and Awards - Delete

BE IT RESOLVED that the Board of Directors of Lane ESD proceed to adopt offered policies for deletion as presented.

Superintendent Scurto

Section F_FA_proposed delete 51

Section F_FEB_ProposeDelete 52

Section F_FEF_FEFB_ProposedDelete 53

3. Section G: Personnel (in part - Section GA to GBK_KGC)

Portions of Policy Section G were reviewed on First Read at the September 9th, 2025 Board meeting - sections include:

GAB: Job Descriptions - Adopt update

GAB-AR(1): Position Description - Adopt update

GAB-AR(2): Classified Personnel Position Description Review - Adopt update

GAB - AR(3): Internal Employee Hired to New Position Classification - Adopt update

GBA: Equal Employment Opportunity - Adopt update

GBA-AR: Veterans' Preference - Recommend to adopt

GBC: Staff Ethics - Adopt update

GBC-AR: Staff Ethics - Adopt update

GBDA: Expression of Milk or Breast-feed in the Workplace - Adopt update

GBE: Staff Health and Safety - Adopt update

GBEA: Workplace Harassment - Adopt update

GBEB: Communicable Disease - Staff in Schools - Adopt update

GBEB-AR: Communicable Disease - Staff in Schools - Adopt update

GBEC: Drug Free Workplace, Version 2 - Recommend to adopt

GBH/JECAC: Staff/Student/Parent Relations - Adopt update

GBI: Gifts and Solicitations - Adopt update

GBJ: Weapons - Staff - Adopt update

GBK/KGC: Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems - Adopt update

BE IT RESOLVED that the Board of Directors of Lane ESD adopt policy updates as presented.

Superintendent Scurto

Section G_recommended_to_adopt_GA_GBK_KGC 54

4. Adopt Policy Deletions| Section G: Personnel - (in part - Section GA to GBK_KGC)

A portion of Section G was reviewed. These policy deletions for Section G were presented for first read on September 9th, 2025.

The following policies/administrative rules are recommended for deletion:

GA: Human Resources Policy Goals - Recommend to delete

GB: General Hiring Practices - Recommend to delete

GBA-AR (1): Affirmative Action Plan - Recommend to delete

GBA-AR(3): Reference - Recommend to delete

GBE-AR: Footwear - Recommend to delete

GBEBA: HIV, AIDS and HBV - Employees - Recommend to delete

GBEBA-AR: HIV, AIDS and HBV - Employees - Recommend to delete

GBEBA: HBV/Bloodborne Pathogens - Recommend to delete

GBEBAA-AR: Bloodborne Pathogen Exposure Control Plan - Recommend to delete
GBEBC: Infection Control - HIV, Aids, HBV - Recommend to delete
GBEBD: HIV, Aids and HBV Rumor Control - Employees - Recommend to delete
GBEBE: News/Media - HIV, Aids or HBV - Recommend to delete
GBEC: Drug Free Workplace, Version 1 - Recommend to delete
GBEE - AR(2): Lane ESD Sunshine Fund Guidelines - Recommend to delete
GBHA: Staff/Student/Parent Relations - Recommend to delete

BE IT RESOLVED that the Board of Directors of Lane ESD proceed to adopt offered policies for deletion as presented.

Superintendent Scurto

Section G Deleted Chapters_Combined

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11. 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. Policy Updates | First Read

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 Board has the authority to move this policy to adoption if they choose.

Superintendent Scurto will introduce additional sections from policy Section G: Personnel

Superintendent Scurto

1. Section G | Personnel

Portions of Policy Section G (GA to GBK_KBC) were reviewed on First Read at the September 9th Board meeting.

Additional and remaining sections: GBL through GDPB presented for First Read are listed below:

GBL: Personnel Records - Adopt with Updates
GBL-AR: Personnel Records - Adopt with Updates
GBLA: Disclosure of Information - Recommend to delete

GBM: Staff Complaints * - **Adopt with Updates**
GBM-AR: Grievance Procedures - **Adopt with Updates**
GBMA: Whistle-blower - **Adopt with Updates**
GBN/JBA: Sexual Harassment.- **Adopt with Updates**
GBN/JBA - AR(1): Sexual Harassment Complaint Procedure - **Adopt with Updates**
GBN/JBA - AR(2) Federal Law (Title IX) Sexual Harassment Complaint Procedure - **Adopt with Updates**
GBNA: Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying - Staff - **Adopt with Updates**
GBNA - AR: Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures - Staff - **Adopt with Updates**
GBNAA/JFCFA: Cyberbullying - **Recommend to delete**
GBNAA/JHFF: Suspected Sexual Conduct with Students and Reporting Requirements: **Adopt with Updates**
GBNAA/JHFF - AR: Suspected Sexual Conduct Report Procedures and Form - **Adopt with Updates**
GC: Licensed Staff Positions - **Adopt with Updates**
GCA: License Requirements - **Adopt with Updates**
GCAB: Personal Electronic Devices and Social Media - Staff** - **Adopt with Updates**
GCBAA: Salary Placement - Out of District Experience - **Adopt with Updates**
GCBAB: Education Advancement on Licensed Salary Schedule - **Adopt with Updates**
GCBAC: Experience Advancement on Licensed Salary Schedule - **Adopt**
GCBC[A]/GDBC[A]Continuation Coverage Health Benefits - **Adopt with Updates**
GBCA/GDBCA: Medical Insurance Coverage for Retiring Employees and Their Dependents - **Recommend to delete**
GBCA/GDBCA-AR: Medical Insurance Coverage for Retiring Employees and Their Dependents - **Recommend to delete**
GCBCC/GDBCC: Work Schedules and Closures - **Adopt with Updates**
GCBCC/GDBCC-AR(1): Workweek Schedule - **Recommend to delete**
GCBCC/GDBCC-AR(2): Work Schedules and Inclement Weather or Other Hazards Guidelines - **Recommend to delete**
GCBG/GDBD: Personal Illness and Injury Leave* - **Adopt with Updates**
GCBG/GDBD-AR(1): Accrual of Sick Leave - **Adopt with Updates**
GCBG/GDBD-AR(2): Uncompensated Leave - **Adopt with Updates**
GCBDA/GDBDA: Family and Medical Leave - **Adopt with Updates**
GCBDA/GDBDA-AR(1): Federal Family and Medical Leave/State Family Medical Leave, ver.1 - **Recommend to delete**
GCBDA/GDBDA-AR(1): Family and Medical Leave *, Ver. 2 - **Adopt with Updates**
GCBDA/GDBDA-AR(2): Request for Family and Medical Leave - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(3)(A): Certification of Health Care Provider - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(3)(B): Certification of Health Care Provider - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(3)(C): Military Family Leave - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(3)(D): Military Family Leave - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(4): FMLA/OFLA Eligibility Notice to Employee - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(5): Sample Designation Letter to Employee - FMLA/OFLA Leave - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(6): Designation Notice - FMLA/OFLA - **ON HOLD per OSBA**
GCBDA/GDBDA-AR(7): Fitness-for-Duty Certification - **Adopt with Updates**
GCBDB/GDBDB: Early Return to Work - **Adopt with Updates**
GCBDB/GDBDB-AR : Light/Modified Duty Program - **Adopt with Updates**
GCBDB/GDBDB-AR: Light/Modified Duty Program - **Checking with OSBA**
GCBDC/GDBDC: Domestic Violence/Harassment/Sexual Assault or Stalking Leave, Ver. 1 - **Recommend to delete**
GCBDC/GDBDC: Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave (Safe Leave)* Ver. 2. **Adopt with Updates**
GCBDC/GDBDC-AR: Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave - **Adopt with Updates**
GCBDD/GDBDD: Sick Time - **PENDING**
GCBDE/GDBDE: Jury Duty - **Recommend to delete**
GCBDE/GDBDE-AR: Jury Duty - **Recommend to delete**
GCBDF/GDBDF: Paid Family Medical Leave Insurance - Adopt Ver. 1 - *effective Jan. 1st, 2026*
GCBDF/GDBDF: Paid Family and Medical Leave Insurance * - Adopted Ver. 2 - *until Dec.31st, 2025*
GCBDF/GDBDF-AR: Paid Family Medical Leave Insurance (PFMLI): Adopt Ver. 1 - *effective Jan. 1st, 2026*
GCBE/GDBE: Vacation - **Recommend to delete**
GCBE/GDBE-AR: Staff Vacation - **Recommend to delete**
GCC: Recruitment of Licensed Staff * - **Adopt with Updates**
GCCA: Posting of Licensed Staff Vacancies * - **Adopt with Updates**
GCDA/GDDA: Criminal Records Checks and Fingerprinting, Version 1 - **Recommend to delete**
GCDA/GDDA: Criminal Records Checks and Fingerprinting * Version 2 - **Adopt with Updates**
GCDA/GDDA-AR: Criminal Records Checks and Fingerprinting - **Recommend to delete**
GCI/GDI: Assignments and Transfers - **Adopt with Updates**
GCJA/GDJA: Telecommuting/Remote Work - **Adopt with Updates**
GCJA/GDJA-AR: Telecommuting/Remote Work - **Adopt with Updates**
GCKA/GDKA: Overtime - **Recommend to delete**

GCKB/GDKB: Meetings - **Recommend to delete**
 GCL: Staff Development - Licensed * **Adopt with Updates**
 GCL-AR: Staff Development - Licensed. - **Recommend to delete**
 GCN/GDN: Evaluation of Staff., Version 1 - **Recommend to delete**
 GCN/GDN: Evaluation of Staff *Version 2 - **Adopt with Updates**
 GCPA: Reduction or Recall of Licensed Staff * - **Adopt with Updates**
 GCPA-AR: : Reduction or Recall of Licensed Staff = **Adopt with Updates**
 GCPB/GDPB: Resignation of Staff *- **Adopt with Updates**
 GCPC/GDPC: Retirement of Staff * - **Adopt with Updates**
 GCPD: Discipline and Dismissal of Licensed Staff * - **PENDING**
 GCPD-AR: Discipline and Dismissal of Licensed Staff * - **PENDING**
 GCQA/GDQA: Outside Activities of Staff - **Recommend to delete**
 GCQA/GDQA: Nonschool Employment - **Adopt with Updates**
 GCQB/GDQB: Research - **Adopt with Updates**
 GCQBA/[GDQBA]: Copyrights and Patents - **Adopt with Updates**
 GCQBA/[GDQBA]-AR: Copyrights and Patents - **Adopt with Updates**
 GCQE: Student Teachers - **Adopt with Updates**
 GCQF: Sabbaticals - **Adopt with Updates**
 GCQF-AR: Sabbaticals - Procedures - **Adopt with Updates**
 GD: Classified Staff/Classified Staff Positions - **Adopt with Updates**
 GD: Instructional Assistants - **Recommend to delete**
 GDIA: Notice of Employment * - **Adopt with Updates**
 GDL: Staff Development - Classified *- **Adopt with Updates**
 GDO: Promotion of Classified Staff - **Adopt with Updates**
 GDPA: Reduction or Recall of Classified Staff * - **Adopt with Updates**
 GDPA-AR: Reduction or Recall of Classified Staff - **Adopt with Updates**
 GDPB: Resignation of Classified Employees - **Adopt with Updates**

Superintendent Scurto

Section G_Personnel_
 W_EDITS_Draft10_6_CONVERTED_P.104_326

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2. Pending Policy from Section G: Personnel

GBEA-AR: Workplace Harassment Reporting and Procedure - **PENDING**

GBEE: Wellness - **PENDING**

GBEE-AR(1): Wellness - **PENDING**

GCBDD/GDBDD - **PENDING**

GCBDA/GDBDA - AR (2) - ON HOLD

GCBDA/GDBDA - AR (3) (A) - ON HOLD

GCBDA/GDBDA - AR (3) (B) - ON HOLD

GCBDA/GDBDA - AR (3) (C) - ON HOLD

GCBDA/GDBDA - AR (3) (D) - ON HOLD

GCBDA/GDBDA - AR (4) - ON HOLD

GCBDA/GDBDA - AR (5) - ON HOLD

Superintendent Scurto

12. Information from Administrative Staff

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

Administrative Staff	
SpEd_10_6 Board Report	364
SI_Board Update_10_07_25	365
September 2025, IT Board Report	366
13. 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	
Director Kent - Board Report - October 2025	
Board, Advisors, Liaisons	
Nora Kent Report 10_7_25.docx - Google Docs	368
Liaison Report _ McKenzie School District _ Danna Brownell _ October 7th, 2025	369
14. Announcements/Correspondence	
Board Chair	
A. Acknowledgements and Recognition	
Superintendent Tony Scurto	
B. Kudos	
Thank you to those who took the time to acknowledge co-workers/staff with kudos. Employees and Board members can submit a "kudo" any time during the month. To submit a kudo visit: www.lesd.k12.or.us/forms/kudos.html	

Administrators

C. Announcements

Board Chair

1. Lane ESD Board Member Activities and Opportunities

D. OSBA Fall Regional Meeting

The OSBA regional meeting is scheduled for Tuesday, October 14, 2025 at Lane ESD. A pre-session will begin at 5:00 p.m., dinner at 6:00 p.m., followed by the scheduled programming at 6:30 p.m.

Superintendent Scurto

E. OSBA 79th Annual Fall Convention

Dates: November 6th to 9th, 2025

Convention registration for all other attendees should be completed by October 14, 2025.

Superintendent Scurto

15. Adjournment

- The next regular meeting is scheduled to be held Tuesday, November 4th, 2025, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene.

Lane Education Service District

Code: CBB
Adopted: 7/27/93
Revised/Readopted: 1/22/02; 8/27/02; 5/06/25
Orig. Code(s): CBB

Recruitment and Appointment of the Superintendent

The Board considers foremost among its responsibilities, the selection and appointment of a superintendent who can effectively translate into action the Board's policies and the community's aspirations for its schools.

Whenever the position of superintendent shall be vacant, the Board shall appoint a superintendent and fix the salary and term of office.

The Board shall actively seek the best qualified and most capable candidate for the position of chief executive officer of this ESD. The Board may seek the advice and counsel of interested individuals, e.g., staff, component districts and community, or of an advisory committee, or it may hire consultants to assist in screening candidates and to encourage the filing of applications by professional educators who meet the qualifications. Final selection will rest with the Board after a thorough consideration of qualified applicants.

The Board shall develop and adopt the standards (e.g., candidate qualities and work experience), criteria (e.g., application, screening and hiring process) and policy directives (e.g., promote from within, state and/or national search) to be used in hiring the superintendent, or interim superintendent, at a meeting open to the public and at which the public has had an opportunity to comment.

Recruitment procedures shall be prepared in advance of the search and may include the following:

1. The preparation of a written job specification for the position of superintendent;
2. Preparation of written qualifications (in addition to proper state certification);
3. Preparation of informative material describing Lane ESD and its educational goals;
4. The Board will appoint the superintendent by a majority vote of the Board members at a meeting for which notice has been given of the intended action.

The Board secretary shall take and keep minutes of regular Board meetings and executive sessions held during this process.

Any candidate who is hired and who is determined to have misrepresented facts relative to their qualifications for employment or relative to factors upon which a determination of salary is based shall be subject to dismissal. This Board shall consider such misrepresentation sufficient grounds for dismissal.

END OF POLICY

Legal Reference(s):

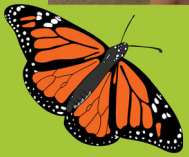
[ORS 192.660\(7\)\(d\)](#)

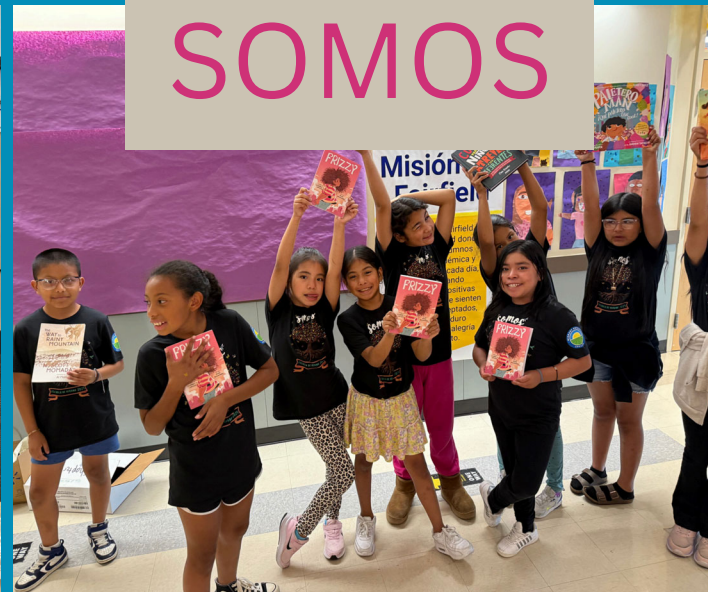
[ORS 334.225](#)



Somos

ESCUELA DE
VERANO
2025





Middle School Experience

Culinary

Digital arts and manufacturing

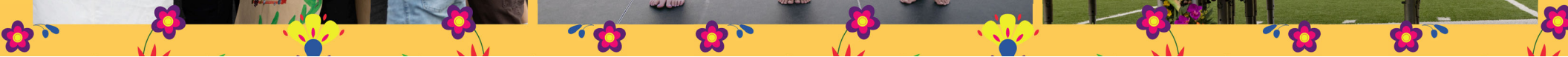
Woodshop

Lane Arts Council

Describe your content









LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North
Eugene, OR 97402

541.461.8200
541.461.8298 [Fax]

www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

LANE EDUCATION SERVICE DISTRICT

1200 Hwy 99 N
Eugene, Oregon 97402

Board of Directors

September 9, 2025
Work Session: 6:00 PM

1. Call Regular Meeting to Order

Chair Leslie Harris called Regular Meeting to Order at 6:03 P.M

2. Welcome

Guests attending the meeting were introduced.

Board Members Present: Board Chair Leslie Harris, Vice Chair Vanessa Truett, Sherry Duerst-Higgins, Linda Hamilton, Thomas Hiura, Nora Kent, Rose Wilde (remote).

Administrators and staff present: Superintendent Tony Scurto, Assistant Superintendent Eric Anderson, Finance Director Olivia Meyers-Buch, Director of Facilities Brad Johnston (remote), Maria Schaad (recording secretary).

Advisors/Liaisons Present: Andy Grezskowiak (Siuslaw Superintendent), Mike Anderson (Creswell School District), Ericka Thessen (Eugene School District 4J), Danna Brownell (McKenzie)

Guests: Dr. Shreen Springer (Lane ESD), Miranda Ryker (Youth Summit Student), Casey Reid (Lane ESD), Trent Linebaugh (remote)

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

The Statement was read aloud by Director Kent.

4. Presentation: Youth Summit

Dr. Springer introduced Miranda Ryker, a student participating in Youth Summit. Miranda shared about the summit hosted on May 23rd, 2025 and that it involved over 200 participating students from the region with over 250 workshops. The theme was: "We Will Save Us." The Board learned that students enrolled in Alternative Education schools made up half of the students attending the Summit. Other projects, including a student-led podcast called "Between Classrooms" just wrapped its first season. Moving forward, efforts are being focused on expanding the design team and bringing on two students from each high school in Lane County. Plans are underway for the next summit in May 2026.

5. Public Participation

There was no public comment.

6. Agenda Review

The agenda for the Board of Director's regular meeting was reviewed.



7. Action Items

7.A. Consent Agenda

The Lane ESD Board of Directors has agreed to implement a consent agenda. All items in the consent agenda are adopted by a single motion unless a member of the Board or the Superintendent requests that such items 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. The 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 DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts the consent group as submitted and listed below.

1. Lane ESD Board Meeting Minutes of June 6th, 2025
2. Lane ESD Board Meeting Minutes of July 29th 2025
3. Human Resource Report, dated September 4th, 2025

There was some discussion about staff resigning at the beginning of the school year. This seems to be attributed to people believing that they need to stay on for health insurance.

Director Hiura seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, TRUETT, KENT AND WILDE VOTING YES. DIRECTOR HAMILTON ABSTAINED. (ESD Resolution #26-011)**. Director Hamilton abstained pending an updated HR report.

The vote passed (6:0:1)

7.B. Accept Financial Report

Finance Director Olivia Meyers Buch provided that overall conditions are acceptable. There are some areas impacted due to changes to projections. Allocation will be about \$1 million dollars less - spread across all districts. The dollar amount impacting the district varies from a few hundred dollars to over a hundred thousand dollars - with Lane ESD experiencing a \$110,000 in shortfall in our operations.

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Financial Report for July 2025, as presented.

Director Truett seconded, and the **MOTION CARRIED WITH DIRECTORS HAMILTON, HARRIS, KENT, HIURA, AND WILDE VOTING YES. (ESD Resolution #26-012)**

The vote passed unanimously (7:0:0)



7.C. Approve Sole Source Procurement

Business Director Olivia Meyer-Buch provided a process background. Per Policy DJC , the Board is the Local Contract Review Board (LCRB) for the ESD. Per ORS 279B.075 and OAR 125-247-0275, if the LCRB determines that 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 made on written findings. If the LCRB approves a sole source procurement, public notice must be given that describes the goods or services to be acquired, identifies the prospective contractor, and includes the timeline to protest the determination (at least seven days). The LCRB may authorize this public notice to be provided electronically.

The prospective contractor is White Bird Clinic - Helping Out Our Teens in Schools (HOOTS). The services to be provided are in supporting the development of the new Behavior Health Pathway program’s peer-to-peer support program.

Casey Reid is a Lane ESD, School Improvement Content Specialist who, with Olivia Meyers-Buch, worked to bring together this findings report. Casey was present and available to extend answers.

Lane Career Academy currently offers the Hope Factory and this year is launching the First Responder CTE program and Behavioral Health CTE pathway.

The Behavioral Health new CTE pathway hopes to extend peer-to-peer workforce experience opportunities to rural districts, “meet students where they are.” The design of this program is built around Youth Summit and student voice. There are several organization partners on this grant, including Courageous Kids, Ophelia’s Place and Hoots. Hoots was identified most commonly by all districts and students. This procurement does not preclude other organizations from working with students. Smaller organizations are a part of this program that maintain contracts with us that stay below procurement limits.

There was discussion regarding ensuring that systems are well set and supported. This CTE program is modeled by looking at other districts. The difference is that this will be launched throughout a region versus a specific district. Research for this program has looked at other districts, specifically: Salem-Kiezer.

The Board requested an update from organizers after they have completed planning at the end of this trimester. Superintendent Tony would add updates from the two other prongs.

DIRECTOR HUIRA MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD approved the sole source procurement and authorize the public notice to be provided electronically.

Director Truett seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HAMILTON, HARRIS, KENT AND WILDE VOTING YES. (ESD Resolution #26-013)**

The vote passed unanimously (7:0:0)



7.D. 2024-2025 Integrated Programs Annual Report: Lane County Department of Youth Services/Lane ESD Juvenile Detention Education Program (JDEP)

All integrated programs are required to have a report that is presented to the public. This report is offered for discussion and acceptance by the Board. The report was presented by Dr. Annie Galaxy.

The report provided that students had increased engagement with adults, problem solving with adults and were able to achieve the ability to reflect on agreements and ownership in support of the classroom environment. Dr. Galaxy found that overall this approach has shown success. The goal is that students involved in the justice system gain the problem solving skills in support of a better opportunity to transition back to school and student communities.

DIRECTOR TRUETT MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD receive the Integrated Programs Report

Director Hamilton seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, HIURA, KENT AND WILDE VOTING YES. (ESD Resolution #26-014)**

The vote passed unanimously (7:0:0)

7.E. Identify Vacant Budget Committee Positions

The Board will identify vacant budget committee positions which must be filled by appointment of the Lane ESD Board. The Board will announce the vacancies and receive recommendations of interested members of component school district Boards or designees of component district Boards.

The Board identified three budget committee positions to be declared vacant: Position 5 (Zone 5), Position 6 (At-Large) and Position 7 (At-Large).

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD proceeds to declare vacant Position 5 (Zone 5), Position 6 (At-Large) and Position 7 (At-Large).

Director Hamilton seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, HIURA, KEN, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-015)**

The vote passed unanimously (7:0:0)

7.F. Approve Grant

Superintendent Scurto summarized that many of the listed grants were submitted over the summer. The two new grants are the MMT: Youth Empowerment Grant and the Structures of Intellect Grant at Lane Schools. The other three grants are requesting refunding.

7.F.1: MMT: Youth Empowerment Grant

Through Our Empowered Youth, Lane ESD supports strategies that ensure Oregon's children have access to a fully resourced education — one that empowers them to reach their highest aspirations. Our focus is on efforts that build community power,



expand opportunities for historically marginalized students and support educators and leaders who reflect the diversity of the students they serve.

7.F.2. Structures of Intellect at Lane Schools

Strengthened foundational learning skills, including attention, sequencing, and comprehension. -Improved reading fluency and academic processing due to enhanced visual tracking and motor planning. -Greater classroom participation and reduced behavior incidents as executive function and self-regulation improve. -Higher student confidence, motivation, and readiness to reintegrate into less restrictive learning environments. -SOI provides a data-driven, non-stigmatizing, and developmentally appropriate approach to intervention that aligns with each student's IEP, supports MTSS implementation, and fosters long-term educational equity for vulnerable youth.

7.F.3. Decolonizing Wealth Mental Health Program

The Native Youth Wellness Program (NYW) at Lane Education Service District fills a critical gap in culturally responsive mental health care for Indigenous youth in Lane County, many of whom also identify as LGBTQIA2S+. Traditional mental health systems often overlook the histories, values, and lived experiences of Native youth. In contrast, NYW approaches healing as collective, relational, and rooted in cultural knowledge.

7.F.4. The Native Youth Wellness Program

The Native Youth Wellness Program (NYW) at Lane ESD supports the cultural and educational journey of American Indian/Alaska Native (AI/AN) youth in Lane County by strengthening protective factors through intergenerational learning, storytelling, family engagement, and culturally grounded education. NYW serves Native families, schoolbased affinity groups, and educators. Guided by Tribal Best Practices and the Relational Worldview Model, our work fosters balance and well-being across mental, emotional, physical, and spiritual domains.

7.F.5. Lane Regional Teacher Pathways

This proposal supports both the equity vision and mission of Lane ESD. Lane Regional Teacher Pathways collaborates with local school districts and higher education institutions to prepare skilled, culturally responsive educators who are connected to the local community; committed to meeting the needs of the students and families they serve; and contribute to long-term educational goals of inclusive classrooms that produce equitable learning outcomes.

DIRECTOR HAMILTON MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD approve the grants on the agenda as outlined including the ones requesting refunding.

Director Wilde seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, HIURA, KENT, DUERST-HIGGINS, and TRUETT VOTING YES. (ESD Resolution #26-016)**

The vote passed unanimously (7:0:0)

9.D.Approve Instruction Calendar



The Board recognized 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 has established 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 calendars meet state requirements.

The Board will review presented calendars that have been developed based on host schools as well as the needs of the ESD. The calendars were prepared in consultation with appropriate staff members and are 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 of Directors adopted a portion of ESD instructional calendars for the Westmoreland Campus at the June 2025 meeting. The Board of Directors will consider adoption of the offered calendar as presented. The calendars presented here from JDEP, RISE and Daffodil school are year round programs.

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD adopt the instructional calendars as presented. .

Director Hiura seconded, and the **MOTION CARRIED WITH DIRECTORS HAMILTON, HARRIS, KENT, WILDE and TRUETT VOTING YES. (ESD Resolution #26-017)**

The vote passed unanimously (7:0:0) Kent was out of the room.

7.G. OSBA Elections: Nominations of OSBA Board Member

The Oregon School Boards Association is organized as one general state association with up to 24 regionally elected representatives established across 14 geographic regions to support member participation and representation.

In odd-numbered years member boards vote to elect regional representatives for even-numbered positions on the OSBA Board of Directors. Member boards also vote to elect all regional representatives on the Legislative Policy Committee.

In even-numbered years member boards vote to elect regional representatives for odd-numbered positions on the OSBA Board of Directors. Member boards also vote on the OSBA Legislative Priorities and Principles.

Resolutions submitted to the membership are also on the ballot along with candidate elections.

Lane ESD Board Member Linda Hamilton currently serves as a member of the OSBA Board of Directors, Position 6. Position 6 is open for this year's election.



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The Board of Directors of Lane ESD will nominate a representative from Region 6 for the OSBA Board of Directors. Nominations close September 30, 2025.

Contact OSBA if you have questions about nominations or election procedures. Call 503-588-2800 or 800-578-6722, or e-mail OSBAelections@osba.org.

Director Hamilton shared that she has served 6 years and declined to run for re-election. It was clarified that the Lane ESD Board does not need to nominate a candidate. Director Wilde clarified that Director Kent was not interested in being nominated and thus suggested that the Board not nominate, if this is the choice, as districts can also nominate their own members who have expressed interest.

The Board elected to defer nominations to the OSBA Board to home districts.

7.H. OSBA Elections: Nomination of Legislative Policy Committee Member

The Oregon School Boards Association is organized as one general state association with up to 24 regionally elected representatives established across 14 geographic regions to support member participation and representation.

In odd-numbered years member boards also vote to elect all regional representatives on the Legislative Policy Committee.

The Board of Directors of Lane ESD will nominate a representative from Region 6 to serve on the OSBA Legislative Policy Committee.

Contact OSBA if you have questions about nominations or election procedures. Call 503-588-2800 or 800-578-6722, or e-mail OSBAelections@osba.org.

DIRECTOR HAMILTON MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD to nominate Judy Newman for representative from Region 6 to serve on the OSBA Legislative Policy Committee.

Director Hiura seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, KENT, DUERST-HIGGINS, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-018)**

The vote passed unanimously (7:0:0)

7.I. Policy | Required Contact Update | Sexual Harassment

The Board considered updates specific to Section GBN/JBA and Section JBA/GBN. Both sections contain required contact information for individuals currently holding positions as the Executive of Human Resources and the Executive Director of Special Education. The Board was informed that the information should be updated to include Morgan Christensen (Executive Director of Human Resources) and Molly Gillet (Executive Director of Special Education). The request is to remove the previous contact information on first read.

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD proceed to adopt offered updates to policy sections GBN/JBA and JBA/GBN as presented.

Director Kent seconded, and the **MOTION CARRIED WITH DIRECTORS HARRIS, HAMILTON, HIURA, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-019)**



The vote passed unanimously (7:0:0)

7.J. Second Reading: Adopt Policy Updates and Recommendations

The Board shall exercise its rule-making power by adopting policies consistent with the Oregon Revised Statutes, Oregon Administrative Rules 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 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.

7.J.1 Section C: General Administration

Lane ESD has engaged with OSBA to complete a desk rewrite of the Board Policy Manual. In the absence of Executive Assistant support, Board review and action in previous meetings overlooked within Section C are presented here.

These updates were first read at the April 1st, 2025 meeting of the Board of Directors.

Policy CCB: Line and Staff Relations

Policy CG: Evaluation of Administrators

DIRECTOR KENT MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD proceed to approve CCB and CG as presented.

Director Hamilton seconded, and the **MOTION CARRIED WITH DIRECTORS DUERST-HIGGINS, HARRIS, HIURA, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-020)**



The vote passed unanimously (7:0:0)

7.J.2 Adopt Policy Deletions

These policy deletions for Section C were presented to the Board for first reading on April 1st, 2025 and overlooked at the May 2025 meeting of the Board.

The following policies/administrative rules are recommended for deletion:

CCG - AR: Discipline, Suspension and Dismissal

CI - AR: Designation of Acting Superintendent

CK: Consultants to the Administrative Staff

CL: Administrative Reports

The policy deletion for Section D was presented for first read on May 6th, 2025 and overlooked at the June 3rd, 2025 meeting of the Board.

DFD: Providing Space, Other Facilities and Services - OAR that was repealed.

DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD proceed to approve the deletion of CK, CL and DFD.

Director Huiru seconded, and the **MOTION CARRIED WITH DIRECTORS KENT, HAMILTON, HARRIS, TRUETT AND WILDE VOTING YES. (ESD Resolution #26-021)**

The vote passed unanimously (7:0:0)

8. Discussion/Reports

8.A. Legislative Update:

Superintendent Scurto provided an update on legislative activities. At this time the legislature is not in session - officially resumes February 2nd. There is not much news to report on due to the legislative recess. The last two revenue forecasts have shown that economic growth has slowed. This last forecast included the impacts of [HR 1] which means about \$888 Million less for Oregon. Projections show a slowdown for the rest of 2025. However, the economy is expected to rebound in 2026. The budget set at \$11.4 billion should hold for the biennium. OEASD will be coming out with recommendations for the short session.

8.B. Superintendent's Report

Superintendent Scurto and Director Rose Wilde attended the latest OEASD governance council meeting. This meeting included nominations to the legislative committee. It also included a finance update on OEASD's operations. In continued cost saving measures, OEASD has reviewed staffing. One of the changes from this has resulted in the new executive director position being staffed at half time. New Executive Director, Sam Beyer (formally the Superintendent to the Multnomah ESD) has started his role and so far the change in staffing has been smooth.

The Lane ESD "Welcome Back to School!" was well received. Superintendent Scurto extended again his sincere appreciation to Director Truett who offered remarks at the event. In addition to Director Truett's remarks, presentations from staff from all across the agency offered glimpses



into how Lane ESD serves students. The focus of the presentation was on SERVE and all of the presentations helped connect many facets of the ESD's service.

Our School Improvement staff along with five of our districts (Mapleton, McKenzie, Marcola, Crow and Blachley) have a scheduled school calendar that shares professional development days so that they can all work together. This allows for very impactful educator training.

8.C. Policy Updates | First Read

Recommendations include to delete or rescind policy or AR, recoding, and reassigning some policy content to a new section or policy of the policy manual.

8.C.1. Superintendent Scurto introduced policy Section F: Facilities. The Board has the authority to move this policy to adoption, if they choose. The Board elected to receive Section F in first read/

8.C.2. Section G| Personnel

The Board was presented with the first sections of Policy G for a First Read review. Discussion regarding receiving the hard copy of policy, in addition to the links included in the agenda. Board secretary to facilitate the hard copies of the first part of Section G by the end of this meeting. The first Part of section G included in the packet:

- GA: Human Resources Policy Goals - Recommend to **delete**
- GAB: Job Descriptions
- GAB-AR(1): Position Description
- GAB-AR(2): Classified Personnel Position Description Review
- GAB - AR(3): Internal Employee Hired to New Position Classification
- GB: General Hiring Practices - Recommend to **delete**
- GBA: Equal Employment Opportunity
- GBA-AR (1): Affirmative Action Plan - Recommend to **delete**
- GBA-AR(3): Reference - Recommend to **delete**
- GBA-AR: Veterans' Preference - Recommend to **adopt**
- GBC: Staff Ethics
- GBC-AR: Staff Ethics
- GBDA: Expression of Milk or Breast-feed in the Workplace
- GBE: Staff Health and Safety
- GBE-AR: Footwear - Recommend to **delete**
- GBEA: Workpace Harassment
- GBEA-AR: Workplace Harassment Reporting and Procedure - **PENDING**
- GBEB: Communicable Disease - Staff in Schools
- GBEB-AR: Communicable Disease - Staff in Schools
- GBEBA: HIV, AIDS and HBV - Employees - Recommend to **delete**
- GBEBA-AR: HIV, AIDS and HBV - Employees - Recommend to **delete**
- GBEBAA: HBV/Bloodborne Pathogens - Recommend to **delete**
- GBEBAA-AR: Bloodborne Pathogen Exposure Control Plan - Recommend to **delete**
- GBEBC: Infection Control - HIV, Aids, HBV - Recommend to **delete**
- GBEBD: HIV, Aids and HBV Rumor Control - Employees - Recommend to **delete**
- GBEBE: News/Media - HIV, Aids or HBV - Recommend to **delete**



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GBEC: Drug Free Workplace, Version 1 - Recommend to **delete**
GBEC: Drug Free Workplace, Version 2 - Recommend to **adopt**
GBEE: Wellness - **PENDING**
GBEE-AR(1): Wellness - **PENDING**
GBEE - AR(2): Lane ESD Sunshine Fund Guidelines - Recommend to **delete**
GBH/JECAC: Staff/Student/Parent Relations
GBHA: Staff/Student/Parent Relations - Recommend to **delete**
GBI: Gifts and Solicitations
GBJ: Weapons - Staff
GBK/KGC: Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

8.C.3. Policy: Courtesy Read

The following AR chapter is offered for the Board to be apprised of updated contact information for the Human Resource Executive Director and the Special Education Executive Director.

Section G: Staff

GBN/JBA - AR (1) - Sexual Harassment Complaint Procedure

Procedure Section J: Students

JBA/GBN - AR (1) - Sexual Harassment Complaint Procedure

9. Information from Administrative Staff

Directors of School Improvement, Special Education and Technology have submitted written reports to the Board on matters of interest concerning his/her area of responsibility.

10. Board Member Reports and Comments/Agenda Planning

10.1 Agenda Planning

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

10.2. Board Member Reports

10.3. Board Advisors, Liaisons

Superintendent Andy Grzeskowiak. Siuslaw School District

Since Superintendent Grzeskowiak's last visit, Siuslaw has implemented high dosage tutoring for literacy. Overall there has been growth in supporting students who are one grade year behind. Growth was more tenuous for students with more than one year behind grade level. Siuslaw is also moving through policy rewrites. The district is still reviewing final enrollment numbers. Tours of the elementary school are open and welcoming to the public.

Liaisons

Mike Anderson, Creswell School District

This has been the best start of the school year ever according to Creswell's Superintendent. There have been more students transferring into the district than leaving the district. There



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was a skydiver that landed at their home opening football game. Two union agreements have been settled. One remaining agreement that needs to be settled is for confidential employees. There is also a new football coach and this has improved sportsmanship among students.

Ericka Thessen, Eugene School District 4J: The year is also off to a great start. Eugene's new Superintendent, Dr. Miriam Mickelson is settling in and is working on a 100 day plan. Superintendent Mickelson has been out and about in the schools. Since the last meeting, 4J won their DEI lawsuit challenging the Federal Government's "Dear colleague" letter. Enrollment is down. However, there was a bump in two elementary schools. Their board is working on a Superintendent Evaluation process.

Danna Brownell, McKenzie School District

It's been a great start to the year. No evacuations. This year marks the 5 year anniversary of the fire. Enrollment has not recovered since the fire. The community rebuilding and housing is close to being completed. The hope is that by completing more housing (including low-income housing) - enrollment may stabilize or return to pre-fire numbers. Efforts to consider bringing students in who are interested in a smaller school environment or to access the new online program are hopeful. The collaborative professional development days have been brilliant. The Board is also considering a bond.

11. Announcements/Correspondence

11.A. Acknowledgements

No acknowledgements were received.

11.B. Kudos

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

11.C. Announcements

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

11.C.1.a 2025 OSBA Fall Regional Meeting

OSBA Fall Regions will be happening here at Lane ESD on Tuesday, October 14th. Please spread the word that programming will begin with a dinner at 6:00 p.m., followed by OSBA's presentation at 6:30 p.m.. A flyer with details is attached to the agenda for reference.

11.C.1.b. 79th Annual OSBA Fall Convention

Dates for this year's convention are November 6th to the 9th, 2025. The convention will be hosted in Portland. Directors shared that this was one of the Board activities that had remained on the Board calendar. Chair Harris stated interest in attending. Director Wilde stated that she would not be able to attend. Other Directors were going to review plans. Director Hamilton shared that she would be accompanying her partner. Maria Schaad said that follow up communication with the Directors about individual plans would come in the next few weeks.



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14. Adjournment

The next regular meeting is scheduled to be held Tuesday, October 7th, 2025, at the Lane ESD Main Campus, 1200 Highway 99 N, Eugene. Chair Harris adjourned the meeting at **8:10 p.m.**

Minutes Approved:

Leslie Harris, Chairperson

Tony Scurto, Superintendent

HUMAN RESOURCES REPORT TO LANE ESD BOARD

October

CLASSIFIED STAFF (Information)

	Employee ID #	Position	Effective Date	Notes
<i>Appointments</i>	14208	Instructional Assistant, Lane School	9/5/2025	
	14151	Instructional Assistant, Life Skills	9/3/2025	
	14141	Instructional Assistant, Life Skills	9/3/2025	
	14170	Instructional Assistant, Life Skills	9/3/2025	
	14167	Instructional Assistant, Life Skills	9/3/2025	
	14214	Instructional Assistant, Life Skills	9/9/2025	
	14215	Instructional Assistant, Life Skills	9/16/2025	
	13650	Instructional Assistant, Life Skills	9/16/2025	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	13977	Sign Language Interpreter	9/2/2025	resignation
	14164	Instructional Assistant, Life Skills	9/30/2025	resignation
<i>Change of Status</i>				

LICENSED STAFF (Action)

	Employee ID #	Position	Effective Date	Notes
<i>Appointments</i>	14217	#REF!	9/23/2025	
	14190	School Nurse	8/21/2025	
	14219	Behavior Consultant	9/23/2025	
	14052	Teacher, Serbu/MLK	9/5/2025	
	14218	School Counselor	9/23/2025	
	14207	Teacher, Life Skills	9/3/2025	
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	14069	Teacher, Life Skills	9/5/2025	resignation
	14193	Teacher, Life Skills	9/12/2025	resignation
	11073	Assistive Tech/SLP	9/10/2025	resignation
	13051	SLP	9/19/2025	resignation
<i>Change of Status</i>				

PROFESSIONAL STAFF (Information)

	Employee ID #	Position	Effective Date	Notes
<i>Appointments</i>				
<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>				
<i>Change of Status</i>				

MANAGEMENT STAFF (Action)

	Employee ID #	Position	Effective Date	Notes
<i>Appointments</i>				

<i>Leaves of Absence</i>				
<i>Discontinuation of Employment</i>	14012	Office Manager, SPED	9/12/2025	resignation
<i>Change of Status</i>				

VACANCY NOTICES (Information)

Posting #	Position	Closing Date	Notes
966	Speech Language Pathologist (Rural)	9/24/2025	In process
1109	Special Education Consultant (Candidate Pool)	10/31/2025	In process
1113	Teacher Life Skills (Candidate Pool)	6/27/2025	In process
1199	School Counselor, Part Time	9/17/2025	In process
1180	Special Education Consultant	8/18/2025	Filled
1198	Special Education Teacher At-Large	9/17/2025	In process
1179	Desktop Support Tech	ASAP	In process
1195	Special Education, Instructional Assistant (Candidate Pool)	Open Pool	In Process
1202	CTE Specialist (Limited Duration)	10/2/2025	In Process
1204	Assistive Tech Specialist	10/8/2025	In Process
1205	Speech Language Pathologist	10/15/2025	In Process



LANE EDUCATION SERVICE DISTRICT

1200 Highway 99 North
Eugene, OR 97402

541.461.8200
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www.lesd.k12.or.us

EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Prepared for: Lane ESD Board of Directors
Prepared by: Olivia Meyers Buch, Executive Director of Business Services
Meeting Date: October 7, 2025

August 2025 Financial Report (Unaudited)

General Fund Financial Report

The Financial Report for the General Fund for the period ending August 31, 2025 follows this report. Year-to-date operating revenues through August 31, 2025 total \$4,451,942 or 13.5% of total budgeted operating revenues as compared to \$4,147,052 or 14.4% through August 31, 2024. As usual, state school fund formula revenue constitutes the majority of funds received. Total projected resources of \$31,622,048 is \$1,267,440 less than budgeted, which is primarily due to adjustments to state school fund estimates that reflect a lower ADMw than what was originally projected by our districts.

Year-to-date operating expenditures through August 31, 2025 total \$1,936,650 or 6.7% of total budgeted operating expenditures as compared to \$2,007,492 or 7.9% through August 31, 2024. Total projected operating expenditures of \$27,662,205 is \$1,429,938 less than budgeted, which is primarily due to projected savings in PERS employer contributions and increased savings in health benefits when employees elect to opt out. Total projected transfers and transits of \$4,744,724 is \$218,330 more than budgeted, which is due to changes to district service orders after the budget was adopted.

Projected resources and requirements through August 31, 2025 result in an ending fund balance of \$2,468,587, with \$493,466 assigned (reserved) for districts. The remaining ending fund balance of \$1,975,121 is unassigned and represents 6.2% of projected operating revenues. The projected ending fund balance reflects a decrease, or operating deficit, of \$784,881.

Appropriations

A summary of appropriations for all funds for the period ending August 31, 2025 follows this report. At this time, two appropriations in the General Fund are projected to be overspent, but will be corrected with future board action to transfer appropriations.

Cash and Investment Account Balances by Type

	Yield	Beginning Balance	Deposits	Withdrawals	Ending Balance
Municipal Investor Checking	0.35%	\$542,777	\$9,761,718	\$9,846,180	\$458,315
Oregon LGIP (4513)	4.60%	\$2,932,450	\$8,536,085	\$1,100,000	\$10,368,534
Oregon LGIP (3676)	4.60%	\$190,812	\$86,122	\$0	\$276,934
Total		\$3,666,039	\$18,383,925	\$10,946,180	\$11,103,783

Assurances

All cash, investment and credit card accounts have been balanced, reconciled and reviewed and all cash and investment accounts have been reconciled to the general ledger as of August 31, 2025.

The adopted budget reflects expected expenditures. All payroll reports have been filed and payroll liabilities have been paid timely. All federal and state reimbursement requests as well as required financial reporting forms have been filed timely. All credit card expenditures, travel and other reimbursements have been reviewed and approved at the proper level.

There have been no significant changes to the internal control system, to the accounting system or accounting policies that are significant. The business services department is adequately staffed to allow for proper segregation of duties and I am not aware of any new pronouncements or other financial changes that may require additional staff time to properly implement.

All financial statements that have been provided to the board are accurate and complete to the best of my knowledge and I am aware of no other financial matters that the board should be aware of at this time. I know of no cases of fraud or other misconduct and I have not been asked by the superintendent to do anything that makes me feel uncomfortable or to present any information I feel is inaccurate.

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 August 31, 2025

	Fiscal Year 2024-25					Fiscal Year 2025-26					
	Final Budget	Actuals thru 8/31/2024	% of Budget	Projected thru 6/30/2025	% of Budget	Adopted Budget	Actuals thru 8/31/2025	% of Budget	Projected thru 6/30/2026	% of Budget	Budget Variance
RESOURCES											
State School Fund Formula Revenue											
State School Fund - General Support	\$ 16,240,313	\$ 4,112,089	25.3%	\$ 16,547,846	101.9%	\$ 18,679,394	\$ 4,389,464	23.5%	\$ 17,591,147	94.2%	\$ (1,088,247)
Property Taxes Levied by District	9,038,376	-	0.0%	8,980,239	99.4%	9,359,045	-	0.0%	9,288,713	99.2%	(70,332)
Other Local Revenues	86,659	-	0.0%	30,374	35.1%	47,000	-	0.0%	47,000	100.0%	-
Services Provided to Districts	2,209,514	-	0.0%	1,951,311	88.3%	3,441,349	-	0.0%	3,315,560	96.3%	(125,789)
Fees Charged to Grants	600,000	-	0.0%	787,830	131.3%	700,000	-	0.0%	700,000	100.0%	-
Other Revenues	580,000	34,963	6.0%	844,636	145.6%	662,700	62,478	9.4%	679,628	102.6%	16,928
Total Operating Revenues	\$ 28,754,862	\$ 4,147,052	14.4%	\$ 29,142,235	101.3%	\$ 32,889,488	\$ 4,451,942	13.5%	\$ 31,622,048	96.1%	\$ (1,267,440)
Beginning Fund Balance (District Reserves)	1,103,757	1,286,636	116.6%	1,286,636	116.6%	1,234,309	1,074,947	87.1%	1,074,947	87.1%	(159,362)
Beginning Fund Balance	1,514,860	1,423,343	94.0%	1,423,343	94.0%	1,915,193	2,178,520	113.7%	2,178,520	113.7%	263,327
TOTAL RESOURCES	\$ 31,373,479	\$ 6,857,031	21.9%	\$ 31,852,215	101.5%	\$ 36,038,990	\$ 7,705,409	21.4%	\$ 34,875,515	96.8%	\$ (1,163,475)
REQUIREMENTS											
Salaries	\$ 11,436,471	\$ 717,757	6.3%	\$ 11,229,735	98.2%	\$ 12,931,449	\$ 907,694	7.0%	\$ 12,672,820	98.0%	\$ (258,629)
Associated Payroll Costs	7,495,703	356,447	4.8%	6,766,031	90.3%	8,752,295	485,107	5.5%	7,789,543	89.0%	(962,752)
Purchased Services	5,695,892	611,362	10.7%	5,698,511	100.0%	6,358,613	180,682	2.8%	6,295,027	99.0%	(63,586)
Supplies and Materials	662,884	119,738	18.1%	489,529	73.8%	724,853	90,059	12.4%	579,882	80.0%	(144,971)
Capital Outlay	-	-	#DIV/0!	39,123	#DIV/0!	-	-	#DIV/0!	-	#DIV/0!	-
Other Objects	269,700	202,188	75.0%	348,541	129.2%	324,933	273,108	84.1%	324,933	100.0%	-
Total Operating Expenditures	\$ 25,560,650	\$ 2,007,492	7.9%	\$ 24,571,469	96.1%	\$ 29,092,143	\$ 1,936,650	6.7%	\$ 27,662,205	95.1%	\$ (1,429,938)
Transfers											
Interfund Transfers	449,000	429,000	95.5%	449,713	100.2%	452,500	-	0.0%	452,500	100.0%	-
Transits to Districts	3,297,987	-	0.0%	3,577,566	108.5%	4,010,894	-	0.0%	4,292,224	107.0%	281,330
Other Uses of Funds											
Planned Reserve (District Reserves)	464,161	-	0.0%	-	0.0%	440,383	-	0.0%	-	0.0%	(440,383)
Planned Reserve	801,681	-	0.0%	-	0.0%	209,617	-	0.0%	-	0.0%	(209,617)
Reserved for Next Year	800,000	-	0.0%	-	0.0%	1,833,453	-	0.0%	-	0.0%	(1,833,453)
TOTAL REQUIREMENTS	\$ 31,373,479	\$ 2,436,492	7.8%	\$ 28,598,747	91.2%	\$ 36,038,990	\$ 1,936,650	5.4%	\$ 32,406,929	89.9%	\$ (3,632,061)
ENDING FUND BALANCE	-	\$ 4,420,539		\$ 3,253,467		-	\$ 5,768,759		\$ 2,468,587		
Assigned for Districts				\$ 1,074,947					\$ 493,466		
Unassigned Fund Balance				\$ 2,178,520	7.5%				\$ 1,975,121	6.2% *	
<i>* Percent of Operating Revenues</i>				\$ 3,253,467					\$ 2,468,587		

LANE EDUCATION SERVICE DISTRICT
Appropriation Monitoring
For the Period Ending August 31, 2025

		Fiscal Year 2025-26						
		Adopted Budget	Actuals thru 8/31/2025	% of Budget	Projected thru 6/30/2026	% of Budget	BUDGET VARIANCE	NOTES
GENERAL FUND	100							
Instruction		14,163,749	427,856	3.0%	15,045,107	106.2%	(881,358)	- pending appropriation transfer
Support Services		14,928,394	1,508,794	10.1%	12,617,098	84.5%	2,311,296	+
Transfers of Funds		452,500	-	0.0%	452,500	100.0%	-	+
Apportionment of Funds by ESD		4,010,894	-	0.0%	4,292,224	107.0%	(281,330)	- pending appropriation transfer
Contingencies		650,000	-	0.0%	-	0.0%	650,000	+
Unappropriated Ending Fund Balance		1,833,453	-	0.0%	-	0.0%	1,833,453	
Total		36,038,990	1,936,650	5.4%	32,406,929	89.9%	3,632,061	+
SPECIAL REVENUE FUND	200							
Instruction		3,739,197	447,351	12.0%	2,929,322	78.3%	809,875	+
Support Services		15,187,528	1,107,040	7.3%	12,300,145	81.0%	2,887,383	+
Enterprise and Community Services		80,000	-	0.0%	-	0.0%	80,000	+
Apportionment of Funds by ESD		22,548,273	4,395	0.0%	20,949,395	92.9%	1,598,878	+
Total		41,554,998	1,558,785	3.8%	36,178,862	87.1%	5,376,136	+
DEBT SERVICE FUND	300							
Support Services		5	0	2.0%	1	13.0%	4	+
Debt Service		954,698	-	0.0%	954,698	100.0%	-	+
Total		954,703	0	0.0%	954,699	100.0%	4	+
CAPITAL PROJECTS FUND	400							
Support Services		139,161	-	0.0%	125,367	90.1%	13,794	+
Debt Service		135,839	-	0.0%	135,839	100.0%	-	+
Total		275,000	-	0.0%	261,206	95.0%	13,794	+
INTERNAL SERVICE FUND	600							
Support Services		545,020	13,793	2.5%	349,706	64.2%	195,314	+
Total		545,020	13,793	2.5%	349,706	64.2%	195,314	+
GRAND TOTAL	ALL	79,368,711	3,509,228	11.7%	33,972,540	42.8%	9,217,309	

EXAMPLE QUESTIONS ASKED BY BOARD MEMBERS OF A BUSINESS MANAGER DURING A FINANCIAL REVIEW SESSION:

- Are the books balanced and reconciled?
- Are all cash and investment accounts reconciled to the general ledger?
- Does the adopted budget reflect expected expenditures?
- Have payroll reports been filed and have all payroll liabilities been paid timely?
- Have all federal and state reimbursement requests as well as required financial reporting forms been filed timely?
- Are there any suspected cases of fraud that we need to be aware of?
- Are there any suspected changes to the internal control system?
- Have there been any significant changes to the internal control system?
- Is the business office adequately staffed to allow for proper segregation of duties?
- Have there been any changes to the accounting system or accounting policies that are significant?
- Has the accounting software and related IT systems been subject to review by an IT professional to ensure seamless backup in the event of a malware, ransomware, or other compromise of computer security?
- Are there any other financial-related matters we should be aware of?
- Are there any new pronouncements on the horizon that may require additional staff time or disbursement of funds to properly implement?
- Are all financial statements that have been provided to the Board accurate and complete to the best of your knowledge?
- Have you been asked by the Superintendent to do anything that makes you uncomfortable or to present any information you feel is inaccurate?



LANE EDUCATION SERVICE DISTRICT

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EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Prepared for: Lane ESD Board of Directors
Prepared by: Olivia Meyers Buch, Executive Director of Business Services
Meeting Date: October 7, 2025

Adopt 2026-27 Budget Calendar

Per [Policy DBC](#), the Board will annually adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget. The superintendent will prepare and recommend a proposed calendar for Board approval. The calendar will identify dates and activities to include those needed to comply with [state law](#). Below is the proposed 2026-27 budget calendar for your consideration and adoption.

- April 7, 2026 Board meeting: worksession for budget committee [pre-meeting](#) to provide overview of budget process, roles and responsibilities of budget committee, financial update, and budget outlook
- April 7 - 30, 2026 Publish notices of budget committee meeting - one internet notice and one newspaper notice
- May 5, 2026 Budget committee meeting: receive superintendent’s budget message; take public comment; review proposed budget; approve budget and tax levies
- May 19, 2026 Second budget committee meeting (if necessary)
- May 20 - 26, 2026 Publish notice of budget hearing and Form ED-1 (Financial Summary)
- June 2, 2026 Board meeting: hold public hearing on approved budget; adopt resolution adopting budget, authorizing appropriations, and declaring taxes
- June 3 - July 15, 2026 Submit board resolution and Form ED-50 (Notice of Property Tax and Certification of Intent to Impose a Tax on Property) to county assessors



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EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

Prepared for: Lane ESD Board of Directors
Prepared by: Olivia Meyers Buch, Executive Director of Business Services
Meeting Date: October 7, 2025

Appoint Budget Committee Member

The budget committee consists of the seven elected Board members and eight members appointed by the Board from component school district boards or designees of component district Boards. The members appointed by the Board shall consist of five members selected by ESD zone and three members selected at large.

On September 9, 2025, the Board identified three vacant budget committee positions as noted below.

Table with 5 columns: Position, Appointed Member, Zone, Component District, Term Ends. Rows show positions 5, 6, and 7 as vacant with zones 5, At-Large, and At-Large respectively, all ending June 30, 2028.

The vacancies were advertised through a news item on the ESD's website and the ESD's regular communication channels with districts. Committee members completing terms were eligible for re-appointment should they be interested. At this time, we have received one request for reappointment from Robin Zygaitis, who previously served in Position 7 (At-Large) representing Bethel School District.

Action Requested

Reappoint Robin Zygaitis to Position 7 (At Large) representing Bethel School District for an additional three-year term ending June 30, 2028.

Response Summary:

Grant Report

Q2. Has this proposal been discussed and supported by your department's executive director?

- Yes

Q4. Details

Project Name	Collective Impact Project
Department Submitting Proposal	SI/CTE
Person Submitting Proposal	Shareen Vogel
Potential Funder (please include link to RFP if available)	https://www.lanecounty.org/government/county_departments/county_administration/administration/comm
Requested Funding Amount	30,000
Person who will manage grant if funded	Shareen Vogel

Q5. Grant Period

Length of grant	6 months
Anticipated start date (mm/dd/yyyy)	01/01/2026
Anticipated end date (mm/dd/yyyy)	06/30/2026

Q9. Is a match required from Lane ESD or participating districts (direct funds, FTE, services)?

- No

Q10. Does the grant require any commitment from the ESD or districts beyond the term of the grant?

- No

Q13. Does the grant require a 501(c)3 to apply?

- No

Q46. Does the grant require "reporting" and/or updates?

- Yes

Q47. What kind of reporting is being asked for?

A Grant Impact Report must be a written document detailing outcomes, metrics, and impact. Additionally, documentation of a program or project such as photos and videos are gladly accepted though.

Q48. Who will be doing the ongoing reporting (programmatic and fiscal responsibilities) within your department?

CTE team/Shareen Vogel

Q24. Have you discussed the data collection and reporting needs with your data coordinator?

- Yes

Q50. With which data coordinator did you speak?

- Coordinator X

Q51. When did you speak with your data coordinator about this project?

N/A

Q52. How often will you need their support for reporting, exports, and imports?

N/A

Q17. Please, provide a brief overview of the grant, including the purpose and intended outcomes.

The Collective Impact Project Initiative employs a proven collective impact model to deliver robust work-based learning experiences across at least career and technical education pathways in Lane County. This initiative directly aligns with multiple CED Grant Program Objectives by creating authentic industry-education partnerships that address critical workforce and economic development needs.

Alignment with Objective #1 - Increasing Employment/Wages in Targeted Sectors: Our project directly supports four of the six priority sectors identified in the grant program. Through strengthened Regional Advisory Committees, we will enhance CTE pathways in:

Advanced Manufacturing (Manufacturing/Auto RAC) and Food and Beverage Manufacturing (Culinary/Hospitality RAC) through this grant.

The collective impact model creates a skilled entry-level workforce pipeline by connecting students directly with industry mentors who transfer job skills, professional skills, and professional networks. Students graduate with real work experience, making them immediately valuable to local employers and positioned for higher starting wages.

Alignment with Objective #2 - Facilitating Industry Innovation and Business Development: The collective impact framework functions as an innovative applied learning model where students work alongside industry partners to solve authentic community challenges. This approach mirrors successful programs like Team Oregon Build, where students address housing shortages while developing construction skills. Similarly, our students will tackle real problems facing local businesses and communities across multiple sectors, fostering innovation through fresh perspectives and collaborative problem-solving.

The Lane ESD team will facilitate these connections by conducting pathway-specific needs assessments, recruiting committed industry partners, and developing tailored collective impact projects that serve authentic business and community needs. This is all through leveraging the already established Regional Advisory Committees.

Q18. Describe how this proposal supports the equity vision and mission of Lane ESD.

Vision: Building a beloved community of learners.

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

Through this project proposal, we will be collaborating across all school districts, bringing projects to classrooms and therefor leveling access for students.

Q19. Indicate which of Lane ESD's Equity Goals this proposal will directly address.

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

Q20. Describe how the voices of diverse members of the community have been part of the design and implementation process of this proposal.

The Regional Advisory Committee structure brings voices from all parts of the community-- rural, urban -- both from education and industry led. Diverse voices is a key element of the structure.

Q21. How will this proposal dismantle systems of racism and oppression that might exist?

Through the work of bringing real world projects that have relevancy and are connected to community issues to each student who participates.

Q22. Who might this proposal impact positively and who might it negatively impact?

This won't negatively impact anyone.

Q23. How will you ensure that equitable outcomes are achieved and what data will be collected to measure success?

We will measure the number of students and teachers who participate-- also conduct student and educator surveys.

Q29. Will the purchase of computers, software, or other equipment be required for staff hired or assigned to the grant?

- No

Q31. What use of facilities are anticipated (workspace, training space, meeting space)? If applicable, please include use during weekends and break periods.

N/A

Q32. What other internal supports at Lane ESD will you need for the project to succeed?

N/A

Q36. Does the project involve research that requires the human subjects' releases?

- No

By clicking the arrow you will be submitting the form.

Please ensure you have completed all sections before moving forward.

Embedded Data:

N/A

Lane Education Service District

Code: FC
Adopted:

Capital Construction Program (Version 1)

The Board may submit to voters, on any election date specified in Oregon Revised Statutes, the question of contracting a bonded indebtedness to build or renovate ESD buildings or to purchase ESD building sites. Before such a bond election, the specific needs for facilities will be communicated to the public. Careful estimates will be made as to amounts required for the project.

All new construction or alterations to existing buildings will ensure to the maximum extent feasible that facilities are readily accessible and usable by individuals with disabilities.

Following approval by the voters, the bonds to be issued will be advertised according to law. The date of issue will be coordinated with tax collection dates, payments on bonds already outstanding and favorable market conditions. Disposition of the bonds may be accomplished by public sale on a competitive bid or negotiated basis, as determined by the Board.

The Board will annually appropriate district funds in the bonded debt service fund for the purpose of paying interest and principal on outstanding bonds. If sufficient funds are not available in the debt service fund, the Board will authorize by resolution an interfund loan for the purpose of meeting debt service requirements.

The capital projects fund is the fund authorized by the approval of the bond issue. Initial receipts from the sale of bonds are deposited in, and actual expenditures are made from, this fund. The Board will adopt an annual budget appropriation authorizing payments from the fund of the amounts needed to meet contractual obligations due architects, contractors and other individuals or firms. ~~The Board will receive periodic reports on expenditures made from the capital projects fund as compared with the original. The Board will receive periodic reports on expenditures made from this fund as compared with original appropriations for various projects.~~

Commented [MS1]: This sentence is taken from FC proposed version 2.

END OF POLICY

Legal Reference(s):

- [ORS 195.110](#)
- [ORS 197.295 - 197.314](#)
- [ORS Chapter 255](#)
- [ORS Chapter 294](#)
- [ORS 328.205](#)
- [ORS 328.542 - 328.565](#)
- [ORS 334.125\(7\)](#)

Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (2006); Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. §§ 2641-2656 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Lane Education Service District

Code: FECBA
Adopted: 3/29/94
Revised/Readopted: 1/22/02
Orig. Code(s): FECBA

Energy-Conserving Construction

OPTIONAL policy

The Board recognizes the importance and need for energy conservation in the construction of new ESD facilities.

Proposed construction and renovation projects that contain the most efficient energy-saving plans within an acceptable budget will have high priority. Energy-saving designs will be documented in the architectural evaluation and will comply with educational specifications and cost control checklists as determined by the Board.

A continuous study of energy problems and energy sources will be maintained for future planning.

END OF POLICY

Legal Reference(s):

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

Lane Education Service District

Code: FFA
Adopted: 4/26/94
Revised/Readopted: 1/22/02
Orig. Code(s): FFA

Memorials

The Board will consider the acceptance of memorial funds in honor of ~~a person~~ ~~persons who has~~ ~~have~~ special significance to ~~[the students,]~~ Lane ESD or the community. A room or item may be named for the person in whose honor the fund is created. A memorial plaque may be appropriately dedicated whenever a room or item is designated as a memorial.

Offers of a memorial ~~scholarship or other~~ funds will be submitted to the superintendent together with information concerning the purpose of the memorial and administration of the fund.

The superintendent may receive items as a memorial to a student or person having a special significance to the ESD. Items received as memorials become the property of the ESD.

The establishment of memorial funds will be subject to the following:

1. ~~Established guidelines from the~~ The superintendent ~~will establish guidelines~~ for the acceptance of memorials;
2. Consideration to establish ~~of a memorial to be established~~ with private funds shall be ~~based upon a written~~ requested in writing;
3. The Board shall make the final determination of the appropriateness of a proposed memorial.

END OF POLICY

Legal Reference(s):

[ORS 294.326](#)
[ORS 334.125\(7\)](#)

[ORS 334.215](#)

[OAR 581-024-0310](#)

Lane Education Service District

Code: _____ FA
Adopted: _____ 4/26/94
Readopted: _____ 1/22/02
Orig. Code(s): _____ FA

Facilities Development Goals

~~OPTIONAL policy. Keep? There is no longer an OSBA sample.~~

~~To provide and maintain facilities that offer the best possible physical environment within existing budget constraints for learning and working, the Board aims specifically toward:~~

- ~~1. Providing buildings and renovations that will accommodate and facilitate those organizational and instructional patterns that support Lane ESD's philosophy and goals;~~
- ~~2. Meeting all safety requirements;~~
- ~~3. Providing building renovations as needed to meet state and federal requirements on the accessibility and usability of facilities for persons with disabilities;~~
- ~~4. Building design, construction and renovation that will allow low maintenance costs and the conservation of energy;~~
- ~~5. Gathering and analyzing appropriate data to evaluate the ESD's facilities needs on a long range basis.~~

~~END OF POLICY~~

Legal Reference(s):

~~ORS 334.125~~ _____ ~~OAR 437-001-0760~~ _____ ~~OAR 581-024-0275~~
_____ ~~OAR 437-002-0020 to -008175~~

~~Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656;
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000);
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12112 (2018); 29
C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019);~~

Lane Education Service District

Code: FEB
Adopted: 3/29/94
Revised/Readopted: 1/22/02
Orig. Code(s): FEB

Selection of Architect

The Board will employ a licensed architect to design the plans of each proposed building, building addition or extension and renovation.

In selecting an architect, the following criteria shall include, but not be limited to:

1. Experience in school and/or ESD construction;
2. Evidence of relevant experience in the design and construction of facilities that provide appropriate accessibility and usability for persons with disabilities;
3. Creative design ability;
4. Technical knowledge to control the design so the best results are obtained for the smallest amount of money;
5. Executive and business ability to oversee the proper performance of contracts;
6. Proven ability in all major phases of planning and construction: pre-design planning, schematic design, design development, bidding, construction;
7. Ability and temperament to work cooperatively with others, willingness to consult with staff on educational specifications;
8. Extent and experience of architectural staff in relation to the scope of the planned project.

The architect will be selected by the Board on the basis of the above criteria and will be employed under contract.

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)
[ORS 334.125 \(7\), 642](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Lane Education Service District

Code: FEF/FEFB
Adopted: 3/29/94
Readopted: 1/22/02
Orig. Code(s): FEF/FEFB

Construction Contracts—Bidding and Awards

(Refer to policy DJC)

The Board will serve as its own contract review Board.

The Board will advertise and award contracts for construction or renovation of facilities according to the provisions of state law. Pre qualification of bidders may be required by the ESD.

Contractors shall be registered as required by Oregon law.

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)

Lane Education Service District

Code: GAB
Adopted: 1/25/94
Revised/Readopted: 1/22/02; 10/26/10
Orig. Code(s): GAB

Position Job Descriptions

Position descriptions serve to:

1. Describe all essential functions ~~To describe the primary duties and accountabilities~~ that the individual who holds the position must be able to perform unaided ~~with or with the assistance of a~~ ~~without~~ reasonable accommodation;
2. Describe attendance standards;
3. ~~To identify the knowledge, skill and training~~ Help applicants determine the qualifications needed to fill a position;
4. ~~(Does #1 above take care of this one?) To identify the authority, responsibilities, relationships, physical demands and working conditions associated with the position;~~
- 5.4. To help ~~Help~~ Lane ESD administrators determine which candidates to recommend for appointment; and
- 6.5. ~~To assist~~ Assist administrators in the evaluation of the employee's performance responsibilities.

"Essential functions," as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for reasons, including but not limited to the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for their expertise or ability to perform the particular function.

"Attendance standards," as used in this policy means, the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the ESD.

Position descriptions will be developed in accordance with ESD procedures. Each position description shall be dated and signed by the employee, supervisor and assistant superintendent. Position descriptions will be reviewed as part of the evaluation process. Job descriptions will be developed under the supervision of the superintendent for each position in the ESD. Each job description shall be dated; as job descriptions are reviewed and/or revised, new dates will be affixed.

Job Position descriptions will be coded and retained in a file titled *Job Position Descriptions for the Lane Education Service District*. The file will be available for inspection by any ESD employee or patron as a public document. Each employee shall receive a copy of their job his/her position description. [Each employee shall affix their signature and date after having read the job description.]

Job descriptions will be reviewed [annually][as needed]. Initial or revised job descriptions will be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-024-0245](#)

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

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Lane Education Service District

Code: GAB-AR(1)
Adopted: 2/11/94
Revised/Readopted: 9/25/01
Revised/Reviewed:
Orig. Code(s): GAB-AR(1)

Position Job Descriptions

(This generally does not rise to the level of an AR; usually considered an internal procedure. Does it still reflect current practice? The three ARs (GAB-AR(1), (2), (3)) are all covering the same topic, i.e., job descriptions; if keeping, consider merging them together into one AR after they are updated. Or, could they be put into a job description manual/internal procedure document?)

The following procedures will be followed for the development or revision of ~~position-job~~ descriptions:

1. Proposed ~~position-job~~ descriptions or proposed changes in existing ~~position-job~~ descriptions may be initiated by supervisory personnel but shall be submitted through the lines of authority to the appropriate director;
2. The director, following review and approval, shall submit the ~~position-job~~ description, along with other required position classification information, to the human resources office;
3. The superintendent or assigned staff member shall review and modify ~~position-job~~ descriptions as necessary to meet applicable district, state and federal requirements;
4. The human resources ~~director-secretary will shall distribute prepare~~ copies of the ~~position-job~~ description for the ~~human resources~~ office file, ~~position-job~~ description manuals, and for distribution to the appropriate supervisors and directors;
5. The director of the appropriate division shall initiate and coordinate the job classification review procedure appropriate to the new or modified ~~position-job~~ description;
6. ~~Position Job~~ descriptions for new positions or changes of existing ~~position-job~~ descriptions shall be subject to review and approval by the superintendent or assigned staff member;
7. All ~~position-job~~ descriptions are to be reviewed ~~as needed annually~~ as a part of the evaluation process.

Lane Education Service District

Code: GAB-AR(2)
Adopted: 4/23/02
Readopted: 12/9/03; 10/28/08
Revised/Reviewed:
Orig. Code(s): GAB-AR(2)

Classified Personnel ~~Job Position~~ Description Review

(See comments in AR(1). This would not need to be an AR. Covered by collective bargaining?)

A group known as the classified personnel position description review panel will review classified employee positions by:

- Analyzing new positions and recommending assignment within the classified personnel classification system;
- Reviewing existing positions which have been substantially modified and recommending assignment within the classified personnel classification system;
- Serving in an advisory capacity to the superintendent in the area of classified personnel classification.

The panel shall be comprised of two classified employees selected by the Lane County Education Association and two ESD administrative personnel selected by the superintendent. An additional classified employee and one additional administrative employee will be selected to serve as alternates. The term of service on the panel will be staggered to ensure that at least one classified member and one administrative member will have prior experience.

The panel will apply the assessment criteria approved by the superintendent for the purpose of job classification review. In addition, comparisons of salary and pay prevailing for other comparable positions in the ESD and/or local school districts will be considered. If comparable positions are not present in the ESD or local school districts, similar assignments in other ESD's and/or local public agencies will be studied.

A member of the panel may not vote when his/her position or a position in his/her area of responsibility is under review. In such instances, an alternate will take his/her place on the panel.

The assistant superintendent will call meetings of the panel, maintain records and provide appropriate communications but will not participate in the deliberations. Responsibility for facilitating the meetings of the panel will be rotated among the members.

A minimum of three affirmative votes is required to pass any motion.

The panel will meet as requested by the assistant superintendent to accomplish the purposes previously stated.

The following procedures will be followed for the development and review of new position descriptions:

1. Upon approval by the superintendent, the director responsible for a newly approved position will provide the assistant superintendent with the information necessary to develop a job description consistent with the approved format;
2. The assistant superintendent will direct that a job description be created in the approved format. Several Lane ESD personnel will be trained to write job descriptions and only they will be assigned this responsibility;
3. Upon completion of the initial draft, the assistant superintendent and responsible director will confer and suggest modifications, if necessary;
4. After the job description has received the approval of both the assistant superintendent and responsible director, the assistant superintendent will convene the classified personnel position description review panel;
5. Testimony may be presented at the review session verbally or in writing in support of or in opposition to the proposed position;
6. The panel will make a written recommendation for placement in the classification system to the assistant superintendent within five working days following the review session;
7. The assistant superintendent will render a decision(s) on the panel's recommendation(s) within five working days. The assistant superintendent may accept or reject the recommendation(s). In the event a recommendation is rejected, the assistant superintendent will reconvene the panel, identify concerns with the panel's recommendation, and direct the members to reconsider their recommendation. In the event agreement cannot be reached, a final decision regarding placement of the position in the classification system will rest with the superintendent;
8. The documentation for each review will be on file in the office of the assistant superintendent;
9. The panel will normally complete its review and recommendation to the assistant superintendent within 30 days of the approval of the job description;
10. No personnel will be hired for the new position until the job classification process is completed;
11. Classified employees hired to a new job classification are probationary in the new position for a period of nine months from the date of transfer.

The following procedures will be followed for the review of existing position descriptions:

1. When two or more existing jobs are combined and/or there is a substantial addition/deletion of duties and/or responsibilities in an existing job, the affected employee or his/her director may request a review of the position's classification. The request is submitted to the assistant superintendent;
2. All requests for review must be made in writing on the appropriate form and provide sufficient information necessary to evaluate the legitimacy of the request;
3. In the event the affected employee initiates the request, the employee's director must indicate support for the request before it can be considered for review. Within 15 working days following receipt of such request, the affected director must forward the request to the assistant superintendent with his/her recommendation for and must communicate that recommendation to the employee;

Classified Personnel Position Description Review – GAB-AR(2)

4. If there is a positive recommendation for review as well as documented and substantial change in the duties and responsibilities of a position, the assistant superintendent will direct that a revised job description be created in the approved format. Several Lane ESD personnel will be trained to write job descriptions and only they will be assigned this responsibility;
5. Upon completion of the initial draft, the assistant superintendent will ask the responsible director and employee to review the draft for accuracy and suggest modifications, if necessary;
6. After the job description has received the approval of the assistant superintendent, responsible director and employee, the assistant superintendent will convene the classified personnel position description review panel;
7. Testimony may be presented at the review session verbally or in writing in support of or in opposition to a change in classification;
8. The panel will make a written recommendation for placement in the classification system to the assistant superintendent within five working days following the review session. It is understood that salaries, as a consequence of a recommended change in classification, may either be increased or decreased;
9. The assistant superintendent will render a decision(s) on the panel's recommendation(s) within five working days. The assistant superintendent may accept or reject the recommendation(s). In the event a recommendation is rejected, the assistant superintendent will reconvene the panel, identify concerns with the panel's recommendation and direct the members to reconsider their recommendation. In the event agreement cannot be reached, a final decision regarding placement of the position in the classification system will rest with the superintendent;
10. The documentation for each review will be on file in the office of the assistant superintendent;
11. The panel will normally complete its review and recommendation to the assistant superintendent within 30 days of the approval of the revised job description.

It is understood that changes in job classification may result in a salary increase. In such cases, the director responsible for the position will also be responsible for allocating funds from his/her departmental budget for this purpose.

Employees who are hired to a new position and/or classification after January 31 of any given year will remain at the new range and step placement thus achieved throughout the subsequent fiscal year, unless he/she is again promoted to a new job and/or classification.

If the panel recommendation results in placement to a higher salary range, the change of status will be implemented retroactive to the submission date of the request. If the panel recommendation results in a placement to a lower salary range, the change of status will be effective July 1 of the new fiscal year.

Lane Education Service District

Code: GAB-AR(3)
Adopted: 2/11/94
Revised/Readopted: 4/23/02, 10/28/08
Orig. Code(s): GAB-AR(3)

Internal Employee Hired to New ~~Job Position~~ Classification

(Already in staff handbook? Collective bargaining agreements?)

Employees hired to a new job classification are probationary in the new position for a period of six months from the date of change of status and will be evaluated prior to the end of the nine-month period.

Advancement to regular status in the new job classification is contingent upon a satisfactory evaluation.

Employees who are hired to a new job classification prior to January 31 of any fiscal year shall be eligible for advancement to the next step in the new salary schedule range at July 1 of the next fiscal year.

Employees who are hired to a new position and/or classification after January 31 of any given year will remain at the new range and step placement through the subsequent fiscal year.

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Lane Education Service District

Code: GBA
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 8/27/02; 2/22/05;
1/22/08; 10/28/08; 11/16/10;
4/07/20; 12/07/21
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the ESD regardless of race¹, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status, pregnancy, childbirth or a related medical condition², veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent may develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 408.235	ORS 659A.030
ORS 243.317 - 243.323	ORS 659.805	ORS 659A.040 - 659A.052
ORS 326.051	ORS 659.850	ORS 659A.082
ORS 334.125(5)	ORS 659A.003	ORS 659A.109
ORS 342.934	ORS 659A.006	ORS 659A.112
ORS 408.225	ORS 659A.009	ORS 659A.147
ORS 408.230	ORS 659A.029	ORS 659A.233

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

³ The ESD grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

⁴ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

ORS 659A.236	OAR 581-021-0045	OAR 839-006-0440
ORS 659A.309	OAR 581-024-0245	OAR 839-006-0450
ORS 659A.321	OAR 839-003-0000	OAR 839-006-0455
ORS 659A.409	OAR 839-003-0000	OAR 839-006-0460
ORS 659A.820	OAR 839-006-0435	OAR 839-006-0465

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. et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Lane Education Service District

Code: GBC
Adopted: 10/28/08
Revised/Readopted 7/13/10; 10/26/10; 9/23/14;
3/29/16; 2/05/19
Orig. Code(s): GBC

Staff Ethics

I. Prohibited Use of Official Position for Financial Gain

No ESD employee will attempt to use their ESD position to obtain financial gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, a household members or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the ESD employee's employment with the ESD.

This prohibition does not apply to any part of an official compensation package, as approved by the Board, honorarium, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the ESD employee.

The employee may receive ESD or school logo apparel as part of the employee's compensation package.

ESD employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in regards to their duties and responsibilities as ESD employees. This would also apply to any personal financial benefit for the ESD employee's relative or member of household of the employee, or any business with which the ESD employee or a relative or member of the household of the ESD employee is associated.

This means that:

1. Employees, relatives or members of the ESD employee's household will not use the employee's position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be ESD property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No ESD employee may serve as a Board or budget committee member in the ESD;
5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time needed that he/she needs to fulfill the position's responsibilities; nor will an employee use any ESD facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an ESD employee has a potential or actual conflict of interest, the ESD employee must notify their/his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the

matter giving rise to the conflict. This must be done on each occasion the ESD employee is met with a conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by an ESD employee that could result in a financial benefit or detriment for self or relatives or for any business with which the ESD employee or relatives are associated, unless otherwise provided by law.

“Actual conflict of interest” means any action or any decision or recommendation by an ESD employee that would result in a financial benefit or detriment for self or relatives or for any business with which the ESD employee or relatives are associated, unless otherwise provided by law.

In order to avoid violation of nepotism provisions and ESD policy, ESD employees must abide by the following when an employee’s relative or member of the household of the ESD employee, is seeking and/or holds a position with the ESD:

1. An ESD employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless they comply with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. An ESD employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee’s family may be hired as a regular ESD employee. In accordance with Oregon law, however, the ESD may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the superintendent’s approval.

~~In the conflict of interest context:~~

“Member of household” means any person who resides with the employee.

“Relative” means: the spouse¹, parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits² to the employee, or who receives any benefit from the employee’s public employment.

II. Gifts

ESD employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the ESD employee. All gift-related provisions apply to the

¹ The term spouse includes domestic partner.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. A gift may be received by the ESD employee from, but not limited to, another ESD employee, a student or parent of a student or a vendor. Except for exclusions in ORS 244.040(2), an item received by an employee from the ESD is prohibited.

"Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

"Relative" means: the spouse³, parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ ~~daughter-in-law of the employee~~; or the parent, step-parent, child, sibling, step-sibling, ~~son-in-law or child~~ ~~daughter-in-law of the spouse of the employee~~. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits⁴ to the employee, or who receives any benefit from the employee's public employment.

"Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees, the employee's relatives or members of the employee's household should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the ESD employee. If the giver does not have a legislative or administrative interest, the \$50 limit does not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A "legislative or administrative interest" means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A "decision" means an act that commits the ESD to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

³ Ibid. p. 2

⁴ Ibid. p. 23

1. In calculating the per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.

Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a "ceremonial purpose" at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees.

1. Gifts from relatives and members of the household to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient's performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions.

Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee's official capacity, for certain limited purposes:

- a. Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the ESD; AND
 - (a) The giver is a unit of a:
 - (i) Federal, state, or local government;
 - (ii) An Oregon or federally recognized Native American Tribe; OR
 - (iii) Nonprofit corporation.
 - (2) The employee is representing the ESD:
 - (a) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - (b) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the superintendent.*

The purpose of the exception in a. above is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the ESD.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. An item received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's position;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Lane Education Service District

Code: GBC-AR
Adopted: 10/28/08
Revised/Reviewed: 4/28/09; 6/22/10; 9/23/14;
1/08/19
Orig. Code(s): GBC-AR

Staff Ethics

ESD employees are allowed financial benefits as identified in Oregon Revised Statute (ORS) 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. ESD employees are prohibited from using or attempting to use ~~their~~ their ESD position to obtain a financial gain or to avoid a financial detriment for the ESD employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the ESD. Specifically, this means that:

1. Employees will not use ESD equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the ESD's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. ESD vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the ESD's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the ESD's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official ESD business, any gift given because of this travel must be either declined or passed on to the ESD for use for future ESD travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the ESD for future ESD travel. The frequent flyer miles earned when traveling on official ESD business can only be used for ESD travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for ESD travel or other ESD business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal

¹ The ESD could establish a fee schedule that would allow only ESD employees to pay for the personal use of the ESD fax machines. If the ESD established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

items. Teachers may use the discount to purchase items for ESD use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to ESD extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the ESD may include free passes in employees' official compensation packages or employees may be reimbursed by the ESD for the cost of admission.
6. The employee's ESD position is not to be used to take official action that could have a financial impact on a private business with which the employee, a relative or member of the employee's household are associated. For example, if the employee's ~~sibling~~brother owns a pest-control business which is seeking a contract with the ESD, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest, in writing, describing the nature of the employee's conflict, and provide this to the employee's supervisor.
7. Confidential information gained as an ESD employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, the employee should not use the information that a student in ~~their~~her class is falling behind in math to provide the parents a referral to the employee's ~~sibling~~sister's tutoring business.
8. ESD employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the ESD, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. ESD employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the ESD employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, ESD employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use ESD facilities for this purpose only if they comply with the ESD's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board.

Lane Education Service District

Code: GBDA
Adopted: 1/22/08
Revised/Readopted: 12/03/19
Orig. Code: GBDA

Expression of Milk or Breast-feed in the Workplace

good

When possible an employee must give reasonable notice of the intent to express milk or breast-feed to the supervisor. The ESD shall provide the employee a reasonable rest period to express milk or breast-feed each time the employee has a need to express milk or breast-feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the ESD.

The ESD will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk or breast-feed in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the ESD may not include the time taken to travel to and from the location as part of the break period.

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The ESD must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

~~This policy and the list of designated locations is published in the employee handbook.~~ The list of designated locations is available upon request in the ESD's central office and the central office of each facility.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 334.125](#)

[ORS 653.077](#)
[ORS 653.256](#)

[OAR 839-020-0051](#)

Lane Education Service District

Code: GBE
Adopted: 2/24/15
Orig. Code(s): GBE

Staff Health and Safety *

good

The Board directs the superintendent to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties. The input of staff will be encouraged in the development of ESD health and safety plans.

The superintendent will develop a ESD plan for dealing with hazardous chemicals in the workplace. This plan will include proper labeling, storage and disposal of all such materials.

The superintendent will develop ESD-wide training activities to deal with the use of hazardous chemicals. Training will include the identification, use, storage and disposal techniques needed to assure safety of staff and students.

In meeting the requirements of the law, employees will be trained to recognize and respond appropriately to the presence of hazardous chemicals. All personnel who may be exposed to hazardous materials during the performance of their duties or in an emergency will be so informed and trained to appropriately deal with these materials.

The superintendent will provide staff members with the Safety Data Sheets (SDS), which must accompany any hazardous substance used in the school setting.

END OF POLICY

Legal Reference(s):

ORS 243.650	OAR 437-002-0140	OAR 437-002-0368
ORS 329.095	OAR 437-002-0144	OAR 437-002-0377
ORS 453.001 to -453.275	OAR 437-002-0145	OAR 437-002-0390
OAR 437-001-0760	OAR 437-002-0180 to -0182	OAR 437-002-0391
OAR 437-002-0020 to -0075	OAR 437-002-0360	OAR 581-024-0275

Lane Education Service District

Code: GBA
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 8/27/02; 2/22/05;
1/22/08; 10/28/08; 11/16/10;
4/07/20; 12/07/21
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the ESD regardless of race¹, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status, pregnancy, childbirth or a related medical condition², veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent may develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 408.235	ORS 659A.030
ORS 243.317 - 243.323	ORS 659.805	ORS 659A.040 - 659A.052
ORS 326.051	ORS 659.850	ORS 659A.082
ORS 334.125(5)	ORS 659A.003	ORS 659A.109
ORS 342.934	ORS 659A.006	ORS 659A.112
ORS 408.225	ORS 659A.009	ORS 659A.147
ORS 408.230	ORS 659A.029	ORS 659A.233

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

³ The ESD grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

⁴ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

ORS 659A.236	OAR 581-021-0045	OAR 839-006-0440
ORS 659A.309	OAR 581-024-0245	OAR 839-006-0450
ORS 659A.321	OAR 839-003-0000	OAR 839-006-0455
ORS 659A.409	OAR 839-003-0000	OAR 839-006-0460
ORS 659A.820	OAR 839-006-0435	OAR 839-006-0465

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. et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Lane Education Service District

Code: GBEA
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 4/07/20; 12/07/21;
2/07/23
Orig. Code(s): GBEA

Workplace Harassment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.112
ORS 243.317 - 243.323	ORS 659A.029	ORS 659A.370
ORS 659A.001	ORS 659A.030	ORS 659A.375
ORS 659A.003	ORS 659A.082	ORS 659A.820

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

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

[ORS 659A.875](#)
[ORS 659A.885](#)

[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Lane Education Service District

Code: GBEB
Adopted: 6/28/94
Revised/Readopted: 9/25/01; 12/06/17
Orig. Code(s): GBEB

Communicable Disease –~~Staffin~~ Schools

The ESD shall provide reasonable protection against the risk of exposure to communicable disease for ~~students and~~ employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance for Schools* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

Employees shall comply with all other measures adopted by the ESD and with all rules adopted by the Oregon Health Authority, Public Health Division and the local health department.

~~An employee who knows that he or she has or has been exposed to any restrictable disease, may not attend work unless authorized by Oregon law. When an administrator has reason to suspect that any employee has or has been exposed to any restrictable disease and exclusion is required, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the local health department. Employees shall provide services to students as required by law.~~

An employee ~~for or student~~ may not attend work ~~for or school, respectively,~~ while in a communicable stage of a restrictable disease or when an administrator has reason to suspect the employee ~~for or student~~ has or has been exposed to any disease for which exclusion is required in accordance with law. The ESD may provide an educational program in an alternative setting. Services will be provided to students as required by law.

The ESD shall protect the confidentiality of an employee's ~~and student's~~ health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator ~~may~~ shall inform the appropriate employees with a legitimate educational interest ~~to protect against the risk of exposure.~~

~~†The ESD will include, as part of its general emergency plans, a description of the actions to be taken by the ESD staff in buildings and by the ESD in response to medical emergencies.†~~

~~Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.~~

~~The ESD shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.~~

~~The superintendent will develop administrative regulations necessary to implement this policy.~~

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 431.150 - 431.157](#)

[ORS 433.001 - 433.004](#)

[ORS 433.010](#)

[ORS 433.110](#)

[ORS 433.235 - 433.284](#)

[OAR 333-018](#)

[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

[OAR 581-024-0275](#)

[OAR 581-024-0280](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

OREGON DEPARTMENT OF EDUCATION AND OREGON HEALTH AUTHORITY, *Community Disease Guidance for Schools*.
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2023).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164
(2023).

Lane Education Service District

Code: GBEB-AR
Adopted: 7/18/94
Revised/Readopted: 9/25/01; 8/27/02; 11/07/17;
8/04/20
Revised/Reviewed:
Orig. Code(s): GBEB-AR

Communicable Diseases – Staffin Schools

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule¹ and include but are not limited to COVID-19², chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxicogenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection in a child who, if, in the opinion of the local health officer, ~~the person~~ poses an unusually high risk to other children~~others~~ (e.g., ~~a child that~~ exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. ~~A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.~~
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
3. “Susceptible” for a school~~“Susceptible” for an~~ employee means lacking evidence of immunity to the disease.
4. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. An employee of the ESD will not attend or work at an ESD school or facility while in a communicable stage of a restrictable disease, ~~including a communicable stage of COVID-19²~~, unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send ~~them~~ the employee home.
2. An administrator shall exclude ~~a~~ susceptible ~~an~~ employee if the administrator has reason to suspect ~~they have~~ that an employee has or has been exposed to measles, mumps, rubella, diphtheria,

¹ OAR 333-019-0010 lists restrictable diseases.

² Added per OAR 333-019-1000(2).

³ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public's health. The administrator or designee will ~~may~~ request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

3. ~~An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.~~
- 4.3. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
- 5.4. ~~An exclusion administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be if the restriction has been removed by a school nurse or health care provider.~~
- 6.5. More stringent exclusion standards for employees from school or work may be adopted by the local health department ~~or by the ESD through policy adopted by the Board.~~
7. ~~The ESD's emergency plan shall address the ESD's plan with respect to a declared public health emergency at the local or state level.~~

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the ESD and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate ESD response when the administrator is notified that an employee or a student has been exposed to a restrictable disease ~~which that~~ is also a reportable disease.
3. ~~[ESD staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance⁴.]~~
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall, ~~on a case by case basis,~~ determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.

⁴ Refer to *Communicable Disease Guidance for Schools* published by the Oregon Health Authority and the Oregon Department of Education.

2. The administrator or designee shall consult with the ESD's [school] nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All ESD personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). ~~(See policy EBBAA).~~

Lane Education Service District

Code: GBI
Adopted: 10/28/08
Orig. Code(s): GBI

Gifts and Solicitations

Students and their parents shall be discouraged from giving gifts to ESD employees. The Board welcomes, as appropriate, the writing of letters by students to staff members expressing gratitude and appreciation.

Individual employees ~~[will refrain from]~~ ~~[will limit]~~ giving gifts¹ to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or ~~for~~ retirement gifts. Staff-initiated "sunshine funds" are exempt from this policy.

~~[No staff member may solicit funds in the name of the ESD [or school] through the use of, including but not limited to, internet-sourced crowdfunding or other similar types of fund raising[, without the approval of the {superintendent} {principal}.~~

Individual employees need to be accountable for maintaining integrity and avoid accepting anything of value offered by another for the purpose of influencing ~~their~~^{his/her} professional judgment.

All employees are prohibited from accepting items of material value from companies or organizations doing business with the ESD. ~~["Material value" is defined as \$50 from a single source in a single year.]~~

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the ESD without the superintendent's approval. Staff members may not be made responsible or assume responsibility for collecting money or distributing any fund-drive literature within the ESD without the superintendent's approval.

The soliciting of staff by sales people, other staff or agents during on-duty hours is prohibited. Any solicitation should be reported at once to the administrator or supervisor. Advertising is not allowed in the ESD without the superintendent's approval.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to-244.400](#)
[ORS 339.880](#)

[OAR 199-005-0005 to-199-020-0020](#)
[OAR 584-020-0000 to-0045](#)

¹ "Gift" means something of economic value given to a public official or the public official's relative or household member without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or household members of public officials on the same terms and conditions; and something of economic value given to a public official or the public official's relative for valuable consideration less than that required from others who are not public officials. See ORS Chapter 244 for gift definition exceptions.

Lane Education Service District

Code: GBJ
Adopted: 12/11/01
Orig. Code(s): GBJ

Weapons - Staff

Lane ESD employees, ESD contractors and/or their employees and ESD volunteers shall not possess a dangerous or deadly weapon or firearm on ESD property or at ESD-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

For purposes of this policy, and as defined by state and federal law, weapon includes:

1. "Dangerous weapon" - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. "Deadly weapon" - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. "Firearm" - any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The superintendent will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the ESD and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#) [ORS 166.210 to -166.370](#) [ORS 334.125](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).
Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

Lane Education Service District

Code: GBK/KGC
Adopted: 6/14/11
Revised/Readopted: 2/05/19
Orig. Code(s): GBK/KGC

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems**

The Board establishes a school and working environment that is free of smoke, aerosols and vapors containing inhalants.

The use, distribution or sale of tobacco products or inhalant delivery systems by staff on ESD property, including parking lots, at ESD-sponsored events, in ESD-owned, rented or leased vehicles or otherwise, while on duty on or off ESD premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by all others on ESD property, in ESD vehicles or at ESD-sponsored events, on or off ESD premises, on all ESD grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport ESD students to ESD-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

For the purpose of this policy, "tobacco products" is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, "inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device or a component of a device; or a substance in any form sold for the purpose of being vaporized or aerosolized by a device whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Clothing, bags, hats and other personal items used by staff to display, promote or advertise tobacco products or inhalant delivery system are prohibited on all ESD grounds, including parking lots, at ESD-sponsored activities or in ESD vehicles. Advertising is prohibited in all ESD-sponsored publications in all ESD buildings, on ESD grounds, including parking lots and at all ESD-sponsored events. ESD acceptance of gifts or funds from the tobacco product or inhalant delivery system industries is similarly prohibited. The ESD will not contract with other public or private alternative schools that allow the use of tobacco products or inhalant delivery systems on campus.

Staff violations of this policy will lead to disciplinary action up to and including dismissal.

Violations by all others will result in appropriate sanctions as determined and imposed by the superintendent or Board.

Prohibited Use, Distribution or Sale of Tobacco Products
and Inhalant Delivery Systems** – GBK/KGC

Information about community resources and/or cessation programs to help staff ~~will~~ may be provided.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by persons under 21 years of age on or off ESD grounds or at ESD-sponsored activities.

This policy shall be enforced at all times. The superintendent will develop guidelines as necessary to implement this policy, including provisions for notification of the ESD's policy, through such means as staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the ESD's policy.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 336.227](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

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

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1910094, 20 U.S.C. §§ 6081-6084 (2012).

Lane Education Service District

Code: GBA-AR
Revised/Reviewed:

Veterans' Preference

Oregon's veterans' preference law requires the ESD to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference¹ a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

The ESD is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The ESD is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if the individual is equal to or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the ESD for an explanation of the reasons why they were not selected for the position. The ESD shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the ESD's policy is to provide veterans and disabled veterans with preference as required by law, and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.³

Selection Procedures⁴

Step 1: Before the review of any applications the [human resource director] will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.

¹ See Oregon Revised Statute (ORS) 408.225.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0040 for definitions of veteran and disabled veteran.

³ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

⁴ If the ESD chooses not to use a scored system, the law requires that the ESD give special consideration in the ESD's hiring decision to veterans and disabled veterans and the ESD will need to be able to demonstrate the method used for providing special consideration. ORS 408.230(2)(c).

Step 2: The [human resource director] will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [human resource director] shall evaluate whether the skill experience obtained in the military are transferable to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the [human resource director] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the [human resource director] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.

Step 6: The [human resource director] makes the offer to the applicant with the highest final score. The ESD is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The ESD is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans' preference has been applied.

A veteran may request a written explanation of the reasons why they were not selected for the position. Upon written request, the ESD shall provide the reasons for not selecting the candidate.

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the [human resource office] if they have any concerns or questions concerning the application of or the process used for veterans' preference.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

Lane Education Service District

Code: GBEC
Adopted:

Drug-Free Workplace *

The ESD shall provide a drug-free workplace. (Version 2)

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management ~~secret~~ classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract

The ESD shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No ESD employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's ESD duties; or knowingly endorse or suggest the use of such drugs.

An employee shall, as a condition of employment, abide by the provisions of this policy.¹

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. "Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. "Criminal drug statute" means a Federal or State criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance[or alcohol].

¹ ESDs directly receiving grants or contracts from the federal government are required to meet this obligation.

5. “Drug-free workplace” means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance[or alcohol].

Sanctions and Remedies²

The ESD, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol, or upon having reasonable suspicion (under the section below), of an employee’s unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee’s criminal drug statute conviction for a violation occurring in the workplace, the ESD shall:

1. Take appropriate action, which may include discipline up to and including termination; and/or
2. Require satisfactory participation by the employee in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

1. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech, difficulty walking);
2. Direct observation of use in the workplace;
3. The opinion of a medical professional;
4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

The ESD shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

² Ibid. p. 1

Establishment of Drug-Free Awareness Program

The ESD shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of, and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction³

An employee shall, as a condition of employment, notify the ESD school in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

Notification by the ESD of an Employee Conviction

The ESD shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 calendar days after receiving notice of such conviction.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)

[ORS 659A.127](#)
[OAR 581-022-2210](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600-85.645 (2016).
Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.1-1308.15 (2016).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

³ Ibid. p. 1

Lane Education Service District

Code: GA
Adopted: 5/24/94
Readopted: 9/25/01
Orig. Code(s): GA

Human Resources Policy Goals

The Board recognizes its responsibility to promote the professional growth of Lane ESD personnel and to provide for the general welfare of staff.

The Board's human resources goals include:

- Recruiting, selecting and employing the most qualified personnel to staff the system;
- Providing appropriate compensation and benefit programs for all employees;
- Providing a staff development program for all employees that includes in-service training programs as needed;
- Conducting an effective employee evaluation program to meet or exceed the law;
- Encouraging the development and maintenance of good employee morale;
- Providing additional personnel policies as appropriate relating to statute and/or human relationship needs.

END OF POLICY

Legal Reference(s):

[ORS 334.125 \(5\)](#)

[ORS 342.850](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: _____ GB
Adopted: _____ 1/25/94
Revised/Readopted: _____ 9/25/01
Orig. Code(s): _____ GB

General Hiring Practices

(See policy GBC – Staff Ethics)

The ESD may hire a member of ~~an individual employee's family or bona fide dependent of an employee~~ of the ESD in a position in which ~~there would be no direct supervision, appointment or grievance adjustment authority exercised by either employee relative to the other.~~

An employee may directly supervise a family member under the following limited circumstances after careful consultation with staff:

- ~~1. There is not a suitable number of qualified applicants;~~
- ~~2. The relative or dependent is exceptionally well-qualified when compared to other applicants;~~
- ~~3. It is unlikely any other equally qualified or superior candidate can be located within a reasonable period of time by reasonable recruitment methods;~~
- ~~4. Alternative means of evaluation and/or grievance adjustment are available, feasible and reasonably likely to work effectively.~~

As used in this policy, "member of the family" means ~~the spouse, domestic partner, daughter, daughter-in-law, son, son-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual employee.~~

END OF POLICY

Legal Reference(s):

~~[ORS 342.169](#)~~
~~[ORS 653.305–653.326](#)~~
~~[ORS 659A.309](#)~~
[OAR 581-022-0705 \(4\)](#)

Lane Education Service District

Code: GBA-AR(1)
Adopted: ~~2/11/94~~
Revised/Readopted: ~~9/25/01~~
Orig. Code(s): ~~GBA-AR(1)~~

Affirmative Action Plan

(Still applicable? What do current hiring practices say on this?)

Board policy provides the expectation that "It shall be the responsibility of the affirmative action officer to coordinate all implementing activities." To assure compliance with the intent of this policy, the affirmative action officer shall:

1. At least annually convene the affirmative action committee to review the agency's long and short-term goals;
2. ~~Assure the committee representation includes a cross section of all levels who have authority for hiring and/or making recommendations for hiring, including but not limited to:~~
 - a. ~~Directors of each service area;~~
 - b. ~~A representative of the supervisory staff;~~
 - e. ~~A representative of the confidential staff.~~
3. ~~At the meeting, review the affirmative action policy and formulate long and short-term goals which address the intent of the Board policy;~~
4. ~~Each year thereafter, evaluate the goals established the previous year and develop new job goals or reaffirm current goals for the succeeding year;~~
5. ~~Assure all applicants for employment, all current employees, all persons responsible for hiring within Lane ESD and all employee associations are informed of the ESD's equal opportunity employment policy;~~
6. ~~Provide, upon employment, to each new employee a copy of the district policy and affirmative action plan;~~
7. ~~Provide a written report to the superintendent to be shared with the Board.~~

~~From time to time, studies regarding hiring practices may be necessary for the committee to assess future goals and directions.~~



Lane Education Service District

Code: GBA-AR(3)
~~Adopted: 1/10/96~~
~~Readopted: 9/25/01, 3/17/09~~
~~Orig. Code(s): GBA-AR(3)~~

References

(Internal hiring procedure)

Board policy guarantees to ~~all persons equal access to employment with Lane ESD and sets a standard for~~ employees to be informed ~~and knowledgeable. Checking references of candidates is basic in making good~~ employment decisions. ~~ESD managers should consult with human resources office staff or the~~ superintendent when questions ~~about reference writing or checking occur. Legal advice may be required.~~

Legal Framework

~~A "qualified privilege" exists for making remarks about a person that could be considered defamatory. This protects persons who are involved in giving or getting employment references. A two-part test applies:~~

- ~~1. The person giving the reference must be a representative of an employer who speaks or writes in good faith, and has a public or private duty, or a legal, oral or social obligation to do so; and~~
- ~~2. The person receiving the information must have a corresponding duty or interest in the information.~~

~~Satisfying both portions of the test allows the management staff making the reference check to enjoy the "qualified privilege" from defamation charges.~~

Giving References for Current or Former Employees

- ~~1. Human resources office staff and other ESD managers who rely on the contents of the personnel file in making employment decisions are similarly protected.~~
- ~~2. Lane ESD management staff are expected to review employee's performance reviews in making reference comments.~~
- ~~3. When a person leaves ESD employment, human resources office staff will secure authorization from the person to release personnel file information to potential employers who ask for recommendations.~~
- ~~4. For former employees who have no reference authorization form on file, the human resources office will request a copy of the signed authorization to release information from the prospective employer. If there is no authorization, human resources office staff will contact the former employee and request such authorization in writing. Copy of the authorization will be retained in the personnel file.~~
- ~~5. No performance information shall be given in reference checking without contacting the human resources office. All contacts to ESD employees regarding reference checks for former or current ESD employees shall be referred to the human resources office.~~

Human resources office staff will then review the file of former employees to determine the authorization status given by the former employee.

6. Reference checks about former employees who do not authorize the sharing of personnel file information will be limited to dates of employment and job assignments.
7. Reference checks about former employees who do authorize sharing of personnel file information will be made either by human resources office staff or by ESD management staff.
8. Current ESD employees will be contacted by human resources office staff to obtain authorization to release personnel file information and references from current management staff. A copy of the release form will be completed and filed in the personnel file.

Checking References on Applicants

1. ESD management staff are expected to do a thorough check of references of prospective employees and keep a record of the people contacted and the information received from each contact. Information may be gathered from the references listed by the prospective employee or from others who may have information regarding the person's performance.
2. If a candidate should ask about the information given by a reference, the candidate should be directed to the reference source. The ESD manager should not attempt to paraphrase the reference giver's comments to the candidate.
3. Notes made on reference checking need to be included in the completed application file for each position.

Lane Education Service District

Code: GBE-AR
Adopted: 12/01/20
Orig. Code(s): GBE-AR

Footwear

(This usually does not rise to the level of a board AR. Can this be moved to the staff handbook?)

Lane Education Service District is committed to providing a safe and healthy work environment. As part of that commitment and due to the risk of slips, trips and falls resulting in personal injury, certain footwear is prohibited in the work environment. All footwear must be appropriate for the environment and the employee's job requirements. For example, open toe shoes or "flip flops" are inappropriate for agency work environments and create safety hazards for the wearer. Therefore, Lane Education Service District reserves the right to determine whether a particular style of footwear is appropriate for the workplace and/or job requirements.

Footwear Safety Best Practices

To ensure safety, footwear should be free of defects or contamination. Employees should:

- Decontaminate work shoes or boots that come in contact with hazardous substances.
- Keep footwear clean, particularly treads on soles.
- Check footwear periodically to make sure there are no rips, holes or other defects and for adequate tread remaining.

All Staff

Bare feet are not allowed. Footwear with laces must remain tied at all times.

Footwear worn in classrooms must be sturdy, provide a firm base and good support as well as have slip-resistant soles. Footwear worn in classroom settings should be closed toe, regardless of the wearer's responsibilities or purpose for being there.

The following shoes will NOT be allowed to be worn while in a classroom, as they are considered a risk factor for trips and falls:

- Rubber shoes Both with and without perforations in the shoe.
- Flip flops or similar sandals with or without elevated heels.
- Any shoe with an open heel and no strap to secure the foot.
- Shoes with a heel in excess of 2 inches.
- Footwear that does not provide stability or where the foot raises out of the foot bed of the shoe with walking.

The following shoes are allowed in classrooms, with good professional taste expected:

- Tennis shoes
- Nursing or other healthcare shoes
- ~~Loafers with non-slip soles~~
- ~~Shoes with closed toe and/or strap heel~~

Facilities Staff

~~Facilities Department staff are required to wear close-toed footwear that provide a firm base and good support as well as having slip-resistant soles. Facilities Department staff are required to wear studded "traction footwear" over shoe devices when working outdoors in icy winter season conditions, such as when performing manual snow removal, exterior facility maintenance, etc. Approved traction footwear devices will be provided to affected employees at no cost.~~

~~Non-specialty footwear worn by those walking or working outdoors while in the scope of their job responsibilities must be appropriate for the conditions. For example, to help prevent slips and falls, boots or other appropriate footwear must be worn outdoors during inclement weather and/or while navigating snowy or slippery surfaces and must have an aggressive sole tread.~~

~~Staff who report to work in footwear that is considered unsafe may be sent home. Repeat issues with unsafe footwear may result in disciplinary action.~~

Lane Education Service District

Code: GBEB
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEB

~~HIV, AIDS and HBV – Employees~~

Lane ESD will strictly adhere in its policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to employees infected with HIV, AIDS and/or HBV¹.

The ESD recognizes that an employee has no obligation under any circumstance to report his/her condition to the ESD and the employee has a right to continue working.

~~If the employee reports his/her condition to the ESD, strict adherence to written guidelines outlined by the employee shall be followed.~~

These guidelines shall identify who may have the information, who will give the information, how the information will be given, when and where the information will be given. All such information will be held in confidence.

~~When informed of the infection, and with written permission from the employee, the ESD will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the employee's condition.~~

~~The ESD shall also develop policies and/or procedures for rumor control, infection control and public relations/media. Accommodations for an employee infected with HIV, AIDS and HBV shall be the same as with any other illness.~~

END OF POLICY

Legal Reference(s):

[ORS 242.650](#)
[ORS 342.850 \(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)
[ORS 433.260](#)

[OAR 333-012-0270](#)
[OAR 333-017-0000 \(40\)](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-019-0015](#)

[OAR 581-024-0275](#)
[OAR 581-024-0280](#)

¹HIV – Human Immunodeficiency Virus; AIDS – Acquired Immune Deficiency Syndrome; HBV – Hepatitis B Virus

Lane Education Service District

Code: GBEBA-AR
Adopted: 7/18/94
Readopted: 9/25/01
Orig. Code(s): GBEBA-AR

~~HIV, AIDS and HBV – Employees~~

As a general rule, employees with HIV should not pose a health risk to students, to other employees or to community members. As a general rule, employees with HIV should be allowed to continue employment.

Decisions regarding the assignment of a staff member with HIV will be made on a case-by-case basis, taking into consideration all available information on the specific case at hand.

~~If an employee with HIV notifies the superintendent of his/her medical condition, the superintendent will immediately constitute a team to review the employee's assignment to determine if such assignment may create a health risk for other persons. The team members will include:~~

- ~~1. The employee;~~
- ~~2. The employee's physician;~~
- ~~3. The employee's supervisor;~~
- ~~4. A medically trained professional;~~
- ~~5. Representative(s) of the district office;~~
- ~~6. A public health agency representative.~~

~~The superintendent shall also report the disease to the local health department by the most direct means available.~~

~~Factors that the team should review, but not be limited to, are assignments that include application of first-aid assignments that include personal hygiene care, or any other factors that could transmit blood or body fluids from one person to another. Periodic review of the employee's medical condition should be scheduled. The team will make its recommendations to the superintendent.~~

~~If reassignment of the employee is advised by the team, the action taken will follow review and reconsideration of policies, regulations and practices that govern such reassignments for medical reasons, including the use of appropriate sick leaves and disability leaves.~~

~~The employee's right to privacy and confidentiality of medical records will be preserved. Only as much information as necessary will be communicated to the community and staff so that news is managed and the credibility and trustworthiness of the district is preserved.~~

These guidelines will be revised to conform with new medical information and guidelines published by county and state health departments. Such publications should be the basis for annual training provided for employees.

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Lane Education Service District

Code: GBEBAA/JHCCBA/EBBAB
Adopted: 6/28/94
Readopted: 9/25/01, 8/27/02
Orig. Code(s): GBEBAA/JHCCBA/EBBAB

HBV/Bloodborne Pathogens

~~The Board recognizes that staff/students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff/students of exposure to body fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.~~

~~Consequently, the Board directs adherence to standard precautions. Standard precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens¹.~~

~~In order to reduce the risk to staff/students by minimizing or eliminating staff exposure incidents to bloodborne pathogens, the Board directs the superintendent to develop and implement an Exposure Control Plan. The plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update shall also:~~

- ~~1. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens;~~
- ~~2. Annually, document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.~~

~~The plan shall include training followed by an offer of immunization with Hepatitis B vaccine and vaccination series for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the ESD. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Personal protective equipment appropriate to job tasks shall be provided by the ESD. A post-exposure evaluation and follow up shall be made available to any employee sustaining an occupational exposure.~~

~~The ESD recognizes that, as required by OAR 437-002-1030, employees who use medical sharps in the performance of their duties (e.g., administering injectable medicines to students, such as epinephrine and glucagon) must, at least annually, be provided with the opportunity to identify, evaluate and select engineering and work practice controls (e.g., sharps disposal containers, self sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems). The ESD will implement such work practice controls, as appropriate.~~

~~Documentation, including a sharps injury log, will be maintained as required by OAR 437-002-1035 and 437-002-1030 (3).~~

¹Bloodborne pathogens – pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

END OF POLICY

Legal Reference(s):

- [QAR 437-002-0360](#)
- [QAR 437-002-0377](#)
- [QAR 437-002-1030](#)
- [QAR 437-002-1035](#)

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Lane Education Service District

Code: GBEBAA/JHCCBA/EBBAB-AR
Adopted: 9/11/96
Revised/Readopted: 7/10/01
Orig. Code(s): GBEBAA/JHCCBA/EBBAB-AR

Bloodborne Pathogen Exposure Control Plan For Compliance with OR-OSHA Standard – OAR 437-002-0360 to -0375

The following definitions apply to this document and the OR-OSHA administrative rules on bloodborne pathogens:

~~“Blood”: Human and human blood components and products made from human blood.~~

~~“Bloodborne Pathogens”: Pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).~~

~~“Clinical Laboratory”: A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.~~

~~“Contaminated”: The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.~~

~~“Contaminated Laundry”: Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.~~

~~“Contaminated Sharps”: Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wires.~~

~~“Decontamination”: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.~~

~~“Engineering Controls”: Controls (e.g., sharps disposal containers, self sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.~~

~~“Exposure Incident”: A specific eye, mouth or other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of any employee’s duties.~~

~~“Handwashing Facilities”: A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.~~

“Licensed Health-Care Professional”: A person whose legally permitted scope of practice allows him/her to independently perform the activities required by OAR 437.002-0360 (f) (Hepatitis B Vaccination of Post-Exposure Evaluation and Follow-up).

~~“HBV”: Hepatitis B Virus.~~

~~“HIV”: Human Immunodeficiency Virus.~~

~~“Hazard”: An actual or potential exposure to risk.~~

~~“Occupational Exposure”: Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.~~

~~**Other Potentially Infectious Materials:**~~

- ~~• Semen;~~
- ~~• Vaginal secretions;~~
- ~~• Cerebrospinal fluid;~~
- ~~• Synovial fluid;~~
- ~~• Pleural fluid;~~
- ~~• Pericardial fluid;~~
- ~~• Peritoneal fluid;~~
- ~~• Amniotic fluid;~~
- Saliva in dental procedures;
- Any body fluid that is visibly contaminated with blood;
- All body fluids where it is difficult to differentiate between body fluids;
- Any unfixated tissue or organ (other than intact skin) from a human (living or dead).

~~“Parenteral”: Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasions.~~

~~“Personal Protective Equipment”: Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment (PPE).~~

~~“Regulated Waste”: Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.~~

~~“Source Individual”: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to:~~

- ~~• Hospital and clinic patients;~~
- ~~• Clients in institutions for the developmentally disabled;~~
- ~~• Trauma victims;~~
- ~~• Clients of drug and alcohol treatment facilities;~~

- Residents of hospices and nursing homes;
- Human remains;
- Individuals who donate or sell blood or blood components.

“Sterilize”: The use of a physical or chemical procedure to destroy all microbial life including highly-resistant bacterial endospores.

“Standard Precautions”: An approach to infection control. All human blood and certain human fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

“Work Practice Controls”: Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

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BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

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LANE EDUCATION SERVICE DISTRICT (LANE ESD)

In accordance with OR OSHA Bloodborne Pathogens Standard, OAR 437-002-0360 to 0375 the following Exposure Control Plan has been developed:

The purpose of this Exposure Control Plan is to:

- a. Eliminate or minimize employee occupational exposure to blood or certain other body fluids;
- b. Comply with the OR OSHA Bloodborne Pathogens Standard, OAR 437-002-0360 to 0375.

2. Exposure Determination

OR OSHA requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or other potentially infectious materials or high risk occupations. Lane ESD does not have any occupations that are in a high risk category.

However, when a contact has been made with infectious materials, fluids or persons with Hepatitis B, Lane ESD will make available, at no cost to the employee, any necessary, confidential medical evaluation and follow up as required by OSHA. Also, Lane ESD will provide training in prevention of exposure to infectious situations and how to dispose of contaminated waste.

In addition, OR OSHA requires a listing of job classifications in which some employees may have occupational exposure. Not all the employees in these categories would be expected to incur exposure to blood or other potentially infectious materials. Job classifications and tasks or procedures that would cause these employees to have occupational exposure are listed as follows:

JOB CLASSIFICATION	TASK/PROCEDURE
Directors and Supervisors	Program Dependent
Custodian(s) working at ESD	General facility cleaning
Teachers/Educational and Behavioral Assistants working directly with students	Changing menstrual pads Tooth brushing Emesis clean-up Cleaning nose/mouth secretions General health care Blood glucose monitoring Delegated nursing task
Persons who may provide first aid to students/staff	First aid for injuries

1. Implementation Schedule and Methodology

OR-OSHA requires that this plan include a schedule and method of implementation for the various requirements of the standard. ~~The following complies with this requirement.~~

~~2. Compliance Method~~

~~Standard precautions will be observed at Lane ESD in order to prevent contact with blood or other potentially infectious materials.~~

~~Engineering controls and work practices will be utilized to eliminate or minimize exposure to employees at Lane ESD. Injured parties will be encouraged to care for themselves when feasible. Where occupational exposure remains after institution of these controls, personal protective equipment will also be utilized. At Lane ESD, the following engineering controls and work practices will be utilized:~~

- ~~a. Leak-proof containers lined with a red plastic bag for disposal of bloody waste;~~
- ~~b. Sharps containers for needle, blade and lancet disposal;~~
- ~~c. Students will cleanse their own bloody wounds when possible, using gauze, soap and water;~~
- ~~d. Pressure will be applied using gauze and gloved hands when the student needs assistance.~~

~~The above controls will be examined and maintained on a regular schedule. The schedule for reviewing the effectiveness of the controls is as follows:~~

- ~~a. On a daily basis as needed, the custodian will remove the red plastic bag, clean and decontaminate the container as necessary. A new red plastic bag will be put in place;~~
- ~~b. A custodian will take filled sharps containers to Lane County Health Department for proper disposal;~~
- ~~c. Hand washing facilities will be made available to employees who incur exposure to blood or other potentially infectious materials. OR OSHA requires that these facilities be readily accessible after incurring exposure. (If hand washing facilities are not feasible, Lane ESD will provide antiseptic towelettes or an antiseptic cleanser and paper towels. The hands are to be washed with soap and running water as soon as possible. Playground aides will be provided with packets which will contain latex gloves, paper towels, antiseptic towelettes, gauze pads and a plastic sack for waste materials.);~~
- ~~d. Supervisors will ensure that after the removal of gloves, employees will wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water;~~
- ~~e. Supervisors will ensure that employees who incur exposure to their skin or mucous membranes will wash or flush exposed areas with water as soon as feasible following the contact;~~
- ~~f. The use of disposable gloves is necessary for care givers who give first aid when body fluids are present (cleaning cuts and scrapes, helping with a bloody nose, examining secreting rashes). When applicable, those care givers who handle diapers or student's clothing soiled by feces or urine must take similar precautions and wear protective clothing (a vinyl apron, for example) if contamination is anticipated;~~
- ~~g. If unanticipated contact with body fluids occurs, hands and all other affected skin areas must be washed thoroughly with soap and running water as soon as possible. Effective hand~~

washing requires the use of soap and vigorous washing under a stream of running water for at least 30 seconds. Use paper towels to dry hands well and to turn off hand-operated faucet;

- h. Any articles used to clean body fluid spills must be handled with gloved hands and disposed of in a plastic bag or a receptacle labeled with a biohazard sign. If an absorbent agent is used, sweepings must be disposed of in a similar manner. Brooms and dust pans must be cleaned with a disinfectant;
- i. Freshly mixed household bleach in a 1:10 solution (one part bleach to nine parts cool water) is recommended for sanitizing. Bleach solution should be made fresh every 24 hours in order to be effective. A tightly sealed bottle marked with a line for one part bleach and another line for nine parts water can be kept handy. The fresh solution can be stored out of direct light. The bottle must be clearly labeled;
- j. Wash contaminated surfaces with soap and water to remove all visible contamination. The surface to be sanitized must be visibly clean and free of all soap residue. Do not mix bleach with soap or detergent, as any organic material will inactivate the active ingredient. The contaminated surface must be in contact with bleach solution for at least 10 minutes.

3. Needles

Contaminated needles or other contaminated sharps will not be bent, recapped, removed, sheared or purposely broken. OR OSHA allows an exception to this if the procedure would require that the contaminated needle be recapped or removed and no alternative is feasible and the action is required by the medical procedure. If such action is required, then the recapping or removal of the needle must be done by a mechanical device or a one-handed technique. Empty immunization vials will be disposed of in the sharps container.

Work Area Restriction

Employees are not to eat, drink, apply cosmetics or lip balm, smoke or handle contact lenses in the health room. Food and beverages are not to be kept in refrigerators, freezers, shelves, cabinets or on counter tops or bench tops where blood or other potentially infectious materials are present. Hands must be washed before and after assisting with first aid, before and after meals and after toileting.

4.

All procedures will be conducted in a manner which will minimize splashing, spraying, splattering and generation of droplets of blood or other potentially infectious materials. Methods employed to accomplish this goal are:

- a. The custodian will be called when body fluids need to be cleaned up;
- b. Employees involved in activities which might cause splattering of infectious materials will wear gloves and/or vinyl aprons, as necessary.

Contaminated Equipment

The custodian is responsible for ensuring that equipment which has become contaminated with blood or other potentially infectious materials will be examined and decontaminated as necessary as soon as possible.

5.

6. Personal Protective Equipment (PPE)

Da. General: Supervisors are responsible for ensuring that latex gloves are provided without cost to employees. The nature of anticipated exposure to body fluids at a school requires latex gloves (and when applicable, a vinyl apron) to be the only personal protective equipment that is generally needed. If the employee's clothing should become contaminated with body fluids, the employee will be given time to change clothing. Soiled clothing will be placed in a plastic bag and sent home with the owner and handled in accordance with standard precautions.

~~A CPR mask with a one-way valve will be provided at each instructional site.~~

~~b. PPE Use (Personal Protective Equipment): Supervisors will ensure that the employee uses appropriate PPE unless it is shown that the employee temporarily and briefly declined to use PPE when under rare and extraordinary circumstances it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances will be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.~~

~~c. PPE Accessibility: Supervisors will ensure that appropriate PPE in the appropriate sizes is readily accessible at the work site or is issued without cost to employees. Hypoallergenic gloves, glove liners, powderless gloves or other similar alternatives will be readily accessible to those employees who are allergic to the gloves normally provided.~~

~~d. PPE Cleaning, Laundering and Disposal: All personal protective equipment will be cleaned, laundered and/or disposed of by the employer at no cost to the employees. All repairs and replacements of PPE will be made by Lane ESD at no cost to the employees. All garments which are penetrated by blood will be removed immediately or as soon as feasible. All PPE will be removed prior to leaving the work area.~~

~~When PPE is removed, it will be placed in an appropriately designated area or container for storage, washing, decontamination or disposal. Reusable items, such as CPR masks and vinyl aprons will be sanitized using a freshly made 1:10 (one part bleach, nine parts cool water) bleach solution.~~

~~e. Gloves: Gloves will be worn when it is reasonably anticipated that employees will have hand contact with blood, other potentially infectious materials, nonintact skin or mucous membranes; when handling or touching contaminated items or surfaces.~~

~~Disposable latex gloves are not to be washed or decontaminated for re-use and are to be replaced as soon as practical if they are torn, punctured or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for re-use provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured or exhibit other signs of deterioration or when their ability to function as a barrier is compromised. Disposable latex gloves will be removed by grasping the cuff and pulling them wrong side out. Soiled gloves will be placed in the plastic bag with other contaminated waste material, double bagged and disposed of according to state and local regulations.~~

f. Eye and Face Protection: A CPR mask with a one-way valve is to be used in the event of cardiac or respiratory arrest. Ordinary school activities do not require other masks, goggles or face shields to prevent splashes, splatter or droplets of blood.

D g. Additional Protection: The need for additional protective clothing is not anticipated in the normal course of school activities. (Vinyl aprons are to be made available for staff when appropriate.)

9. ~~Housekeeping~~

~~All bins, pails, cans and similar receptacles will be inspected and decontaminated on a regularly scheduled basis once a month by the custodian and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.~~

~~Decontamination will be accomplished by utilizing the following materials:~~

- ~~a. Blood or body fluid spills: A Quaternary disinfectant or a freshly made 1:10 bleach solution (one part bleach and nine parts cool water);~~
- ~~b. Counters and sink: A Quaternary disinfectant or bleach solution;~~
- ~~c. Broken glassware: Not to be picked up directly with the hands.~~

10. ~~Regulated Waste Disposal~~

~~Gauze and other first aid products used to cleanse bloody wounds in the health room will be placed in a plastic bag lined waste can. The bag will be securely tied and disposed of daily. The state of Oregon does not require special disposal practices for this type of waste.~~

~~Laundry Procedures~~

~~Laundry contaminated with blood or other potentially infectious materials generated in school or at a worksite will be handled using standard precautions. Such laundry will be placed in a plastic bag and sent home with the owner, if possible, to be laundered according to standard precautions.~~

12. Hepatitis B Vaccine and Exposure Evaluation and Follow-Up

a. General: Lane ESD will make available the Hepatitis B vaccine and post-exposure follow-up to all employees who have occupational exposure as determined by the district and/or to all employees who have had an exposure incident.

~~Lane ESD will ensure that all medical evaluations and procedures including the Hepatitis B vaccine and vaccination series and post exposure follow up including prophylaxis, are:~~

- (1) Made available at no cost to the employee;
- (2) Made available to the employee at a reasonable time and place;
- (3) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional;
- (4) Provided according to the recommendations of the U.S. Public Health Service.

All laboratory tests will be conducted by an accredited laboratory at no cost to the employee.

- b. Hepatitis B Vaccination: The human resources administrator is in charge of the Hepatitis B vaccination program, if any are needed.

Hepatitis B vaccination will be made available after the employee has received the training in occupational exposure and within 10 working days of initial assignment to all employees who have occupational exposure, unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune or the vaccine is contraindicated for medical reasons.

~~Participation in a pre-screening program will not be a prerequisite for receiving Hepatitis B vaccination.~~

~~If the employee initially declines Hepatitis B vaccination, but at a later date, while still covered under the standard, decides to accept the vaccination, the vaccination will be made available.~~

~~All employees who decline the Hepatitis B vaccination offered will sign the OR-OSHA required declination statement indicating their refusal. (See Hepatitis B Declination Statement form, page 11-20). If the employee refuses to sign the declination statement, the supervisor will make a notation on the form and sign as a witness to the employee's refusal.~~

~~If a routine booster dose of Hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster doses will be made available.~~

- e. ~~Post-Exposure Evaluation and Follow-Up: All exposure incidents will be reported, investigated and documented. When the employee incurs an exposure incident, it will be reported to the immediate supervisor and an incident report will be completed immediately, conjointly with a health professional.~~

~~Following a report of an exposure incident, the exposed employee will immediately receive a confidential medical evaluation and follow-up, including at least the following elements:~~

- ~~(1) Documentation of the route of exposure and the circumstances under which the exposure incident occurred;~~
- ~~(2) Identification and documentation of the source individual, unless it can be established that identification is not feasible or prohibited by state or local law;~~
- ~~(3) The source individual's blood will be tested as soon as possible and after consent is obtained in order to determine HBV and HIV infectivity. Laboratory tests requested by Lane ESD will be paid for by the ESD. If consent is not obtained, the human resources manager will establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, will be tested and the results documented;~~
- ~~(4) When the source individual is already known to be infected with HBV or HIV, status need not be repeated;~~

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- (5) Results of the source individual’s testing will be made available to the exposed employee and the employee will be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual;
- (6) The exposed employee’s blood will be collected and tested for HBV and HIV status as soon as possible after exposure and consent is obtained. The employee will have the option of having the blood sample preserved for up to 90 days to allow the employee time to consider the ramifications of testing. Any employee who wants to participate in the medical evaluation program must agree to have blood drawn.

~~All employees who incur an exposure incident will be offered post-exposure evaluation testing and treatment in accordance with OR OSHA standard. All post-exposure follow up will be performed by a physician under contract with Lane ESD.~~

~~d. Information Provided to the Health Care Professional: The human resources administrator will ensure that the physician responsible for the employee’s Hepatitis B (HBV) vaccination is provided with the following:~~

- ~~(1) A copy of OAR 437-002-0360 with confidentiality being emphasized;~~
- ~~(2) A written description of the exposed employee’s duties as they related to the exposure incident;~~
- ~~(3) Written documentation of the route of exposure and circumstances under which exposure occurred;~~
- ~~(4) Results of the source individual’s blood testing, if available;~~
- ~~(5) All medical records relevant to the appropriate treatment of the employee including HBV vaccination status, the staff member’s current emergency information record and the most recent medical occurrences.~~

~~e. Health Care Professional’s Written Opinion: The human resources administrator will obtain and provide the employee with a copy of the evaluating health care professional’s written opinion within 15 days of the completion of the evaluation. The information in the report will be confidential. The health care professional’s written opinion for post-exposure follow-up will be limited to the following information:~~

- ~~(1) A statement that the employee has been informed of the results of the evaluation;~~
- ~~(2) A statement that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment;~~
- ~~(3) Whether the Hepatitis B vaccination is recommended;~~
- ~~(4) Whether the employee has received the Hepatitis B vaccination.~~

~~NOTE: All other findings remain confidential and will not be included in the written report.~~

Lane ESD will not ordinarily produce regulated waste products. Plastic or biohazard labeled waste containers that are leakproof, with lids, will be used to collect absorbent gauze pads, disposable gloves and contaminated paper. These plastic bags will be removed when tied in a knot at the top and disposed of.

14. Information and Training

In accordance with applicable regulations, the human resources administrator will ensure that training is provided at the time of initial assignment to tasks potentially involving occupational exposure. Review will be provided annually for all returning employees. Additional training will be provided to employees when there are any changes of tasks or procedures affecting the employee's occupational exposure. Training and review will be tailored to the employee's education and language level and will be offered during regular work hours at no cost to the employee. The training will be interactive and will cover the following:

- a. Where a copy of the OR OSHA standard is available and an explanation of its contents;
- b. A discussion of the epidemiology and symptoms of bloodborne diseases;
- c. An explanation of the signs, labels and color-coding systems;
- d. An explanation of the modes of transmission of bloodborne pathogens;
- e. An explanation of Lane ESD Bloodborne Pathogen Exposure Control Plan and a method for obtaining a copy;
- f. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
- g. An explanation of the use and limitations of methods to reduce exposure, for example: engineering controls, work practices and personal protective equipment (PPE);
- h. Information of the types, use, location, removal, handling, decontamination and disposal of PPE's;
- i. An explanation of the rationale for selection of PPE's;
- j. Information regarding the Hepatitis B vaccination including efficacy, safety, method of administration, benefits and that it will be offered free of charge;
- k. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
- l. An explanation of the procedures to follow if an exposure incident occurs including the method of reporting and medical follow-up;
- m. Information regarding the post exposure evaluation and follow up required after an employee exposure incident;
- n. An explanation of the signs, labels and color-coding systems.

The person conducting the training will be knowledgeable in the subject matter.

15. Record Keeping

- a. Medical Records: Medical records will be maintained by the human resources department in accordance with OAR 437-002-0015 in a locked file cabinet in the human resources office area. These records will be kept confidential and must be maintained for at least the duration of employment plus 30 years. (Long term storage will be in the human resources office.) The records will include the following:
 - (1) The name and social security number of the employee;
 - (2) A copy of the employee's HBV vaccination status including the dates of vaccination and any medical records related to the employee's ability to receive vaccination;

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- (3) A copy of all results of examinations, medical testing and follow-up procedures;
- ~~(4) A copy of the health care professional's written opinion whether Hepatitis B vaccination is indicated and if the employee has received such vaccination;~~
- ~~(5) A copy of the information provided to the health care professional including a description of the employee's duties as they related to the exposure incident and documentation of the routes of exposure and circumstances of the exposure.~~

~~b. Training Records: The human resources administrator is responsible for maintaining the training records. These records will be kept in the human resources office. Training records will be maintained for three years from the date of the training. The records will document the following:~~

- ~~(1) The dates of the training session;~~
- ~~(2) An outline describing the material presented;~~
- ~~(3) The names and qualifications of persons conducting the training;~~
- ~~(4) The names and job titles of all persons attending the training session.~~

~~e. Availability: All employee records will be made available to the employee in accordance with OAR 437-002-0015. All employee records will be made available to the Assistant Secretary of Labor for the Occupational Safety and Health Administration and the Director of the National Institute for Occupational Safety and Health upon request.~~

~~d. Transfer of Records: If this facility is closed or there is no successor employer to receive and retain the records for the prescribed period, the director of the NIOSH will be contacted for final disposition.~~

16. Evaluation and Review

The safety committee is responsible for reviewing this program, its effectiveness and for updating this program as needed on an annual basis.

~~17. Dates~~

All provisions required by this standard will be implemented by June 1, 1993.

18. Consents and Waivers

~~If employees, source individuals or parents of source individuals refuse to sign any form requested, a Lane ESD employee will make a notation on the form that the individual refused to sign. The employee will then date and sign the form as a witness to this refusal.~~

Outside contractors will be responsible for meeting OR-OSHA requirements for their employees.

~~19. Outside Contractors~~

**LANE EDUCATION SERVICE DISTRICT
HEPATITIS B DECLINATION STATEMENT**

The following statement of declination of Hepatitis B vaccination must be signed by an employee who chooses not to accept the vaccine. The statement can only be signed by the employee following appropriate training regarding Hepatitis B, Hepatitis B vaccination, the efficacy, safety, method of administration and benefits of vaccination, and that the vaccine and vaccination are provided free of charge to the employee. The statement is not a waiver; employees can request and receive the Hepatitis B vaccination at a later date if they remain occupationally at risk for Hepatitis B.

DECLINATION STATEMENT

I understand that by occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to me; however, I decline Hepatitis B vaccination at this time. I understand that by declining the vaccine I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Print Employee's Name Employee's Social Security Number

Employee's Signature Date

**LANE EDUCATION SERVICE DISTRICT
BLOOD OR OTHER BODY FLUID POST-EXPOSURE REPORT**

Policy Statement: Any exposure incident (a specific mouth, eye or other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious material) that results from the performance of an employee's duties will be reported immediately to the human resources administrator.

Date: _____ Time: _____ Reported by: _____

Description of incident (include route(s) and circumstances of exposure): _____

Person: _____ Title: _____ Date: _____

EXPOSURE INFORMATION	
Source Individual	Exposed Employee
Name: _____	Name: _____
School: _____ Grade: _____	School: _____
DOB: _____ SS#: _____	Classroom/Site: _____
Home Address: _____	Home Address: _____
Parent/Guardian: _____	Date Referred to Physician: _____
Home Phone: _____ Work Phone: _____	Documents Sent to Physician (check below)
Physician Name: _____	Bloodborne Pathogen Exposure Report <input type="checkbox"/>
Physician Phone: _____	Hepatitis B Vaccination Consent/Waiver <input type="checkbox"/>
Physician Address: _____	Source Individual Consent/History <input type="checkbox"/>
	OR-OSHA Regulation <input type="checkbox"/>
Hepatitis B Status, if known: _____	
Parent Notified (date/time): _____	
Consent Form Sent: _____	
Consent Form Obtained: _____	
Consent Refused: _____	
Employee Notified of Refusal: _____	
Follow-Up _____	Follow-Up _____

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LANE EDUCATION SERVICE DISTRICT

SOURCE INDIVIDUAL HISTORY AND CONSENT

I hereby authorize an exchange of information to occur between the agencies/physicians listed below. I am aware that _____ or my child, have been identified as a source individual where an employee may have been exposed to blood or other potentially infectious body fluids.

1. Lane Education Service District
1200 Highway 99 North
PO Box 2680
Eugene OR 97402

2. Employee's Medical Practitioner:

Name:

Phone:

Address:

3. Student's Medical Practitioner:

Name:

Phone:

Address:

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I authorize a release of any or all information contained in the record of:

Name:

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School: _____

Phone: _____

Other Names Used: _____

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Signature of Parent or Guardian _____

Date _____

Dr. _____: This student or employee is a source individual of a bloodborne pathogen or other potentially infectious body fluid exposure incident. The above named employee, parent or guardian has been notified of OAR 437-002-0360 to 0375, Exposure guideline on bloodborne pathogens. Please return the following medical information.

Results of:

HBsAg: _____

Date: _____

HIV: _____

LANE EDUCATION SERVICE DISTRICT
BLOODBORNE PATHOGENS TRAINING SESSION ATTENDANCE ROSTER

D _____

Conducted By: _____

E _____

ATTENDEES

NAME

JOB TITLE

L _____

E _____

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NOTE: Training summary of contents and qualification of person(s) conducting training attached. This record will be maintained for three years from the above date of training session and copies may be made available to the appropriate OR-OSHA representative upon request.

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PHYSICIAN'S STATEMENT AND WRITTEN OPINION

Lane Education Service District
1200 Highway 99 North
PO Box 2680
Eugene OR 97402

Please complete the following information and return to the human resources administrator at the address listed above. OR OSHA requires that the employer will obtain and provide the employee with a copy of this written opinion within 15 days of completion of this medical evaluation. Please note that the following records are accompanied with this form to assist in your medical evaluation:

- OR OSHA regulation regarding post-exposure protocol;
- Bloodborne pathogen exposure report;
- Hepatitis B vaccination history/waiver;
- Source individual's medical information and release of confidential information.

Hepatitis B Prophylaxis

- Is Hepatitis B vaccination indicated? YES NO
- If so, was vaccination given? YES NO

DATE GIVEN: _____

If yes, projected date for next dose: _____

- Are there any medical contraindications? YES NO

If yes, please explain: _____

- Was HBIG given? YES NO

If yes, date received: _____

Antibody Testing

- Date blood drawn: _____
- Baseline Hepatitis B result: _____
- Baseline HIV completed: _____

(If employee does not give consent initially for HIV serologic testing, the sample must be preserved for at least 90 days. The employee may later elect to have the baseline done during this 90 day period.)

Post-Exposure Counseling and Follow-Up

Further recommendations: _____

I certify that the employee has been informed of the results of this medical evaluation, has been advised about any medical conditions resulting from exposure to blood or other potentially infectious materials and has been advised about any further evaluation or treatment.

Physician's Signature _____

Date _____

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LANE EDUCATION SERVICE DISTRICT
ACCIDENTAL BODY FLUID EXPOSURE LOG

Facility Name: _____

Facility Address: _____

School Health Official: _____

Name of Exposed: _____

_____ Student Staff DOB: _____

Source Individual, if known: _____

Reported By: _____

_____ Title: _____

_____ Date: _____

Description of Incident: _____ Time: _____

Was consultation with health care provider sought: YES NO

If so, name of health care provider:

Recommendation of health care provider:

D
Facility Name: _____

Facility Address: _____

School Health Official: _____

E
Name of Exposed: _____

L
Student Staff DOB: _____

Reported By: _____

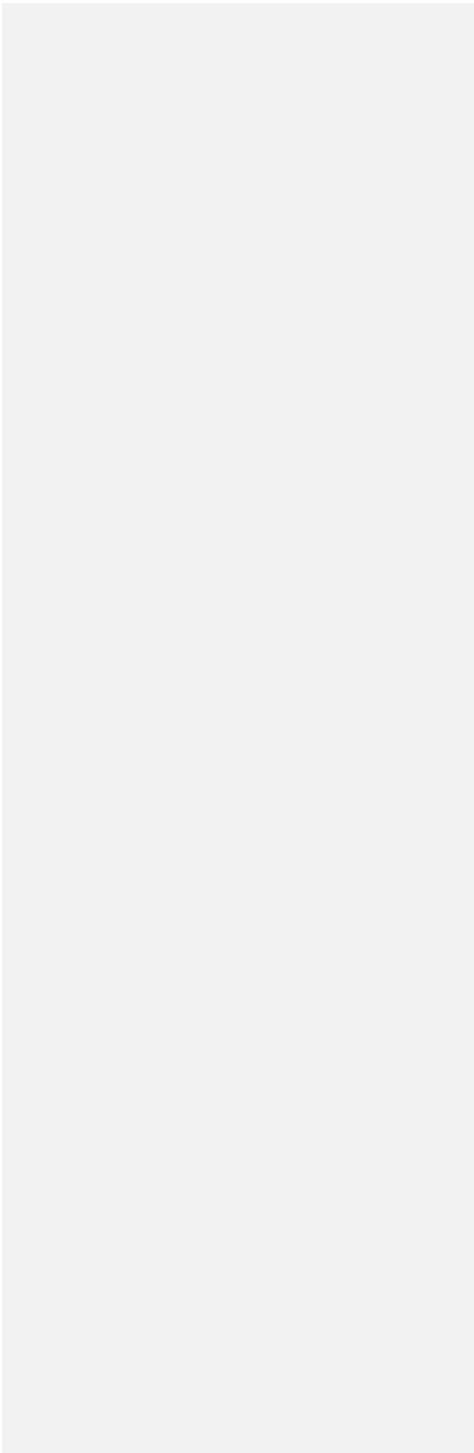
Source Individual, if known: _____

E
Title: _____

T
Time: _____
Date: _____

Description of Incident: _____

Was consultation with health care provider sought: YES NO **E**



D		

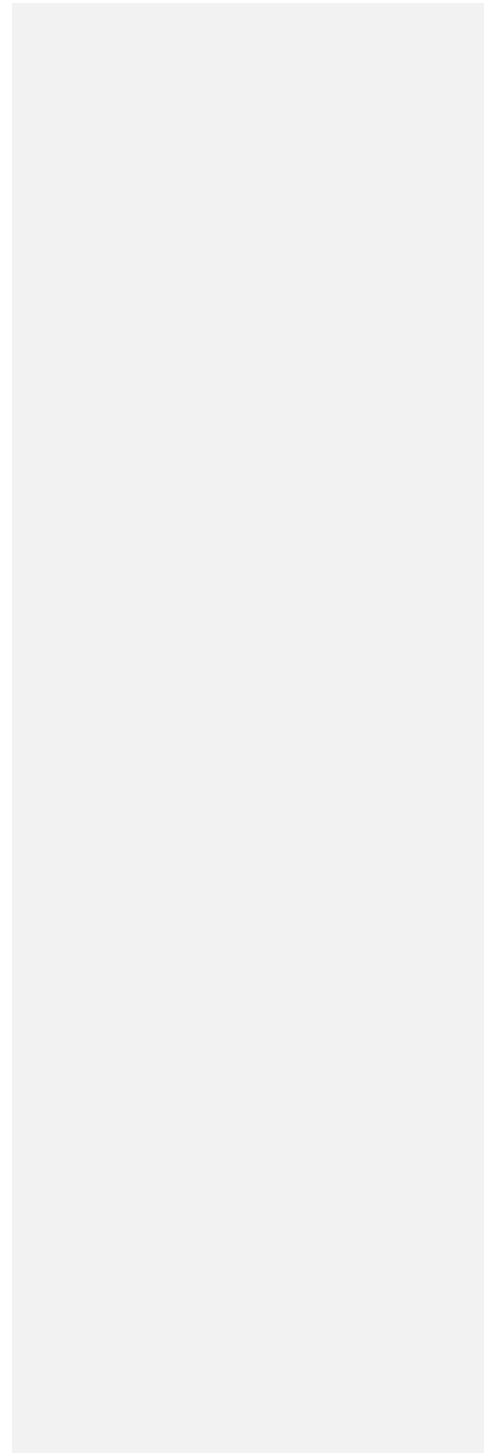
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Lane Education Service District

Code: GBEBC/JHCCC/EBBAA
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBC/JHCCC/EBBAA

~~Infection Control - HIV, AIDS, HBV~~

~~(See proposed EBBAA.)~~

Lane ESD shall use standard precautions for infection control at all times. Each employee or student is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The ESD shall develop an Exposure Control Plan that includes infection control procedures for employees and students.

~~Staff and students, as appropriate, shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal clean-up, appropriate disposal, immunization and personal hygiene, as well as the location and content of first-aid and clean-up kits. Kits shall be readily available to students and staff in ESD programs and facilities and in each ESD vehicle.~~

~~In addition to an annual in-service, staff and students on a regular basis will receive HIV, AIDS and HBV information.~~

~~This information will emphasize infection, how infection is spread, as well as how it is not spread.~~

~~Lane ESD will cooperate with the Oregon Department of Education and the Oregon Health Division in delivering HIV, AIDS and HBV education.~~

~~END OF POLICY~~

Legal Reference(s):

[OR 437-002-0360](#)
[OR 437-002-0377](#)

[OR 581-022-0705](#)
[OR 581-022-1440](#)

[OR 581-024-0275](#)
[OR 581-053-0517 \(13\)\(e\)\(e\)](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Lane Education Service District

Code: GBEBD/JHCCD
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBD/JHCCD

~~HIV, AIDS and HBV Rumor Control – Employees~~

~~Lane ESD shall use a two-pronged approach for rumor control related to HIV, AIDS and HBV¹ before a rumor begins and during an “active” rumor.~~

~~In preparation for rumor control, the ESD shall annually notify employees, students, parents, media and the general public through handbooks and newspaper articles of confidentiality and individual rights requirements placed upon districts. The requirements are outlined in Oregon Revised Statutes and Oregon Administrative Rules. Individual rights include the right an employee or a student may have to continue working or attending school.~~

~~The ESD shall emphasize that if an employee or the student (parent/guardian) chooses not to divulge an HIV, AIDS or HBV condition, the ESD will have no information except to reiterate the requirements in the law regarding confidentiality and individual rights. This will be stated routinely and in cases of an “active” rumor.~~

~~If the employee or student (parent/guardian) wishes to divulge information and continues working or attending school, the ESD shall meet with the infected party or representative to develop a written procedure. This procedure will minimally outline what information will be given, who will give the information, when and where the information will be given, how the information will be given and who will receive the information. The procedures will be signed for approval by the infected party or representative.~~

~~The ESD shall appoint an ESD spokesperson who shall be responsible for responding to employees, students, parents, media and the general public.~~

~~Lane ESD staff working in component school districts, their parents, guardians or persons in parental relationship shall comply with component district policies and procedures.~~

~~END OF POLICY~~

Legal Reference(s):

[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-012-0270](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005 \(1\)\(a\)](#)

~~-0030~~
[OAR 581-015-0005](#)

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Lane Education Service District

Code: GBEBE/JHCCE/KBCAA
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GBEBE/JHCCE/KBCAA

~~News/Media - HIV, AIDS or HBV~~

N/A

Lane ESD shall assign an ESD spokesperson who shall develop news releases or conduct news conferences regarding unreported or identified HIV, AIDS or HBV¹ cases.

The release/news conference shall stress:

- ~~1. ESD's and school districts are not informed of a person infected with HIV, AIDS or HBV unless the infected person or his/her parent or guardian releases the information;~~
- ~~2. ESD's and school districts, if informed, may not release the information unless the infected person or parent or guardian gives permission for such release;~~
- ~~3. ESD's and school districts may not prevent an employee from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school.~~

~~If a news conference is held, the ESD shall ask the local health department or other health authorities to assist the ESD spokesperson with the news conference.~~

~~END OF POLICY~~

~~Legal Reference(s):~~

~~[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 342.850 \(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)~~

~~[OAR 333-012-0270](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)
[OAR 581-022-1440](#)~~

¹HIV—Human Immunodeficiency Virus; AIDS—Acquired Immune Deficiency Syndrome; HBV—Hepatitis B Virus

Lane Education Service District

Code: GBEC
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GBEC

Drug-Free Workplace (Version 1)

~~†Lane ESD prohibits the manufacturing, distributing, dispensing, possessing and/or use of controlled substance or alcohol in the workplace. The term "controlled substance" shall mean illegal drugs and shall include any narcotic drug, hallucinogenic drug and amphetamine, barbiturate, marijuana or any other controlled substance. Workplace shall mean the site of the performance of work done for the ESD in the employee's course and scope of employment, including but not limited to work at any ESD building during the time of employment or within any ESD approved vehicle (including the employee's own vehicle) used to transport students to and from school, ESD program or ESD sponsored activities or during any other use for ESD purposes, as well as any non-ESD property during any ESD-sponsored event, function or activity, whether or not there are students present. This policy shall not apply to social functions where alcoholic beverages are served.~~

~~An individual is considered to be under the influence of alcohol, intoxicants and/or a controlled substance when, in the district's determination based upon testing conducted by and interpreted by trained medical personnel, the alcohol, intoxicant or controlled substance is at a level that it may impair the individual's ability to safely and/or efficiently perform assigned work OR prevent the employee from presenting a positive role model to students.~~

~~The superintendent or designee will provide for the removal of the employee from the workplace and provide for transportation to employee's home or other location as deemed appropriate.~~

~~Any employee who is under the treatment of a physician and who must bring prescription medicines (or those drugs that ordinarily require prescription in the United States, but may be purchased over the counter in some foreign countries) to the workplace shall have a dated copy of the physician's prescription available for immediate inspection. The district reserves the right to examine the contents of any medication in the hands of the employee that is required to be prescribed in the United States, for the sole purpose of verifying the identification of the drug in an approved testing laboratory.~~

~~†As a condition of employment, employees must abide by this policy and inform the district within five days of any criminal drug conviction that occurred as a result of activities in the workplace.~~

~~The ESD shall provide a drug free awareness program during its annual in-service. The program shall include information about the dangers of drug abuse in the workplace, a copy of the district's policy and the availability of drug counseling, rehabilitation from outside sources and the ESD's employee assistance programs. The program shall also include the consequences of violating the ESD's policy.~~

~~†Districts directly receiving grants or contracts of \$25,000 or more from the federal government are required to meet this obligation.~~

The ESD shall make a good faith effort to continue to maintain a drug-free workplace.

¹Violation of this policy may result in discipline up to and including discharge or a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)

[ORS 659A.127](#)
[OAR 581-022-2210](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600-85.645 (2016); Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.1-1308.15 (2016); Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

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Lane Education Service District

Code: GBEE-AR(2)
Adopted: 9/11/96
Revised/Readopted: 9/25/01
Orig. Code(s): GBEE-AR(2)

Lane ESD Sunshine Fund Guidelines

(Does not rise to level of board AR. Internal procedure. Save and make available internally? Staff handbook?)

1. The superintendent may assign responsibility for managing the Sunshine fund account to a member of the staff.
2. Funds for the Sunshine fund account come from sales commissions from staff-room vending machine receipts, commissions from paper recycling and other approved wellness committee fund raising.
3. Sunshine fund money can be used for "staff morale" gifts for individual staff members, of the type for which a collection from the staff might otherwise be made, and for wellness/social events that are planned to benefit the entire staff.

This is not meant to totally replace staff collections, usually by someone within the person's service area, for special gifts for such events as baby showers, retirement presentations or bridal showers.

~~4. The following guidelines are for expenditures for individual staff members:~~

~~a. Occasions upon which flowers or other gifts are sent:~~

~~Staff or Board member's extended illness or hospitalization (accident or surgery); birth or adoption; death in immediate family of staff or Board member.~~

~~b. Occasions upon which cards are sent:~~

~~Extended illness or hospitalization of immediate family of staff or Board member.~~

~~c. Occasions upon which refreshments (e.g., cake) are provided:~~

~~Going away parties (resignations/retirements)~~

~~Service area administrative assistants are responsible for notifying the Sunshine fund manager whenever an occasion for use of the fund arises within their division.~~

~~5.~~

Lane Education Service District

Code: GBHA
Adopted: 9/27/94
Readopted: 9/25/01
Orig. Code(s): GBHA

Parental/Family Relationship**

(See policy GBH/JECAC)

In determining whether a person is acting in a parental relationship to a student, Lane ESD shall examine the facts and circumstances of each case.

Characteristics that describe a parental relationship include:

- ~~1. Whether the person has physical custody and control of the student;~~
- ~~2. Whether the person supplies the student with food, clothing, shelter or other incidental necessities;~~
- ~~3. Whether the person provides the student with care, education and discipline;~~
- ~~4. Whether the person may authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the student and, in an emergency where the student's safety appears to urgently require it, whether the person may authorize surgery or other extraordinary care.~~

~~END OF POLICY~~

Legal Reference(s):

~~ORS 329.145~~

~~ORS 339.15~~

~~ORS 419B.373~~

Lane Education Service District

Code: GBL
Adopted: 4/26/94
Revised/Readopted: 9/25/01; 12/6/05; 8/04/20
Orig. Code(s): GBL

Personnel Records

An official personnel file will be established for each person employed by the ESD. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges against a teacher resulting in disciplinary action shall be considered a permanent part of the teacher's personnel file and shall not be removed for any reason.

Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, ESD employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the human resource office to inspect the contents of their personnel file on any day the human resource office is open for business;
2. Others designated by the employee in writing who may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. ESD administrators and supervisors who currently or prospectively supervise the employee;
7. Human Resource Employees;
8. Attorneys for the ESD or the ESD's designated representative on matters of ESD business;

¹ Includes former employees.

9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the ESD, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The ESD may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
11. Upon request from a prospective employer or a former employee, authorized ESD officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be ~~only upon receipt of court order~~ in-line with ~~[the ESD's public records procedures]~~ Board policy KBA - Public Records. [The ESD will attempt to notify the employee of the request and that the ESD believes it is legally required to disclose certain records.]

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.374](#)
[ORS 339.378](#)
[ORS 339.388](#)

[ORS 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)
[ORS Chapter 659](#)

[ORS Chapter 659A](#)
[OAR 581-024-0245](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
 Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Lane Education Service District

Code: GBL-AR
Adopted: 5/11/94
Readopted: 9/25/01; 12/6/05
Orig. Code(s): GBL-AR

Personnel Records OSBA recommends to delete -propose to keep

(This does not usually rise to the level of a board AR; internal procedure.)

Due to the legal requirement for confidentiality of papers contained within an employee's personnel file, there shall be specific procedures for the review and inspection of materials in the personnel file.

A single central personnel file shall be maintained; subsidiary records shall be maintained for ease in data gathering only. Upon initial employment, the file shall contain:

1. A completed employment application form;
2. A copy of teacher license/certification information, if appropriate;
3. Income tax withholding forms;
4. Retirement registration;
5. Insurance enrollment forms;
Annuity forms, if appropriate.

During the period of employment the following data shall be maintained in personnel files:

1. Rate of compensation;
2. Completed signed copy of employment contract, if appropriate;
3. Leave and vacation record;
4. Completed evaluations;
5. Disciplinary incidents: All charges resulting in disciplinary action shall be considered a permanent part of an employee's personnel file and shall not be removed for any reason;
6. Special awards or distinctions;

Upon termination, the file shall also contain:

7. Termination record.

Materials in the personnel file of an employee will be made available for the review and inspection of that employee in accordance with procedures set forth in administrative regulations. Such materials will not include records, reports or ratings which:

1. Were obtained prior to the employment of the individual, with the exception of the individual's application and resume;
2. Were prepared by identifiable examination or interview committee members; or
3. Were provided under a mutual agreement of confidentiality.

Only those individuals identified in policy GBL are permitted access to employee personnel files and then only to the extent they identify the specific purpose and reason for requesting the file.

The review of personnel files and the contents thereof is restricted to the human resources office in which the files are housed. Work space is provided at that location. A staff member of the human resources office will be present whenever a personnel file is being reviewed by an employee or designee of an employee.

No photocopy of the contents of any personnel file will be made except by a staff member of the human resources office or the superintendent's office. Persons requesting photocopies of contents should indicate the reasons for needing the photocopy. Costs for photocopying will be assessed.

Medical information files are not considered personnel files and are subject to review only by individuals who have provided the human resources office with a subpoena or court document authorizing them to review the medical file. This does not apply to the human resources administrative assistant and the staff member designated by the superintendent who have responsibility for placement of medical information and verification of the documents, as may be required.

Lane Education Service District

Code: ~~GBLA~~
Adopted: ~~2/22/11~~
Revised/Readopted: ~~8/04/20~~
Orig. Code(s): ~~GBLA~~

Disclosure of Information

(Recommended for deletion in 2022 when GBL was updated with related language)

Authorized ESD officials may disclose information about a former employee's job ~~performance to a~~ prospective employer. ESD officials are immune from civil liability for such disclosures ~~under the~~ following conditions:

1. The disclosure of information regarding the former employee's job performance ~~is upon request of~~ the prospective employer ~~of the~~ former employee. This disclosure is presumed ~~to be in good faith.~~ Presumption of good faith ~~is~~ rebutted by showing the information disclosed was:
 - a. ~~Knowingly false;~~
 - b. ~~Deliberately misleading;~~
 - c. ~~Rendered with malicious purpose; or~~
 - d. ~~Violated civil right of the employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.~~
2. ~~Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined by ORS 192.311. The ESD may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);~~
3. ~~The disclosure is the result of a request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;~~

~~Not later than 20 days after receiving a request under ORS 339.374(1)(b), the ESD, if it has or has had an employment relationship with the applicant shall disclose the information requested.~~

~~END OF POLICY~~

Legal Reference(s):

~~ORS 30.178
ORS 339.370 – 339.400~~

~~ORS 339.388
ORS Chapter 659~~

~~ORS Chapter 659A~~

~~OR ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL~~

Disclosure of Information – GBLA

1-1

Lane Education Service District

Code: GBM
Adopted:

Staff Complaints *

(The district's current policy GBM is recommended for recoding to GBM-AR. Then decide if GBM-AR will be used for complaints or KL-AR. Policy GBMA says to use KL-AR.)

The superintendent or designee will develop a complaint procedure which will be available for all employees who wish to report a violation, misinterpretation or inappropriate application of ESD personnel policies and/or administrative regulations and/or a mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of ESD personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract non-renewal or contract non-extension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The ESD will use the [designated] complaint process in {}[GBM-AR ~~Grievance-Staff Complaint~~ Procedures] [administrative regulation KL-AR - Public Complaints Procedure] to address any alleged violations of this policy.

END OF POLICY

Legal Reference(s): [ORS 659A.199 to -659A.224](#) [OAR 581-024-0245](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

¹ {If the ESD created and has a GBM-AR - Staff Complaints, it may want to consider inserting that language here.}

Lane Education Service District

Code: GBM-AR
Adopted: 12/03/96
Readopted: 9/25/01; 9/23/08
Revised/Reviewed:
Orig. Code(s): GBM

Grievance-Staff Complaint Procedures

(This was last updated in 2008. Any other edits to make? Recommend making an AR.)

The intent of this procedure is to facilitate the resolution of employee ~~grievances and~~ complaints. ~~The purpose is to contribute to good human relations in the workplace, to maintain good employee morale and to achieve maximum efficiency within the organization.~~ The following procedures may be initiated by an employee in the event ~~he/she~~ the employee believes employee personnel policies are not administered in accordance with the intent of the policy or to address employee ~~grievances and~~ complaints not covered by Board policy; ~~or administrative rule regulation or collective bargaining agreement:~~

1. A ~~complaint grievance~~ shall be considered as timely if presented within 30 calendar days of occurrence; or of the first date upon which the employee knew; or upon the exercise of reasonable diligence could have known of such occurrence;
2. It is the intent of Lane ESD that differences be resolved at the lowest possible level ~~in the organization~~ and in all cases other than suspension or termination, the employee shall continue to carry out the regularly assigned duties;
3. Any ~~complaint grievance~~ shall proceed through the following steps:
 - Step 1 An attempt shall be made to resolve the ~~complaint grievance~~ by informal discussion between the employee and the supervisor. The supervisor has 14 calendar days in which to respond;
 - Step 2 At the end of this time, if the supervisor has not responded or if a decision has not been reached which is satisfactory to the parties, the employee has 14 calendar days to present the ~~complaint grievance~~ in writing to the service area.

The written ~~complaint grievance~~ shall include all the known facts, the written policy alleged to have been violated and the corrections sought.

The service area will reply in writing to the employee within 14 calendar days after receipt of the written ~~complaint grievance~~.
 - Step 3 If a decision has not been reached which is satisfactory to the parties, the employee may, within 14 calendar days of receipt of the service area's answer or lack of response, refer the ~~complaint grievance~~ to the superintendent. The parties shall meet within 14 calendar days and shall put in writing any settlement worked out and send it to all parties. If no settlement is reached at the superintendent level, then the question shall be referred in writing to the Board;
 - Step 4 If no resolution is reached at Step 3, the grievant may refer the ~~complaint grievance~~ to Staff Complaint Grievance Procedures – GBM-AR

Lane Education Service District

the Board within 14 calendar days. The Board shall afford an opportunity for all parties related to

the ~~complaint grievance~~ to present their views at its next regular meeting or not later than 20 working days following receipt of said ~~complaint grievance~~. The Board shall render its decision, in writing, within 10 calendar days following the close of the hearing. The decision of the Board shall be final.

Nothing shall be construed to deny the Board its right to grant the ~~complaint grievance~~ and the remedy sought without holding a hearing.

~~END OF POLICY~~

Lane Education Service District

Code: GBMA
Adopted: 12/06/17
Orig. Code(s): GBMA

Whistleblower

When an employee has good faith and reasonable belief the ESD has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an ESD to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the ESD prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The ESD will use the complaint process in ~~{1}[GBM-AR --Staff Complaint Grievance-Procedures]~~ [administrative regulation KL-AR - Public Complaints Procedure] to address any alleged violations of this policy.

The ESD shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

¹ {If the ESD created and has a GBM-AR - Staff Complaints, it may want to consider inserting that language here.}

[ORS 192.501 - 192.505](#)

[ORS 659A.199 - 659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Lane Education Service District

Code: GBN/JBA
Adopted: 3/26/96
Revised/Readopted: 7/10/01; 9/25/01; 9/23/14;
2/5/19; 8/04/20; 6/07/22
Orig. Code(s): GBN/JBA

Sexual Harassment

{Required policy. The requirement for this policy comes from ORS 342.700 et. al. and OAR 581-021-0038. Review also Board policy AC - Nondiscrimination and Civil Rights.}

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^{1} 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.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

{2} Sexual harassment of students, staff members or third parties³ shall include:

¹ {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.}

² {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.}

³ “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.

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
 - 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.

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, 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
Molly Gillett Sue Mathisen	Executive, Director Special Education	541-461-8200	mgillett@lesd.k12.or.us smathisen@lesd.k12.or.us
Morgan Christensen Susan Anderson Brown	Human Resources Executive Director	541-461-8232/64	hr@lesd.k12.or.us

These individual(s) are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. The human resources director is also designated as the Title IX Coordinator. See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to ~~an~~ 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

⁴ “Without consent” means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or

pressured through physical force, coercion or explicit or implied threats to participate in the act.

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, ~~including 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.

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:

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 person⁵ 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

⁵ 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.

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁶:

1. Name and contact information for all person designated by the 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;

⁶ Remember confidentiality laws when providing any information.

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 activity⁷;
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. An 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.

⁷ "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))

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.

The Human Resources Director is designated as the Title IX Coordinator and can be contacted at 541-461-8264. 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.

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.⁸ The ESD shall treat complainants and respondents equitably by providing supportive measures⁹ to the complainant and by following a grievance procedure¹⁰ 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.¹¹

⁸ (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.

⁹ (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 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))

¹⁰ 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).

¹¹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

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.¹² 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.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹³, or both.

No Retaliation

Neither the ESD or any person may retaliate¹⁴ 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

¹² 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))

¹³ Of the United States Department of Education

¹⁴ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706	ORS 342.850	ORS 659A.030
ORS 334.125	ORS 342.865	
ORS 342.700	ORS 659.850	OAR 581-021-0038
ORS 342.704	ORS 659A.006	OAR 584-020-0040
ORS 342.708	ORS 659A.029	OAR 584-020-0041

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

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

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

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

Lane Education Service District

Code: GBN/JBA-AR(1)
Adopted: 3/12/96
Revised/Readopted: 9/25/01; 1/08/19; 8/04/20;
1/10/23
Revised/Reviewed:
Orig. Code(s): GBN/JBA-AR(1)

Sexual Harassment Complaint Procedure

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

<u>Name</u>	<u>Position</u>	<u>Phone</u>	<u>Email</u>
<i>(Are these contacts the same?)</i>			
<u>Morgan Christensen</u>	<u>Ze Anderson Brown</u> , Human Resources Executive Director,	541-461-8232,	
<u>mchristensen@lesd.k12.or.us</u>	<u>zeabrown@lesd.k12.or.us</u>	<u>Molly Gillett</u>	<u>Sue Mathisen</u> , Special Education
Executive Director,	<u>541-461-8200</u>	<u>541-461-8374</u> , <u>mgillett@lesd.k12.or.us</u>	<u>smathisen@lesd.k12.or.us</u>

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

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

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

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 5 working days of receipt of the appeal. The superintendent shall provide a written decision to the complainant within 10 working days.

{¹ Align with same positions identified in policy.}

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

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

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

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

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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

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

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

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

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



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

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____



LANE EDUCATION SERVICE DISTRICT

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EQUITY COMMITMENT LEADERSHIP COLLABORATION INTEGRITY

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____ Date: _____

Lane Education Service District

Code: GBN/JBA-AR(2)
Adopted: 8/04/20

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

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

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

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

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ESD’s educational environment, or deter sexual harassment.⁴ 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.

Formal Complaint Procedures

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

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

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

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

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

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

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

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

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

Investigation

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

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the ESD and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have other present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by

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

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

the advisor of their choice.⁸ The ESD may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

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

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

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

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

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

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

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

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

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

Determination of Responsibility

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

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

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

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

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

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

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

Remedies

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

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

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

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the ESD's education program or activity¹⁴; or
3. Did not occur against a person in the United States.

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

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

¹² ESDs should review any other disciplinary procedures and requirements prior to imposing any discipline, and should consult legal counsel with questions.

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁴ Includes locations, events, or circumstances over which the ESD exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

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

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

Consolidation of Complaints

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

Informal Resolution

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

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

Appeals

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

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

When an appeal is filed, the ESD must:

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

Timelines

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

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

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in 34 CFR 106.45(a)(10).¹⁶

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the ESD's

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁶ This includes creating a record for each investigation. This record must include:

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

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

education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

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

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

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

Lane Education Service District

Code: GBNA
Adopted: 9/25/01
Readopted: 8/27/02; 1/22/08; 12/15/09;
2/23/10; 9/24/15
Orig. Code(s): GBNA

~~Hazing, Harassment, Intimidation, Bullying, Menacing~~ or Cyberbullying – Staff

The Board is committed to providing a positive and productive learning and working environment. ~~Hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying of staff, students or third parties by students, staff or third parties is strictly prohibited and shall not be tolerated in the ESD. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.~~

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by ~~(?)~~ students, staff, or third parties is strictly prohibited and shall not be tolerated in the ESD. [\(check w/ Tony on read\)](#)

Retaliation against a victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board. Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff ~~may~~ will be reported to Teacher Standards and Practices Commission if required, ~~as provided by Oregon Administrative Rules (OAR) 584-020-0041.~~

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting, and investigative procedures and provisions to ensure [annual] notice of this policy is provided to staff, students, and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 163.197](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)

[ORS 334.125](#)
[ORS 339.250](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.103 - 659A.143](#)
[ORS 659A.199 - 659A.224](#)
[OAR 839-003-0000](#)
[OAR 839-005-0021](#)

2/28/19 | PH

Hazing, Harassment, Intimidation, Bullying, Menacing
or Cyberbullying – Staff – GBNA

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. Seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019),
<<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.

Lane Education Service District

Code: GBNA-AR
Revised/Reviewed: 1/26/10; 9/23/14; 1/04/22
Orig. Code(s): GBNA-AR

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, cyberbullying, and menacing of staff or third parties.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in ESD business, such as employees of businesses or organizations participating in cooperative work programs with the ESD and others not directly subject to ESD control at other ESD-sponsored programs and activities.
2. “ESD” includes ESD facilities, ESD premises, and non-ESD property if the employee is at any ESD-sponsored, ESD-approved, or ESD-related activity or function, such as field trips, athletic events or where the employee is engaged in ESD business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any ESD-sponsored activity, work group or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other’s race, color, religion, national origin, disability, sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to harass, intimidate, or bully. Staff will refrain from using personal electronic devices or ESD equipment to harass or stalk another person or people.

8. “Menacing” includes, but is not limited to, any act intended to place an ESD employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

The designated ESD administrators and the superintendent have responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, or acts of cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, menaced, or cyberbullied in violation of Board policy or this administrative regulation shall immediately report concerns to ESD designated administrator.

Any ESD employee or third party who has knowledge of conduct in violation of Board policy prohibiting acts of hazing, harassment, intimidation, bullying, menacing, acts of cyberbullying, or incidents of teen dating violence involving any student shall immediately report concerns to the ESD designated administrator.

Reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or acts of cyberbullying (e.g., complaints, rumors) shall be presented to the assistant superintendent or superintendent. Reports against the ESD administrator or principal shall be filed with the superintendent. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The ESD official receiving the report shall promptly investigate. The ESD official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The ESD official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, in writing when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.
- Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within 10 working days.

Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying and documentation will be maintained as a confidential file in the ESD office.

Lane Education Service District

Code: ~~GBNAA/JFCFA~~
Adopted: ~~10/24/06; 8/28/12~~
Orig. Code(s): ~~GBNAA/JFCFA~~

Cyberbullying

~~The Board in its commitment to providing a positive and productive learning and working environment will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy in compliance with applicable Oregon Revised Statutes. Any form of harassment using electronic devices, commonly known as “cyberbullying,” by staff, students or third parties is prohibited and will not be tolerated in the ESD. “Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which disrupts or prevents a safe and positive educational or working environment may also be considered cyberbullying. Staff and students will refrain from using personal communication devices or ESD property to harass or stalk another.~~

~~The ESD will take any report of cyberbullying seriously and will investigate credible reports promptly.~~

~~Students or volunteers are encouraged to report an incident immediately to a teacher or principal, who will take appropriate action. Students or volunteers who make a report are expected, but not required, to preserve evidence of cyberbullying. For example, a student may save or bring a copy of an email, text message, picture or other electronic transmission that the student believes was intended harm, insult or humiliate. Students or volunteers may report cyberbullying anonymously. Remedial action shall not be based solely on an anonymous report.~~

~~Failure of an employee to report an act of cyberbullying to the superintendent or assistant superintendent may be subject to remedial action, up to and including dismissal.~~

~~Staff will take appropriate action and will bring it to the attention of the principal when students report an incident of cyberbullying. Staff will attempt to preserve evidence of the cyberbullying and will submit any evidence to the principal.~~

~~Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Students whose behavior is found to be in violation of this policy will be subject to loss of privileges, discipline, up to and including expulsion. Third parties whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board. The ESD may also report individuals to law enforcement if necessary.~~

~~“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.~~

~~The ESD shall incorporate into existing programs for students and staff information related to cyberbullying and the prevention of, and the appropriate response to acts of cyberbullying.~~

Cyberbullying – GBNAA/JFCFA

1-2

END OF POLICY

D
Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)

[ORS 174.100\(6\)](#)
[ORS 166.155–166.165](#)

[ORS 334.125](#)
[SB 1555 \(2012\)](#)

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Lane Education Service District

Code: GBNAA/JHFF
Adopted: 4/07/20
Revised/Readopted: 1/04/22
Orig. Code(s): JHFF

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by ESD employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All ESD employees, contractors, agents, ~~and volunteers, and students⁴~~ are subject to this policy. ~~Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.~~

⁵“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the ESD or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the ESD that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high schools within ~~one calendar year~~ ~~90 days~~ prior to the sexual conduct.

¹ “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.

² “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.

³ “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.

~~⁴ Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.~~

⁵ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

The ESD will post in each school building the names and contact information of the employees designated for the respective school building(s) to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any ESD employee, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another ESD employee, contractor, agent or volunteer, or that another ESD employee, contractor, agent or volunteer has engaged in sexual conduct with a student, shall immediately report such suspected sexual conduct to the ^{6}designated licensed administrator/superintendent, or the alternate designated licensed administrator/assistant superintendent, in the event the designated licensed administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to [assistant superintendent] who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by an ESD employee, contractor, agent or volunteer, the administrator will follow procedures established by the ESD and set forth in the ESD’s administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, an ESD employee suspected of sexual conduct 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 the report, an ESD contractor, agent or volunteer suspected of sexual conduct 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, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the ESD as a result of the report.

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 cause to believe the ESD employee, contractor or agent engaged in sexual conduct. 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.

⁶ {ORS 339.372 requires the ESD to have a policy that designates the licensed administrators and requires the ESD to post the names and contact information of the designees in the 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.}

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by an ESD employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the ESD or any ESD employee, contractor, agent or volunteer.

The ESD will provide to employees 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 sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on ESD employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All ESD employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding 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 prohibited.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 4160 (2024).

Lane Education Service District

Code: GBNAA/JHFF-AR
Revised/Reviewed: 4/07/20
Orig. Code(s): JHFF-AR

Suspected Sexual Conduct Report Procedures and Form

~~When the designee receives a report of suspected sexual conduct that may have been committed by a person licensed¹ through Teacher Standards and Practices Commission (TSPC), the designee shall notify TSPC as soon as possible. When the designee receives a report of suspected sexual conduct that may have been committed by a person who is not licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE) as soon as possible.~~

The ESD posts in each school building the names and contact information of the employees in each school building designated to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

When a designated licensed administrator² receives a report of suspected sexual conduct that may have been committed by a commission licensee³, the designee shall notify Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the superintendent is the alleged perpetrator the report shall be submitted to the assistant superintendent who shall refer the report to the Board chair.

The ESD will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by an ESD employee, and there is reasonable cause to support the report, the ESD shall place the ESD employee on paid administrative leave⁴ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC⁵ or ODE⁶ determines that the report is substantiated and the ESD takes appropriate employment

^{1,2} "License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

² 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.

³ "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

⁴ The ESD employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ TSPC investigates reports on commission licensees.

⁶ ODE investigates reports on persons who are not commission licensees.

action against the employee, or cannot be substantiated or is not a report of sexual conduct and the ESD determines either: 1) an employment policy was violated and the ESD will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required. ~~The ESD will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.~~

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the ESD may prohibit the contractor, agent or volunteer from providing services to the ESD. If the ESD determines there is reasonable cause to support a report of suspected sexual conduct, the ESD shall prohibit the contractor, agent or volunteer from providing services. The ESD may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the ESD will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is an ESD employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the ESD from conducting its own investigation, unless another agency requests to lead the investigation or requests the ESD to suspend ~~their~~ the investigation, or taking an employment action based on information available to the ESD before an investigation conducted by another agency is completed. The ESD will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the ESD decides to take an employment action, the ESD will inform the ESD employee of the employment action to be taken and provide information about the appropriate appeal process. *(choose one)* ~~[The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.] [The employee may appeal the employment action taken through an appeal process administered by a neutral third party.]~~

If the ESD is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the ESD shall create a record of the findings of the substantiated report and the employment action taken by the ESD will be placed in the records on the school employee maintained by the ESD. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the ESD may use the record as a basis for providing information required to be disclosed about an ESD employee under ORS 339.378(1). The ESD will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Training

The ESD shall provide information and training each school year to ESD employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of ESD employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The ESD shall make available each school year the training described above to contractors, agents, volunteers and to 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 to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of ESD employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The ESD shall make available each school year training that is designed to prevent sexual conduct to students attending ESD-operated schools.

Lane Education Service District
SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

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

Signature: _____ Date: _____

Lane Education Service District

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

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

Signature: _____ Date: _____

Lane Education Service District

Code: GC
Adopted: 1/25/94
Revised/Readopted: 9/25/01
Orig. Code: GC

Licensed Staff Positions

~~The Board recognizes that it is vital to the successful operation of Lane ESD that positions created by the Board be filled with highly qualified and competent personnel.~~

The Board shall approve the employment, fix the compensation and establish the term of employment for each person filling a contractual position. Such approval shall be given only to those candidates for employment recommended by the superintendent. The superintendent or designee shall appoint all persons employed in the noncontractual positions.

The Board ~~district-ESD~~ will observe and adhere to the requirements of Oregon law in hiring licensed staff members. ~~The ESD may hire a member of an individual employee's family or bona fide dependent of an employee of the ESD in a position in which there would be no direct supervision, appointment or grievance adjustment authority exercised by either employee relative to the other:~~

- ~~1. The position is classified by the Teacher Standards and Practices Commission as one for which there are insufficient applications in the teaching endorsement or in the region; or~~
- ~~2. There is not a suitable number of qualified applicants; or~~
- ~~3. The relative or dependent is exceptionally well qualified when compared to other applicants; or~~
- ~~4. It is unlikely any other equally qualified or superior candidate can be located within a reasonable period of time by reasonable recruitment methods; or~~
- ~~5. Alternate means of evaluation and/or grievance adjustment which removes the relative or dependent from the process are available, feasible and reasonably likely to work effectively.~~

~~As used in this policy, "member of an individual's family" means the spouse, domestic partner, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual employee.~~

Any candidate who is hired and who is subsequently determined to have misrepresented facts material to ~~his/her~~their qualifications for employment or material to the determination of salary shall be subject to dismissal. The Board shall consider such misrepresentation grounds for dismissal.

~~The employment of licensed employees prior to approval by the Board is authorized when their employment is required to maintain the educational program. Retroactive employment shall be recommended to the Board at the next regular meeting. (See policy GCA)~~

Each candidate selected for a position with the ESD must possess or demonstrate eligibility for any license or permit required to fill the position. In addition, the individual must be insurable by the ESD's insurance carrier for any position requiring liability insurance coverage or bonding.

~~In accordance with Oregon law,~~ The ESD may require any candidate, as a condition of employment, to hold a current, recognized first-aid/CPR/AED card. A current employee required to hold such a card will obtain it within 90 days from the date the ESD gives notification.

Procedures for the recruitment, screening and recommendation of candidates for employment will be developed in accordance with Board policy GBA – Equal Employment Opportunity ~~and accompanying administrative rule GBA AR.~~

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-021-0045](#)

[OAR 581-024-0245](#)

Job York v. Portland School District, No. FDA 83-7 (August 1983).

Lane Education Service District

Code: GCA
Adopted: 6/28/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCA

License Requirements

The Board, in adhering to Oregon Revised Statutes, shall require all applicants selected for employment to teaching positions that require licensure, with Lane ESD to hold a valid Oregon teaching license as a condition of employment. The ESD must be able to verify the current license of applicants. Those offered employment in the ESD must present their temporary or original teaching license to the human resources office before the Board will consider approving their employment. Applicants not presenting their license prior to the first day of employment will not be employed.

[An applicant whose teaching license application with the Teacher Standards and Practices Commission (TSPC) is pending, may teach [with Board approval] for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.

The ESD will complete a review of the applicant's employment history prior to beginning employment and will notify the hire to the ESD Board.

The ESD will verify the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in or for the ESD.]

~~[This 90-day teaching option will only be applied to those positions of high need, specialty areas or emergency assignments as determined by the ESD.]~~

This verification includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current.

The ESD requires licensed employees to submit copies of all license endorsements to the human resources office. It shall be each licensed employee's responsibility to keep all endorsements current and to submit them to the human resources office.

~~Any forfeiture of Lane ESD State School Fund monies required as a result of an employee who allows his/her license to lapse shall be recovered from the employee whose unlicensed status caused the forfeiture. Such recovery shall not exceed the amount established by statute.~~

END OF POLICY

Legal Reference(s):

[ORS 339.374](#)

[ORS 342.120 - 342.203](#)

[OAR Chapter 584](#)

Lane Education Service District

Code: GCAB
Adopted: 3/29/16
Orig. Code(s): GCAB

Personal Electronic Devices and Social Media - Staff**

Staff possession or use of personal electronic devices on ESD property, in ESD facilities during the work day and while the staff is on duty in attendance at ESD-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent. At no time, whether on or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device not issued by the district and is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

Personal electronic devices shall be silenced during instructional time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on ESD property or while a staff member is on duty in ESD-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

The ESD will not be liable for loss or damage to personal electronic devices brought to ESD property and ESD-sponsored activities.

Staff members, while on or off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or ESD business.¹ Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on or off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding non-school-related matters is prohibited during working hours and strongly discouraged at all other times. If communicating with students electronically regarding school matters, staff should use ESD e-mail using mailing lists to a group of students rather than individual students. Texting students during work hours is discouraged. Texting students while off duty is strongly discouraged.

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

¹ Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public sites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”² for purposes of this policy includes, but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and /or a threatened or actual negative impact on the learning environment.

The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Licensed staff are subject at all times to the Standards for Competent and Ethical Performance of Oregon Educators for Teachers. (See Board policy GCAA.)

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

END OF POLICY

Legal Reference(s):

ORS 167.057	ORS 163.688	ORS 332.072
ORS 163.432	ORS 163.689	ORS 334.125
ORS 163.433	ORS 163.693	ORS 336.840
ORS 163.684	ORS 163.700	
ORS 163.686	ORS 326.011	[OAR 584-020-0000 to -0035]
ORS 163.687	ORS 326.051	

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2014).
Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).
Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

² Ibid. p. 1

Lane Education Service District

Code: GCBAA
Adopted: 1/25/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCBAA

Salary Placement - Out of District Experience

(Are these still needed? Added to appropriate agreements? Or does it need to stay in policy?)

At the date of hire, the placement of a licensed employee shall be recommended by the director of the service area in which the employee will work. The director's recommendation will be reviewed by human resources.

Experience and the amount budgeted for the position shall be considered and relationship of experience to assignment for which the licensed employee is employed. No more than 10 years experience shall be allowed. Exceptions may be approved by the Board upon superintendent recommendation.

As determined by Lane ESD, more than one-half year of appropriate and full-time teaching experience or one full year of one-half time teaching experience based upon the ESD's adopted annual calendar may be counted as a full year in determining the total number of years experience for placement on the salary schedule.

END OF POLICY

Legal Reference(s):

[ORS 334.125 \(5\)](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: GCBAB
Adopted: 1/25/94
Revised/Readopted: 9/25/01; 11/02/21
Orig. Code(s): GCBAB

Education Advancement on Licensed Salary Schedule

(Is this in an agreement? Or does it need to stay here in policy?)

Education credits shall be granted only for work done at an accredited institution of higher learning. Education credits shall be granted only for graduate credits earned subsequent to receipt of the baccalaureate or master's degree unless there is a waiver by the superintendent. Education credits for undergraduate credits earned subsequent to receipt of a baccalaureate degree may be granted by waiver by the superintendent if such credits were earned during employment with the ESD and are part of a program approved by the service area director.

Education credits shall be granted only for academic work relevant to the employee's responsibilities. The relevance to program must be established by the service area director and approved in advance.

Salary advances based on education credit are effective the month following receipt of the following.

1. A written letter, not later than the 15th of the month, requesting salary change and describing the nature of the change and relevancy of degree or credits acquired to employee responsibilities.
2. Copy of official transcripts presented at the time of request for salary change.

The responsibility for appropriate and timely submission of the request rests with the employee.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 334.125 \(4\)\(5\)](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: GCBAC
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GCBAC

Experience Advancement on Licensed Salary Schedule

(Is this in an agreement? Or does it need to stay here in policy?)

Credit for advancement to the next higher step of the appropriate salary schedule column shall be granted to all licensed employees who successfully complete the ~~year's~~ ~~year's~~ ~~years'~~ service and who receive a favorable evaluation for that year. An employee whose performance is judged to be less than favorable and who is for that reason placed on a program of assistance shall not be advanced on the salary schedule until and unless such program of assistance is satisfactorily completed.

Credit for advancement to the next higher step of the appropriate salary schedule column may be granted licensed employees who are hired after the beginning of the school year, provided that they complete at least half of the normal number of contract days of service plus one day and provided that they are favorably evaluated for that service.

It should be clearly noted that service credit for advancement on the salary schedule and service credit for advancement to contract teacher status are two distinct and separate issues. No licensed employee shall be credited with a year of service toward contract teacher status who has not completed 135 contract days of service during that year.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 334.125 \(5\)](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: GCBC[A]/GDBC[A]
Adopted: 4/26/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCBC/GDBC

Continuation Coverage Health Benefits

(If current district policy coded GCBCA/GDBCA (and its AR) are deleted, consider recoding this policy to GCBCA/GDBCA to align with suggested coding for this policy topic.)

In keeping with federal and state legislation, Lane ESD will extend the benefit of “continuation coverage” health insurance to all employees eligible under the law.

Coverage under this policy shall be ~~identical/comparable~~ to that provided to all other members of the employees’ group plan.

Eligible employees must notify the ESD within a 60-day period from the date of ~~retirement, termination, reduction in hours or layoff/reduction in force~~ that the employee chooses to continue the ESD-sponsored health plan.

Premiums for continuation coverage will normally be paid by the employee. Payment may be no more than 102 percent of the actual cost of coverage for the first 18 months. For certain employees eligible for coverage from 18 months up to 36 months, payment may be no more than 150 percent of the actual cost of the coverage. The Board will designate the deadline for payment reaching the business office.

Former employees covered by continuation coverage are responsible for notifying the ESD when such coverage is no longer needed or ~~if the necessity of moving when they convert to an individual plan occurs, whichever is sooner, providing these events occur prior to the expiration of their period of eligibility.~~

END OF POLICY

Legal Reference(s):

~~ORS 332.507~~

~~Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).
Tanner v. OHSU, 157 Or. App. 502 (1998).~~

Legal Reference(s):

[ORS 743B.343](#)

~~Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1 to -300bb-8 (2012/2018).
Tanner v. OHSU, 157 Or. App. 502 (1998).~~

Lane Education Service District

Code: GCBCA/GDBCA

Adopted: 4/26/94

Revised/Readopted: 9/25/01

Orig. Code(s): GCBCA/GDBCA

PROPOSED DELETE

~~Medical Insurance Coverage for Retiring Employees and Their Dependents~~

~~(Still have employees covered by this policy? If not, recommend delete.)~~

~~The Board shall, in accordance with law, provide continuation of medical insurance for retired employees who qualify for retirement under PERS rules and meet the ESD's group policy requirements. The premiums for this coverage shall be paid by the former employee.~~

~~The superintendent shall develop procedures which will ensure adherence to this policy and applicable statutes and administrative rules.~~

~~The Board shall provide insurance coverage for administrative and confidential employees who elect early retirement according to provisions of the administration and Board agreement.~~

~~No benefits provided under this policy shall be available for any employee whose employment begins after October 31, 1999.~~

~~END OF POLICY~~

~~Legal Reference(s):~~

~~[ORS 334.125](#)~~

Lane Education Service District

Code: GBCA/GDBCA-AR
Adopted: 6/28/95
Revised/Readopted: 9/25/01
Revised/Reviewed:
Orig. Code(s): GBCA/GDBCA-AR

PROPOSED DELETE

Medical Insurance Coverage for Retiring Employees and Their Dependents

(Still applicable? Applies only to employees hired on or before October 31, 1999)

~~In accordance with Lane ESD policy, retirees who were covered by ESD medical insurance during their regular employment and who retire from the ESD are eligible to continue medical coverage, subject to the following conditions:~~

- ~~1. The employee must fill out the appropriate application for continuation of coverage;~~
- ~~2. The employee must make arrangements for and pay the employee contributions for the premium in a timely manner. For those individuals who elect early retirement and qualify under the provision of the ESD's early retirement policy, these contributions will be deducted from the monthly premium payment;~~
- ~~3. For individuals whose family members are covered by another policy, the following provisions apply. In the event the retiree's spouse or eligible family members lose coverage during the term of the retiree's coverage, the retiree may elect to cover these individuals in accordance with federal and state laws, regulations and rules.~~

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Lane Education Service District

Code: GCBCC/GDBCC
Adopted: 1/25/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCBCC/GDBCC

~~Working Periods~~ Work Schedules and Closures

(Is this policy covered elsewhere? Agreements?)

The work schedules of staff shall be clearly specified to ensure efficient operation of Lane ESD and ~~optimum~~ its services to component school districts. ~~The Board reserves to itself the right to specify working hours for staff members. Such schedules shall be set forth in the administrative rules/regulations.~~

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99-272, Title X, Section 10003, 100 Stat. 232.
Tax Reform Act of 1986, 29 U.S.C. Sections 1001-1461.

Lane Education Service District

Code: ~~_____~~ GCBCC/GDBCC-AR(1)
Adopted: ~~_____~~ 1/10/96
Readopted: ~~_____~~ 9/25/01
Orig. Code(s): ~~_____~~ GCBCC/GDBCC-AR(1)

Workweek Schedule

(Move to staff handbook? Or if need to keep, just combine with AR(2))

Workweek

The beginning of the workweek for each employee shall be designated ~~at a specified time after 12:01 a.m.~~ on Monday.

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Lane Education Service District

Code: _____ GCBCC/GDBCC-AR(2)

Adopted: _____ 1/10/96

Revised/Readopted: _____ 9/25/01; 3/15/05

Orig. Code(s): _____ GCBCC/GDBCC-AR(2)

PROPOSED DELETE

Work Schedules and Inclement Weather or Other Hazards Guidelines

(Does this still reflect current practice? Any edits? Is it represented elsewhere? Agreements?)

Workweek (this subsection moved from AR(1))

~~The beginning of the workweek for each employee shall be designated at a specified time after 12:01 a.m. on Monday.~~

Inclement Weather or Other Hazards

~~During inclement weather periods or other hazards, the work of the ESD will continue in as normal a manner as possible, but employees will not be required to travel under weather conditions that will cause a high level of danger to their person and property. The superintendent will monitor the ESD service area regarding hazards involved with travel and may declare a general closure of the ESD if, in his/her/their estimation, hazardous conditions warrant such closure.~~

~~Employees assigned to the ESD central office, except those required for emergency duties (see #5. below), will be expected to remain at home. Employees will be notified by phone or general announcement as soon as practicable after the superintendent declares the general closure.~~

- ~~1. During periods of inclement weather or other hazardous conditions when a general closure is not in effect, some employees may judge travel conditions by any regular method between home and work to be unduly hazardous. If such employees choose not to report to work or to return to their home prior to the end of the normal workday, they are to so notify the immediate supervisor as soon as possible. Wages will not be paid for hours lost during such an absence but supervisors will accommodate requests for making up such time whenever it is appropriate and practical. Employees may also use personal leave, accrued vacation time or compensatory time for the period of work missed.~~
- ~~2. Lane ESD special education employees who are headquartered at a school building rather than the ESD central office will follow the inclement weather policies and practices of the component district to which they are assigned. ESD employees assigned to component school or administration buildings will follow inclement weather directions given for the building/school to which they are assigned.~~
- ~~3. Lane School and Juvenile Justice Center staff assigned to the Westmoreland campus and the Serbu Juvenile Justice Center will follow the Eugene School District #4J school closure procedures during inclement weather conditions/closures, including the make-up conditions.~~

Work Schedules and Inclement Weather or Other Hazards Guidelines –
GCBCC/GDBCC-AR(2)

~~4. During periods when a general closure is not in effect and when one or more component districts are closed, affected Lane ESD special education itinerant staff will report to the ESD central office and/or reschedule to another component district.~~

~~5. Some employees are required to work during a general closure. Those employees will be granted compensatory time at the rate of one hour for each hour of work required during a general closure.~~

~~A list of employees required to work during a general closure will be maintained by the human resources office. The names of those employees will be supplied annually to the Association and at other times that the list is changed. (Only those employees on the emergency list will be granted compensatory time for working during a general closure.)~~

~~6. In the event the building or component district policy conflicts for licensed and classified employees and ESD has both licensed and classified personnel assigned, all ESD employees will follow the policy in effect for licensed staff.~~

Lane Education Service District

Code: GCBD/GDBD
Adopted: 1/25/94
Revised/Readopted: 3/28/95; 9/25/01
Orig. Code(s): GCBD/GDBD

~~Leaves and Absences~~ Personal Illness and Injury Leave *

Sick leave entitlement for personal illness/injury will accrue at the rate of 10 days each year for 10-month employees as provided by Oregon Revised Statutes. Twelve-month employees will accrue 1 day per month or 12 days each year. All other employees will receive one day per month.

In accordance with state law, this leave will accumulate without limit.

Lane ESD reserves the right after five consecutive days of absence, to require proof of personal illness or injury from all employees, including a medical examination by a physician chosen and paid for by the ESD. Any employee refusing to submit to such an examination or to provide other evidence as required by the ESD, shall be subject to appropriate disciplinary action, up to and including dismissal.

All medical information will be kept confidential, in a separate file from personnel records, and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Sickness or other unavoidable circumstances that prevent a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the teacher being placed on unpaid leave for the remainder of the school year or until the teacher's disability is removed and he/she the teacher is able to return to work. If the teacher is still unable to return to work the following August 1 the Board may terminate the teacher's employment, subject to state and federal laws regarding family illness leave.

All ESD-paid employee benefits, such as health and dental insurance, will cease on the last day of the month in which employment is terminated, or the staff member is placed on unpaid leave, unless the unpaid leave is in conjunction with state or federal family medical leave. The staff member will be informed of his/her their rights to remain a part of the ESD benefit plan at personal expense.

Any worker who has sustained a compensable personal injury or illness and is disabled and is unable to perform his/her their essential job functions will be re-employed at such time as a physician issues a certificate stating the type of work that is appropriate for reassignment, assuming such work is both suitable and available. Such rights of re-employment are subject to seniority rights and other restrictions of the collective bargaining agreement between the employer and employee bargaining unit.

Unused sick leave may be accumulated without limit. If an employee transfers from another school district or ESD covered by the provisions of Oregon revised statutes, however, no more than 75 days (600 hours) may be transferred for sick leave purposes. The earned sick leave of any newly hired employee who has been employed by another school district or ESD, whose employment was terminated for reasons other than action initiated by that school district for cause and who is hired by the ESD within one year of such termination shall be allowed to transfer up to 10 days per year of service and a maximum of 75 days of accumulated sick leave. Such transfer shall be made at the initiative of the employee and shall be credited only after 30 days of employment by the ESD.

~~Leaves and Absences~~ Personal Illness and Injury Leave * – GCBD/GDBD

For purposes of determining retirement benefits, the local governing board is required to permit a school employee to transfer an unlimited number of days of unused accumulated sick leave from another Oregon district employer.

Whatever the claim of disability, no day of absence on which the employee has engaged in a concerted work stoppage shall be considered a sick leave day.

Whatever the claim of disability, no day of absence on which the employee sought, prepared for or engaged in other gainful employment shall be considered a sick leave day.

The Board recognizes that in certain instances an employee may wish extended uncompensated leave for personal reasons and that Lane ESD could benefit from the return of said employee. For that purpose, the Board will promulgate policy for the award of uncompensated leaves of absence for reasons other than those specified by statute.

The Board reserves the right to specify the conditions under which uncompensated leave may be taken. The conditions will be set forth in ESD administrative ~~rules~~ regulations.

If a suitable position vacancy exists for which the employee is qualified when the period of uncompensated leave ends the employee will be offered a position as nearly comparable in nature and status to that previously held as such vacancy allows.

Time spent on uncompensated leave shall not count as service time (time on the job); however, uncompensated leave shall not disrupt the employee's continuity as a member of the Public Employee's Retirement System.

While on uncompensated leave, an employee shall be entitled to insurance benefits provided to other employees if the employee pays the premiums therefor and the insurance policies in effect permit such coverage.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 659A.046](#)

[OAR 581-024-0245](#)

Knapp v. North Bend, 304 Or. 34 (1987).
Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Lane Education Service District

Code: GCBD/GDBD-AR(1)
Adopted: 4/13/95
Readopted: 9/25/01
Orig. Code(s): GCBD/GDBD-AR(1)

Accrual of Sick Leave

(Is any of this covered in agreements now?)

An employee who is on extended sick leave without pay, who is on leave without pay or who is on sabbatical leave or study and retraining leave shall not, during such period of leave, accumulate sick leave or vacation benefits.

(Is this practice the same? Represented in agreements now?) An employee who is on compensated disability leave and who is eligible for sick leave may be paid regular salary during the period of compensated disability leave. The employee's sick leave account shall be charged at a pro-rata rate equal to the percentage of difference between the employee's per diem compensation and per diem full salary.

To assure compliance with ORS ~~342.596~~332.507 (2) all 249-day and 260-day positions shall be considered 12-month employees and receive 12 days sick leave per year.

Lane Education Service District

Code: GCBD/GDBD-AR(2)
Adopted: 6/01/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCBD/GDBD-AR(2)

Uncompensated Leave

(Is this covered anywhere else? Any updates to make regarding practice? Keep here?)

Leaves of Absence without Pay

Under certain conditions, an employee may be granted an extended uncompensated leave of absence whenever ~~his/her~~ the employee's absence will not create disruption to the delivery of services of ~~the district's~~ ESD's programs. The superintendent must approve leaves of absence without pay.

Unless otherwise excepted, time spent on uncompensated leave shall not count as time on the job or service time for purposes of advancement on the employee's salary schedule; however, uncompensated leave shall not disrupt the employee's continuity as a member of the Public Employee's Retirement System.

At the conclusion of this leave, the employee shall be restored to ~~his/her~~ their former or equivalent position.

For One-Year Period

An employee seeking uncompensated (educational/study) leave for a one-year period shall submit a written request to ~~his/her~~ their director no later than the 15th day of February preceding commencement of such leave. The leave shall commence on July 1 of the year in which the leave is requested and shall terminate on June 30 of the following year. An employee on such leave shall, by April 15 following commencement of the leave, provide ~~his/her~~ their director with written notice of intent to return to the ~~district~~ ESD.

Less Than One-Year Period

An employee seeking uncompensated (educational/study) leave for less than a one-year period shall submit a written request to ~~his/her~~ their director no less than 60 days prior to the date which the employee desires such leave to begin. If that is not possible, then as much notice as practicable is required. (An employee on such leave shall, no less than 30 days prior to the expiration of the leave, provide ~~his/her~~ their director with written notice of intent to return to the ~~district~~ ESD.)

Employees are encouraged to provide as much notice as possible to ensure that appropriate arrangements can be made to hire a temporary employee.

The unpaid leave request form should be submitted to the service area director for approval and forwarded ~~ing~~ to human resources.

General Information

1. It is the responsibility of the employee to confirm issues regarding the effects of taking an unpaid leave on employee benefit plan eligibility and premiums. Information may be obtained from human resources.
2. Whenever applicable, unpaid leaves will be counted toward family and medical leave allowances under state and federal leave, collective bargaining agreements or Board policies.
3. If the leave is counted toward family and medical leave allowance under federal law, employees may continue group health insurance during this leave on the same basis as if they were actively working. The employee's portion of the premium payment (if any) must be received by the ESD payroll clerk by the first of each month. If the employee does not return from leave as scheduled, ~~he/she~~ they may be required to repay health insurance premiums that the ESD paid on ~~his/her~~ their behalf.

Lane Education Service District

Code: GCBDA/GDBDA
Adopted: 9/25/01
Revised/Readopted: 5/19/09; 2/23/10; 12/06/17
Orig. Code(s): GCBDA/GDBDA

Family and Medical Leave

{The law does not require ESDs to have a board-adopted policy, but the ESD is required to follow the law; having policy and an administrative regulation in place can assist with compliance. This policy is intended for ESDs with 50 or more employees as counted in accordance with ORS 659A.153. If the ESD has between 25 and 50 employees, the ESD should use version 2 of GCBDA/GDBDA – Family Leave * (reach out for this alternate version). If the ESD does not have 25 employees, the ESD should not adopt this policy.}

When applicable, the ESD will comply with the provisions of the Family and Medical Leave Act (FMLA)^{1}, of 1993, the Oregon Family Leave Act (OFLA)^{2}, of 1995, the Military Family Leave Act as part of the National Defense Authorization Act of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009, Paid Family and Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to ESDs with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to ESDs that employ 25 or more part time or full time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee~~he/she~~ must work an average of 25 hours or more per week during the and have been employed at least 180 calendar days immediately prior to the first day of the start of the requested leave family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar

¹ {Generally, FMLA applies only to entities with 50 or more employees, however, FMLA applies to all public elementary and secondary educational institutions. See 29 CFR 825.600(b). The rule regarding individual employee eligibility does apply: an employee is only eligible if the employee "is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite." See 29 CFR 825.110(a)(3). Consequently, FMLA applies to ESDs with fewer than 50 employees, but individual employees will not be eligible to receive benefits.}

² {OFLA applies to employers with 25 or more employees in Oregon (ORS 659A.153) and OMFLA applies to all public-sector employers in Oregon. (ORS 659A.090(2)) (Oregon BOLI Leave Laws – 2023 Edition)}

days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave. Special requirements apply during public health emergencies.

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

PFMLI is generally available to ESD employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years³, contributed to the PFMLI fund in the alternate or base years and are otherwise eligible.⁴ PFMLI can be taken for family leave, medical leave or safe leave.⁵

Leave taken under OFLA and PFMLI cannot be taken currently; however, OFLA leave may run concurrent with sick time (ORS 653) or other types of leave if provided by the district. Any leave taken under PFMLI must be taken concurrently with any leave taken under FMLA.

~~Federal and state leave entitlements generally run concurrently.~~

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

END OF POLICY

Legal Reference(s):

[ORS 657B.010](#)
[ORS 657B.025](#)
[ORS 659A.090](#)

[ORS 659A.093](#)
[ORS 659A.096](#)
[ORS 659A.099](#)

[ORS 659A.150 - 659A.186](#)
[OAR 839-009-0210 - 0460](#)

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).
Senate Bill 1515 (2024).

³ The wages are not required to have been earned for work in the ESD.

⁴ See OAR 471-070-1010 for additional information.

⁵ Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA. {See SB 1515 (2024) Sections 4, 13, 21 and 25.}

Lane Education Service District

Code: ~~_____~~ GCBDA/GDBDA-AR(1)
Revised/Reviewed: ~~_____~~ 4/28/09; 1/26/10; 11/26/13;
2/23/16; 11/07/17
Orig. Code(s): ~~_____~~ GCBDA/GDBDA-AR(1)

~~Federal Family and Medical Leave/State Family Medical Leave – DELETE~~

~~Coverage~~

~~The federal Family and Medical Leave Act (FMLA) applies to ESDs with 50 or more employees within 75 miles of the employee's worksite, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.~~

~~The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to ESDs that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.~~

~~Employee Eligibility~~

~~FMLA applies to employees who have worked for the ESD for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.~~

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

~~OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.~~

¹The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

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

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

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

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g. paid or unpaid, an employee is maintained on payroll for any part of a work week. Full time public school teachers who have been maintained on payroll by an ESD for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave² (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - e. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);

²Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.

- ~~3. Military Caregiver Leave: leave for the care for spouse, son, daughter or next of kin who is a covered servicemember/veteran with a serious injury or illness;~~
- ~~4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.~~

Eligible employees may access OFLA for the following reasons:

- ~~1. Serious health condition of the employee or the employee's covered family member:
 - ~~a. Inpatient care;~~
 - ~~b. Continuing treatment;~~
 - ~~c. Chronic conditions;~~
 - ~~d. Permanent, long term or terminal conditions;~~
 - ~~e. Multiple treatments;~~
 - ~~f. Pregnancy and prenatal care.~~~~
- ~~2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - ~~a. Bonding with and the care for the employee's newborn (within 12 months following birth);~~
 - ~~b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);~~
 - ~~c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self care because of a physical or mental impairment (within 12 months of placement);~~
 - ~~d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.~~~~
- ~~3. Sick Child Leave: leave for non-serious health conditions of the employee's child.~~
- ~~4. Bereavement Leave: leave related to the death of a covered family member.³~~
- ~~5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.~~
- ~~6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same ESD designated leave period may reconfirm at the start of each qualified leave requested.~~

Definitions

- ~~1. Family member:
 - ~~a. For the purposes of FMLA, "family member" means:~~~~

³Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

- (1) Spouse⁴;
- (2) Parent;
- (3) Child; or
- ~~(4) Persons who are "in loco parentis".~~

D

~~b. For the purposes of OFLA, "family member" means:~~

- ~~(1) Spouse;~~
- ~~(2) Registered, same gender domestic partner;~~
- ~~(3) Parent;~~
- ~~(4) Parent in law;~~
- ~~(5) Parent of employee's registered, same gender domestic partner;~~
- ~~(6) Child;~~
- ~~(7) Child of employee's registered, same gender domestic partner;~~
- ~~(8) Grandchild;~~
- ~~(9) Grandparent; or~~
- ~~(10) Persons who are "in loco parentis".~~

~~Child:~~

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

~~3. In loco parentis:~~

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

~~Next of kin:~~

~~For the purposes of FMLA and Military Caregiver Leave under FMLA, "next of kin" means the nearest blood relative other than the servicemember's spouse, parent, son or daughter in the following order of priority (unless otherwise designated in writing by the servicemember):~~

~~4.~~

⁴ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Brothers or sisters;
- ~~c. Grandparents;~~
- ~~d. Aunts and uncles; and~~
- ~~e. First cousins.~~

~~5. Covered servicemembers:~~

~~For the purposes of Military Caregiver Leave under FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retire list for a serious injury or illness.~~

~~6. Covered veteran:~~

~~For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided he or she was:~~

- ~~a. A member of the Armed Forces (including a member of the National Guard or Reserves);~~
- ~~b. Discharged or released under conditions other than dishonorable; and~~
- ~~c. Discharged within the five year period before the eligible employee first takes FMLA, Military Caregiver Leave.~~

~~Leave Period~~

~~For the purposes of calculating an employee’s leave period, the ESD will use a “rolling” 12-month period measured backward from the date the employee begins any family and medical leave. The same method for calculating the 12-month period for FMLA and OMFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the ESD’s designated 12-month leave period described above.~~

~~Leave Duration~~

~~For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the ESD’s designated leave period⁵. Spouses who work for the ESD may be limited to a combined 12 weeks of FMLA leave during the ESD’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee’s parent’s serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee’s leave entitlement within the ESD’s designated leave period.~~

⁵ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the ESD’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA-qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the ESD's designated leave period. However, a woman is entitled to an additional full 12 weeks of parental leave during the ESD's designated leave period following the birth of a child regardless of how much OFLA qualified leave she has taken prior to the birth of such child during the ESD's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the ESD designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the ESD's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁶ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the ESD. However, under OFLA, family members who work for the ESD may be restricted from taking concurrent OFLA qualified leave.⁷

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

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the ESD's designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12⁸. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek⁹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

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

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule.

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

⁶ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁷ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take bereavement leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

⁸ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

⁹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but
2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

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

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

~~Alternate Work Assignment~~

~~The ESD may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:~~

1. ~~The employee accepts the position voluntarily and without coercion;~~
2. ~~The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;~~
3. ~~The transfer is compliant with any applicable collective bargaining agreement;~~
4. ~~The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and~~
5. ~~The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.~~

~~The ESD may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:~~

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

~~If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is~~

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

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. ~~An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.~~

Special Rules for School Employees

For the purposes of FMLA, "school employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual settlement. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides, counselors, psychologist, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

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

~~FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.~~

1. ~~Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days~~

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

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

~~Limitation on Leave Near the End of the School Year~~

~~When an eligible school employee requests leave near the end of the school year, the ESD may require the following:~~

- ~~a. When the qualified leave begins more than five weeks before the end of the school year:~~

~~(1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:~~

- (a) The leave will last at least three weeks; and
- (b) The employee would return to work during the three week period before the end of the term.

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(2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:

- (a) The leave will last at least three weeks; and
- (b) The employee's return to work would occur within three weeks of the end of the school year.

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b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:

- (1) The leave will last more than two weeks; and
- (2) The employee would return to work during the two week period before the end of the school year.

e. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

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

Paid/Unpaid Leave

FMLA and OFLA do not require the ESD to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.

The ESD will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the ESD, that available accrued paid leave shall be used during the leave period. In the event the ESD is aware of an OFLA or FMLA qualifying exigency, the ESD shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.

When the ESD does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the ESD will provide the required notice promptly when the information is available but no later than two working days after the ESD has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

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

Benefits and Insurance

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

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

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

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

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

Fitness for Duty Certification

~~Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the ESD may require the employee to obtain and present a Fitness for Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the ESD is going to require a fitness for duty certification upon return to work, the ESD must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.~~

~~For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness for duty certification shall be borne by the employee.~~

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

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

Application

~~Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the ESD.~~

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

~~For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the ESD delaying the employee's leave up to 30 days after the notice is ultimately given.~~

~~For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the ESD during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the ESD deducting up to three weeks from the employee's unused OFLA leave in that one year leave period. The employee may be subject to disciplinary action for not following the ESD's notice procedures.~~

~~When an employee fails to give advance notice for both the FMLA and OFLA above, the ESD must choose the remedy that is most advantageous to the employee.~~

~~In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.~~

Medical Certification

~~The ESD may require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave. The ESD will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the ESD's notification that medical certification is required.~~

~~The ESD may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the ESD may request re-certification at least every six months in connection with an absence.~~

~~Under federal law, a second medical opinion may be required whenever the ESD has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the ESD. The provider shall not be employed by the ESD on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The ESD and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the ESD.~~

Second and Third Opinions

- ~~1. For the purposes of FMLA, the ESD may designate a second health care provider, but that person cannot be utilized by the ESD on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the ESD's designated health care provider(s) differ, the ESD may require a third opinion at the ESD's expense. The third health care provider must be designated or approved jointly by the employee and the ESD. This third opinion shall be final and binding.~~
- ~~2. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the ESD may require the employee to obtain a second opinion from a health care provider designated by the ESD. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.~~

Notification

~~Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the ESD office. Additional information may be obtained by contacting the human resources.~~

Record Keeping/Posted Notice

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

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

~~The ESD will post notice of FMLA and OFLA leave requirements.~~

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

~~For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before he/she is eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.~~

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness²; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness².

²The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or

incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV
U.S. Department of Labor | Wage and Hour Division

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Lane Education Service District

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed:

Family and Medical Leave * (Version 2)

{The law does not require ESDs to have this information in an administrative regulation (AR), but the ESD is required to follow the law; having an AR in place can assist with compliance. This AR is intended for ESDs with 50 or more employees. If the ESD has between 25 and 50 employees, use version 2 (Oregon Family Leave Act (OFLA)) of GCBDA/GDBDA-AR(1) - Family Leave *. If the ESD does not have 25 employees, the ESD should not use this AR.}

Employee Eligibility

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

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

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

of the start of the requested leave.²

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

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

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

1. Separates from employment with the ESD, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the ESD within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:

¹ Thirty days during a declared public health emergency.

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

- a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
- b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

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

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;
2. An employee who has taken 2 weeks of OFLA child placement leave need not requalify for up to an additional 12 weeks of leave within the same leave year when used for the purposes of OFLA sick child leave;
3. An employee unable to work because of a disabling compensable injury³ need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

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

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

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

Qualifying Reason

Eligible employees may access FMLA leave entitlements for the following reasons:

³ As defined in ORS 656.005.

1. Serious health condition of the employee or the employee’s covered family member. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care⁴ or continuing treatment by a health care provider⁵.
2. Parental leave⁶ (separate from eligible leave as a result of a child’s serious health condition):
 - a. Bonding with and caring for the employee’s newborn child (within 12 months following birth);
 - b. Bonding with and caring for a newly adopted child or newly placed child in foster care^{7} under the age of 18 (within 12 months of placement);
 - c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Military caregiver leave: leave for the care for spouse, child or next-of-kin who is a covered servicemember with a serious injury or illness;
4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee’s spouse, child or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

1. Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.
2. Sick child leave: leave taken for an employee’s child suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes leave to care for an employee’s child whose school or child care provider has been closed⁸ in conjunction with a statewide public health emergency declared by a public health official.⁹

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

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

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

⁷ {ORS 659A.159 uses the term “foster child.” ESDs can choose to use either “foster child” or “child in foster care” throughout this AR.}

⁸ “Closure” (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider as defined in OAR 839-009-0210(4).

⁹ The ESD may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

3. Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.¹⁰ [When such leave is used for a family member who is related by affinity, the ESD requires an attestation form signed and submitted by the employee.]
4. [Child placement leave: leave taken under OFLA before January 1, 2025, to effectuate the legal process required for placement of a foster child or the adoption of a child.]
5. [Leave previously protected by OFLA¹¹: 1) leave to which an eligible employee was entitled under ORS 659A.150 - ORS 659A.186 on June 30, 2024; and 2) leave to which an eligible employee would not be entitled under ORS 659A.150 - ORS 659A.186 on July 1, 2024 and may now be entitled leave under Paid Family Medical Leave (ORS 657B).]

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

Definitions

Family member:

1. a. For the purposes of FMLA, “family member” means:
 - (1) Spouse¹²;
 - (2) Parent¹³;
 - (3) Child; or
 - (4) Persons who are “in loco parentis.”
- b. For the purposes of OFLA, “family member” means an eligible employee’s:
 - Spouse or domestic partner;
 - (2) Child or the child’s spouse or domestic partner;
 - (3) Parent or the parent’s spouse or domestic partner;
 - (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
 - (5) Grandparent or the grandparent’s spouse or domestic partner;
 - (6) Grandchild or the grandchild’s spouse or domestic partner; or

4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

¹⁰ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹¹ OAR 839-009-0215. OFLA: Leave Previously Protected by OFLA.

¹² “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

¹³ “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

- (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹⁴

2. Child:

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

In loco parentis:

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

4. Next of kin:

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

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

¹⁴ “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

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

- e. First cousins.

5. Covered servicemembers:

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

6. Covered veteran:

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

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

Public health emergency:

For OFLA a public health emergency means;

- 7.
 - a. A public health emergency declared under ORS 433.441.
 - b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the ESD will use [the calendar year] [any fixed 12-month “leave year”] [the 12-month period measured forward from the date the employee’s leave begins] [a “rolling” 12-month period measured backward from the date the employee uses any FMLA leave].

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

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

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

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the ESD’s designated leave period (12-month period)¹⁵. Spouses who work for the ESD and

¹⁵ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the ESD’s leave period.
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are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the ESD's designated leave period when the purpose of the leave is for:

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

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

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

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

[In addition to the 24 weeks of possible OFLA leave identified above, an eligible employee is entitled to a total of two weeks of child placement leave within an OFLA leave year until January 1, 2025. The adoption or foster placement of multiple children at one time entitles the employee to take only one two-week period of child placement leave.]

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the ESD. Under OFLA, family members who work for the ESD may be restricted from taking concurrent OFLA qualified leave.¹⁶

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

Qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI)

period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

¹⁶ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, on or more of the employees is taking bereavement leave.

and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA may also run concurrently with leave taken under the sick leave law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁷. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁸. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.¹⁹ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

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

Intermittent Leave

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

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

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

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

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works

¹⁷ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹⁸ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

¹⁹ See 29 CFR § 825.200(h).

during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Alternate Work Assignment

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

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

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

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

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

The ESD may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;

4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternative position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters²⁰ for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

FMLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. In any such situation, the eligible instructional employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - b. Temporarily transfer to an available alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's regular position.
2. If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the ESD may require the employee to take leave of a

²⁰ 29 CFR 825.600(c) uses "signers."

particular duration, or to transfer temporarily to an alternative position. Alternatively, the ESD may require the employee to delay the taking of leave until the notice provision is met.

3. Limitation on Leave Near the End of the Term²¹

When an eligible instructional employee requests leave near the end of the term, the ESD may require the following:

- a. When the qualified leave begins more than five weeks before the end of the term, the ESD may require the employee to continue taking leave until the end of the term if:
 - (1) The leave will last at least three weeks; and
 - (2) The employee would return to work during the three-week period before the end of the term.
- b. When the qualified leave begins during a five-week period before the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required by the ESD to remain on leave until the end of the term if:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the term.
- c. When the qualified leave begins within three weeks of the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required to remain on leave until the end of the term if the length of the leave will last more than five working days.

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

For the purposes of OFLA leave, if an employee²² begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the ESD may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the ESD to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or

²¹ "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

²² Applies only to an employee who is employed principally in an instructional capacity by the ESD.

vacation leave during the leave period {²³} [to the extent that the total combined amount of accrued paid leave and benefits received from PFMLI does not exceed an amount equal to the employee's full wage replacement during the period of leave]. [The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave.] The ESD will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees taking OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

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

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other ESD policy provide otherwise.²⁴ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the ESD's policies provide otherwise.

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

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

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

Fitness-for-Duty Verification

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

²³ {Select one of the two bracketed options based on ESD practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) (as amended by SB 1515 (2024) for additional guidance).}

²⁴ See also ORS 342.934(4)(d) in reduction force situations.

Application

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

For purposes of OFLA, an eligible employee shall provide at least [²⁵30] days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the ESD. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²⁶ to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the ESD deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the ESD's notice procedures.

The ESD may request additional information²⁷ to determine the requested leave qualifies as FMLA or OFLA leave. The ESD may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the ESD's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the ESD delaying the employee's leave up to 30 days after the notice is ultimately given.²⁸

For the purposes of OFLA, an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁹ within 24 hours before or after commencement of the leave.

²⁵ {This number of days should align with the days provided in the leave request form.}

²⁶ Oral notice may be given by any other person on behalf of the employee taking the leave.

²⁷ Except in cases to verify OFLA bereavement leave unless the ESD requires the use of an attestation form for purposes of determining affinity.

²⁸ See 29 CFR § 825.304.

²⁹ Notice may be given by any other person on behalf of the employee taking the leave.

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

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

Medical Verification

Under FMLA, the ESD may require an eligible employee to provide medical certification, when appropriate³⁰, to support the stated reason for such leave. In most cases, the ESD will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the ESD's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the ESD may require an eligible employee to provide medical verification, when appropriate³¹, to support the stated reason for qualifying OFLA leave. The ESD will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the ESD may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the ESD's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

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

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

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

Posted Notice

³⁰ Medical documentation is not allowed in every situation. Review current laws and guidance for more information.

³¹ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

The ESD will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.³² The ESD will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.³³

Record Keeping

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

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

Federal vs. State Law

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

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³² https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

³³ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

Lane Education Service District

Code: GCBDA/GDBDA-AR(2)
Revised/Reviewed: 4/28/09; 1/26/10; 11/26/13;
2/23/16; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(2)

Request for Family and Medical Leave

Employee Request for Family and Medical Leave (FMLA)

and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

Name: _____ Effective Date of the Leave: _____

Department: _____ Title: _____

Status: Full-time Part-time Temporary

Hire Date: _____ Length of Service: _____

Have you taken a family leave in the past 12 months? Yes No

If yes, how many work days? _____ Reason for leave: _____

I request family or medical leave for one or more of the following reasons:¹

- Because of the birth of my child and in order to care for my child him or her. (ESD: Use GCBDA/GDBDA-AR(3)(A) Certification Form)
Expected date of birth _____ Actual date of birth _____
Leave to start _____ Expected return date _____
- Because of the placement of a child with me for adoption or foster care. (ESD: Use GCBDA/GDBDA-AR(3)(A) Certification Form)
Age of child _____ Date of placement _____
Leave to start _____ Expected return date _____
- ~~To~~ In order to care for a family member² with a serious health condition. (ESD: Use GCBDA/GDBDA-AR(3)(B) Certification Form)
Leave to start _____ Expected return date _____

¹A physician's certification may be required to support a request for family and medical leave. In addition, a fitness for duty certification may be required before reinstatement following the leave.

²"Family member," for purposes of FMLA and OFLA leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of "in loco parentis." Additionally, when defining "family member" under OFLA (but not FMLA leave), the definition includes the grandparent, grandchild, parents-in-law or the parents of the employee's registered domestic partner.

Please check one: Spouse³ Child Parent Individual who was in *loco parentis* when the employee was a child Parent-in-law or parent of employee's registered domestic partner (OFLA leave only) Custodial parent Noncustodial parent Adoptive parent Foster parent Stepparent Grandparent (OFLA leave only) Grandchild (OFLA leave only)

Please state name and address of relation:

Name _____ Address _____

Does the condition render the family member unable to perform daily activities?

4. For a serious health condition which prevents me from performing my job functions. (ESD: Use GCBDA/GDBDA-AR(3)(A) Certification Form)
Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work:

5. ~~In order to~~ To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).
6. A qualifying exigency arising from an employee's spouse, ~~child, son, daughter,~~ or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse ~~of a military personnel~~ per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. (ESD: Use GCBDA/GDBDA-AR(3)(C) Certification Form)
7. To care for a spouse, ~~child, son, daughter,~~ parent, or next of kin⁴ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed forces. Has leave been taken for the same servicemember and the same injury? Yes No (ESD: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, when was the leave taken and for how many work days?
8. For the death of a family member (OFLA only).

I understand that [I may use any available accrued paid leave, including personal and sick leave or available accrued vacation leave during the leave period.] [the ESD requires me to use any available accrued sick leave, vacation, personal leave days or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the ESD and before taking leave without pay during the leave period.] [I am required to use any available accrued paid leave, including personal and sick leave or available accrued vacation leave before taking FMLA and/or OFLA leave without pay during the leave period. I may select the order in which the available paid leave is used.]

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is

³“Spouse” means individuals in a marriage, including “common law” marriage or same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

⁴“Next of kin” means the nearest blood relative of the eligible employee.

scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the ESD may terminate my employment. (A fitness-for-duty certification may be required.)

I authorize the ESD to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the ESD's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act leave request form.

Signature of Employee: _____ Date: _____

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Lane Education Service District

Code: GCBDA/GDBDA-AR(3)(A)
Revised/Reviewed: 4/28/09; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(A)

Certification of Health Care Provider

Employee's Serious Health Condition

To be Completed by ESD:

The Family Medical Leave Act (FMLA) provides that an ESD may require an employee seeking FMLA leave protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Employees may not be asked to provide more information than allowed under the FMLA regulations. The ESD will maintain records and documents relating to medical certification, recertifications, or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Discrimination Act applies.

ESD contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached:

To be Completed by the Employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee's name: _____
First Middle Last

To be Completed by Health Care Provider:

Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e) or the manifestation of disease or disorder in the employee's family members, as defined in 29 C.F.R. 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: (____) _____ Fax: (____) _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

Yes No

If yes, dates of admission: _____

List the date(s) you treated the patient for the condition: _____

Was medication, other than over-the-counter medication, prescribed? Yes No

Will the patient need to have treatment visits at least twice per year due to the condition? Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

Yes No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? Yes No

If yes, expected delivery date:

3. Use the information provided by the ESD in the "To be completed by the ESD" section to answer this question. If the ESD fails to provide a list of the employee's _____ functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: Yes No

If yes, identify the job functions the employee is unable to perform: _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

1. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? Yes No

If yes, are the treatments or the reduced number of hours of work medically necessary?
 Yes No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? Yes No

Is it medically necessary for the employee to be absent from work during the flare-ups? Yes No

If yes, explain: _____

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Additional Information (identify the question number with your additional answer):

Signature of Health Care Provider

Date

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Lane Education Service District

Code: GCBDA/GDBDA-AR(3)(B)
Revised/Reviewed: 4/28/09; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(B)

Certification of Health Care Provider

Family Member's Serious Health Condition

To be Completed by the ~~ESD~~District:

The Family Medical Leave Act (FMLA) provides that an ~~ESD~~ district may require an employee seeking FMLA leave protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Employees may not be asked to provide more information than allowed under the FMLA regulations. The ~~ESD~~ district will maintain records and documents relating to medical certification, recertifications or medical histories of the employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

~~ESD~~District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached:

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or ~~their~~his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee's name: _____
First Middle Last

Relationship and name of family member for whom employee will provide care: _____

Relationship

First Middle Last

If the family member is your child, please provide ~~their~~his/her date of birth: _____

Describe the care you will provide to your family member and estimate the leave needed to provide such care:

Employee signature _____ Date _____

To be Completed by Health Care Provider:

The employee listed above has requested leave under the FMLA to care for your patient. Answer fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: (____) _____ Fax: (____) _____

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?
 Yes No

If yes, dates of admission: _____

List the date(s) you treated the patient for their condition: _____

Was medication, other than over-the-counter medication, prescribed? Yes No

Will the patient need to have treatment visits at least twice per year due to the condition? Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g. physical therapist)?
 Yes No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? Yes No

If yes, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

When answering these questions, keep in mind that your patient's need for care from the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

1. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? Yes No

Explain the care needed by the patient and why such care is medically necessary:

2. Will the patient require follow-up treatments, including any time for recovery? Yes No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____

Explain the care needed by the patient, and why such care is medically necessary: _____

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?
 Yes No

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary: _____

4. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? Yes No

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g. one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? Yes No

Explain the care needed by the patient, and why such care is medically necessary: _____

Additional Information (Identify the question number with your additional answer):

Signature of health care provider

Date

Lane Education Service District

Code: GCBDA/GDBDA-AR(3)(C)
Revised/Reviewed: 4/28/09; 1/26/10; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(C)

Military Family Leave

Certification of Qualifying Exigency for Military Family Leave

Section 1

To be completed by the ESD:

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provides that a ESD may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.

Superintendent or designee information:

ESD name and address:

To be completed by the employee:

Complete the information below fully and completely. The FMLA or OMFLA permits the ESD to require that you submit a timely, complete and sufficient certification to support a request for FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA or OMFLA coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for qualifying leave. The ESD must give you at least 15 calendar days to return this form to the ESD.

Employee's Name: _____
First Middle Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation:

First Middle Last

Relationship of covered military member to active duty:

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following and attach the indicated document to support that the military member is on covered activity duty or called to covered active duty status:

- A copy of the covered military member's active duty orders is attached.
- Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty).
- I have previously provided the ESD with sufficient written documentation confirming the covered military member's active duty or call to active duty status.

Part A: Qualifying Reason for Leave

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (include the specific reason you are requesting leave):

2. Describe the reason you are requesting OMFLA leave (include the specific reason below, either a) an impending call or order to active duty, or b) impending leave from deployment):

3. A complete and sufficient certification to support a request for qualifying leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military; a document confirming the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, school official or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is available written documentation supporting this request for leave attached? Yes No None available

Part B: Amount of Leave Needed

1. The approximate date the qualifying exigency or deployment commenced or will commence is: _____.

The probable duration of such exigency or deployment is: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency or deployment? Yes No

If yes, estimate the beginning and ending dates for the period of absence: _____

3. Will you need to be absent from work periodically to address this qualifying exigency or deployment? Yes No

If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e., one deployment-related meeting every month lasting four hours) (FMLA only):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per event

Part C: Third Party Certification

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the ESD to verify that the information contained on this form is accurate. (FMLA only)

Name of individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Email: _____

Describe the nature of the meeting:

Part D: Employee Signature

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice.)

Signature of Employee

Date

Lane Education Service District

Code: GCBDA/GDBDA-AR(3)(D)
Revised/Reviewed: 4/28/09; 1/26/10; 9/24/12;
11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(3)(D)

Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Notice and instructions to the ESD:

The Family Medical Leave Act (FMLA) provides that an ESD may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations 29 C.F.R. § 825.310. The ESD will maintain records and documents relating to medical certification, recertifications or medical histories of employees or employees' family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Section 1

Part A: Employee Information

Complete the employee and covered servicemember information below before giving this form to your family member or their/her medical provider.

ESD Name and Address

Name of employee requesting leave to care for covered servicemember:

Name of covered servicemember for whom employee is requesting leave to care for:

First Middle Last

First Middle Last

Relationship of employee to covered servicemember requesting leave to care for:

Spouse Parent Child Next of kin

Part B: Covered Servicemember Information

1. Is the covered servicemember a current member of the regular Armed Forces, the National Guard or Reserves or a veteran? Yes No

If a current servicemember, please provide the covered servicemember's military branch, rank and unit currently assigned to:

If a qualifying veteran, when was the date of discharge? _____

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? Yes No

If yes, provide the name of the medical facility or unit:

2. Is the covered servicemember on the Temporary Disability Retired List (TDRL)? Yes No

Part C: Care to be Provided to the Covered Servicemember

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

Section 2

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: Health Care Provider Information

Health care provider's name and business address: _____

Type of practice/medical speciality: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

Telephone: (____) _____ Fax: (____) _____ Email: _____

Part B: Medical Status

1. Covered servicemember's medical condition is classified as (check one of the appropriate boxes):
 - (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - Other Ill/Injured – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating.
 - None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition". If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member's Serious Health Condition*.)

2. Was the condition for which the covered service member is being treated incurred in the line of duty on active duty in the Armed Forces? Yes No
If no, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty? Yes No

Appropriate date condition commenced: _____

4. Probable duration of condition and/or need for care: _____

5. Is the covered servicemember undergoing medical treatment, recuperation or therapy? Yes No
If yes, please describe medical treatment, recuperation or therapy:

Part C: Covered Servicemember's Need for Care by Family Member

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes No

Lane Education Service District

Code: GCBDA/GDBDA-AR(4)
Revised/Reviewed: 4/28/09; 1/26/10; 11/26/13;
2/23/16; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(4)

FMLA/OFLA Eligibility Notice to Employee

DATE: _____

TO: _____
(Employee's name)

FROM: _____
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

1. _____ The birth of your child, or the placement of a child with you for adoption or foster care;
2. _____ A serious health condition that makes you unable to perform the essential functions of your job;
3. _____ A serious health condition of your spouse¹, child (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), grandparent (OFLA leave only), parent-in-law or parent of the employee's registered domestic partner (OFLA leave only), custodial parent, noncustodial parent, adoptive parent, foster parent or stepparent, for which you are needed to provide care;
4. _____ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only);
5. _____ A qualifying exigency arising from a spouse, child or parent in the Armed Forces on covered active duty or in the National Guard or Reserves on covered active duty;
6. _____ Your spouse has been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment;
7. _____ A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, child, parent or next of kin;
8. _____ For the death of a family member (OFLA only).

¹"Spouse" means individuals in a marriage, including "common law" marriage or same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

You notified us that you need this leave beginning on _____(date) and that you expect leave to continue until on or about _____(date). The FMLA requires that you notify the ESD as soon as possible if dates of scheduled leave changes or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.² The ESD will use a “rolling” 12-month period measured backward from the date the employee uses any family medical leave. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period.

Also, your health benefits under FMLA and OFLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You will be reinstated to the same position, or in some cases under state or federal law, to an equivalent position.

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the ESD for health insurance premiums paid on your behalf during your FMLA and/or OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are eligible not eligible for leave under FMLA OFLA both FMLA and OFLA.
2. The requested leave may be counted against your annual FMLA leave entitlement OFLA leave entitlement both FMLA and OFLA leave entitlements.
3. You will will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by _____(date) (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used, the following conditions will apply: (*Explain*)
- 5a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA and/or OFLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: (*Set forth dates, e.g., the 10th of each month or pay periods, etc., that specifically cover the agreement with the employee.*)
- 5b. You have a minimum 30-day Other: _____(*indicate longer period, if applicable*) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be canceled. We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during your FMLA and/or OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.
- 5c. We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.

²Oregon Military Family Leave allows for 14 days of leave per deployment.

- 5d. Except as noted above, in the event you do not return to work for the ESD after your FMLA and/or, OFLA leave and the ESD has paid your share of benefit premiums, you will will not be responsible for reimbursing the ESD the amount paid on your behalf, with the exceptions noted in C.F.R. § 104 (c)(2)(B) of the FMLA.
6. You will be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to preform these functions.
- You will not be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition.
- 7a. You are are not a “key employee” as described in C.F.R. § 825.218 of the FMLA regulations. If you are a “key employee,” reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the ESD. (FMLA leave only.)
- 7b. We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) *(Explain (a) and/or (b) below.)*
8. While on FMLA and/or OFLA leave, you will will not be required to furnish us with periodic reports every _____ *(indicate interval of periodic reports, as appropriate for the particular leave situation)* of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you will will not be required to notify us at least two workdays prior to the date you intend to report for work.
9. You will will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) *(Explain below, if necessary, including the interval between certifications as prescribed in C.F.R. §*
10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave .

825.308 of the FMLA regulations.)

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Lane Education Service District

Code: GCBDA/GDBDA-AR(5)
Revised/Reviewed: 4/28/09; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(5)

Sample Designation Letter to Employee - FMLA/OFLA Leave

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice form GCBDA/GDBDA-AR(6) or the FMLA/OFLA Eligibility Notice form GCBDA/GDBDA-AR(4), should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA/OFLA.

Dear Employee:

On _____ (date) you advised the ESD that you were requesting a leave that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leave of absence that qualifies for family and medical leave under federal law (FMLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. A leave of absence that qualifies for family and medical leave under state law (OFLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensation injury or illness (unless you refuse a light-duty assignment).

[IF APPROVED: [We have determined the purpose of your requested leave qualifies as family or medical leave under [state] [and/or federal] law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form titled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.]]

[IF NOT APPROVED: [We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.]]

If you have any questions regarding your leave, now or at any time during your leave, please contact, the human resources office as soon as possible.

Sincerely,

Superintendent

Enclosure (FMLA and/or OFLA Designation Notice form)

CR4/13/17 | RS

Sample Designation Letter to Employee - FMLA/OFLA Leave –
GCBDA/GDBDA-AR(5)

1-1

Lane Education Service District

Code: GCBDA/GDBDA-AR(6)
Revised/Reviewed: 4/28/09; 1/26/10; 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(6)

Designation Notice – FMLA/OFLA

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected and the ESD must inform the employee of the amount of leave that will be counted against the employee's FMLA and/or OFLA leave entitlement.

In order to determine whether leave is covered under the FMLA and/or OFLA, the ESD may request that the leave be supported by a physician's certification. If the certification is incomplete or insufficient, the ESD will state in writing what additional information is necessary to make the certification complete and sufficient.

Employee Name: _____ Date: _____

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on: _____.

Please be advised:

- Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

- Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement: _____
- Because the leave you requested will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.

- You will be required to present a fitness-for-duty certification to be reinstated to your position. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position is is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions:
-

- Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.
-

- The certification you have provided is incomplete and insufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is¹:
-
-

- We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

- Your FMLA leave request is NOT APPROVED.
- The FMLA does not apply to your leave request.
- You have exhausted your FMLA leave entitlement in the applicable 12-month period. (Note: Federal Military Family Leave is on a separate 12-month period.)
- Your OFLA leave request is NOT APPROVED.
- The OFLA does not apply to your leave request.
- You have exhausted your OFLA leave entitlement in the applicable 12-month period.

¹If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.

Lane Education Service District

Code: GCBDA/GDBDA-AR(7)
Adopted: 6/22/10
Readopted: 11/07/17
Orig. Code(s): GCBDA/GDBDA-AR(7)

Fitness-for-Duty Certification

_____ Date: _____

From:

Subject: Fitness-for-Duty Certification

Family and medical leave for your own serious health condition ends on (date) _____.
Prior to returning to work you must provide a Fitness-for-Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this Fitness-for-Duty Certification to your health care provider for completion. The ESD will use this Fitness-for-Duty Certification to determine if you are able to return to work after your leave.

Return the completed Fitness-for-Duty Certification to the ESD prior to the end of your Family and Medical Leave or by (date) _____.

Fitness-for-Duty Certification

Health Care Provider Completes this Section

Instructions: Please complete all sections in order for the ESD to determine if the employee is able to return to duty. The employee's position description or a list of essential duties (ESD specifies which) is attached to this form.

1. The employee is able to return to work full-time without restrictions: Yes No
 - a. If yes, list the effective date: _____.
 - b. If no, complete the following:
 - (1) The employee will be able to return to work with no limitation on (date) _____.
 - (2) I certify that from (date) _____ to (date) _____ the above named employee will be:
 - (a) Unable to perform the physical requirements of their work; or
 - (b) Is medically incapacitated: Totally Partially**
- **If partially medically incapacitated, complete the following:
 - (c) Number of hours per day employee is able to work: _____.
 - (d) Number of days per week employee is able to work: _____.
- (3) List any restrictions on the employee's work: _____

Fitness-for-Duty Certification - GCBDA/GDBDA-AR(7)

1-2

Printed name of health care provider

Type of practice

Signature of health care provider

Date

Health care provider: Please return the completed form to the employee/patient.

Attached: Position description/description of essential duties (ESD specifies which).

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Lane Education Service District

Code: GCBDB/GDBDB
Adopted: 8/13/96
Revised/Readopted: 9/25/01; 2/07/23
Orig. Code(s): GCBDB/GDBDB

Early Return to Work

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)
[ORS 659A.046](#)

[OAR 436-110-0003 to -0900](#)
[OAR 581-024-0240](#)

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

Lane Education Service District

Code: GCBDB/GDBDB-AR
Adopted: 10/09/96
Revised/Readopted: 9/25/01
Orig. Code: GCBDB/GDBDB-AR

Light/Modified Duty Program

(Does any of this create different procedures than workers comp? Any reason to follow this over normal workers comp procedures?)

Lane ESD's light/modified duty program is designed to provide employees who are currently unable to perform their regular job duties with temporary work during the period of medical recovery. Employees eligible to participate in this program are those employees with an accepted disabling Oregon workers' compensation claim. Lane ESD's human resources office will coordinate the employee's participation in the Light/Modified Duty Program with the employee's supervisor, the employee's physician, the employee and the ESD's insurance carrier.

Procedures

1. Upon notification of a work-related injury, the employee's supervisor completes an "Incident Report Form" with the employee and may assist with the completion of an 801 form by the employee. The 801 form is required if the employee requests it or seeks medical attention. The supervisor submits a completed Incident Report Form and the 801 form (when applicable) to the human resources office, who will then notify the insurance carrier.
2. The human resources office contacts the employee and his/her physician to remind all parties of Lane ESD's Light/Modified Duty Program and the need for the completed work release/physical capacities evaluation. The employee shall report back to the human resources office with a completed work release/physical capacities form after the physician visit. The human resources office will then send a copy to the insurance carrier.
3. The human resources office or designee reviews the work release/physical capacities form with the employee's supervisor and identifies whether light/modified duty work is available within the physician's outlined restrictions. Consideration will be given to flexible hours, and/or task or worksite modification.
4. Light/Modified duty is considered to be any work within the employee's physical capacities, as outlined in the most recent work release/physical capacities form. All light/modified duty positions must be approved by the human resources office and availability is subject to the business needs of Lane ESD, which are determined solely at its discretion.
5. If the employee does not provide the work release/physical capacities form, the human resources office may send the physician a written request for this information.
6. Once the work release/physical capacities information has been obtained and a light/modified job identified, the human resources office will complete a job analysis of the light/modified duty job and submit it to the attending physician for review.

7. Upon receipt of the physician's signed and dated approval of the job analysis, the human resources office will provide a written job offer of this position to the employee via certified mail or in person. The offer will include: the starting date and time; wage and hours; to whom and the location where the worker is to report; and a description of the job duties. The employee signs the job offer and returns it to the human resources office. A copy of the job offer letter, approved job analysis and the most recent work release/physical capacities form will be sent to the employee's supervisor.
8. Before the employee starts the light/modified job, the human resources office and the employee's supervisor will meet with the employee and carefully review the job, outlining all job duties and the employee's limitations, as set forth by the treating physician and emphasizing the need for the employee to perform the job duties within the limitations prescribed by the physician. The human resources office will then obtain the employee's signature on the job offer letter.
9. Should the employee refuse to accept the light/modified job offer, the human resources office will then notify the insurance carrier.
10. The human resources office will forward a copy of the signed job offer letter, physician-approved job analysis and most recent work release/physical capacities form to the insurance carrier.
11. The employee's light/modified duty job will end when the employee is either released to regular employment, the worker's compensation claim is closed, the employee has returned to other work which is not considered part of the Light/Modified Duty Program, or at such time as Lane ESD determines that business needs are not being served by the light/modified duty work assignment.
12. The human resources office works with the employee's supervisor who is responsible for monitoring the employee's participation in the light/modified duty job and keeping track of the hours worked. This information will be submitted to the human resources office with other time records. Any problems with the employee's participation in the light/modified duty job shall be reported immediately to the human resources office, who will then discuss the issue with the employee and physician and make any needed modifications.
13. The employee is responsible for providing the human resources office with written notice of the physician's recommendation of new restrictions and/or changes to the previously approved light/modified duty job.
14. The employee's immediate supervisor will be kept informed by the human resources office of the status of the employee at each step of this procedure and will take part in any conference with the employee as noted above.
15. Any changes to the originally approved and accepted light/modified duty job must be approved by the human resources office. The human resources office may send a second letter to the employee's attending physician to request approval of any recommended changes.

Lane Education Service District
Sample Letter to Physician

Date: _____

Dr. _____

Address: _____

Dear Dr. _____:

This letter is to inform you that _____ has been placed on a modified duty schedule which offers work to injured employees with no loss in pay. A description of _____'s modified job duties is attached.

Please confirm the following:

16. I (agree) (do not agree) that the modifications listed in the letter dated _____, are within _____'s capabilities.

17. If not in agreement, please indicate which tasks are not appropriate:

18. _____ is scheduled to begin his/her/their modified duty assignment on _____ (date). I confirm that _____ may begin modified duty on this date.

19. Duration of modified duty assignment: _____

20. Other comments: _____

Physician's signature: _____ Date: _____

I hereby authorize release of medical information to my employer regarding my injury of _____ (date).

Employee's signature: _____ Date: _____

Lane Education Service District
Sample Letter to Employee

Date: _____
Name: _____
Address: _____
City, State, Zip: _____
Workers' compensation claim number: _____
Date of injury: _____

Dear: _____:

Your attending physician, Dr. _____, has released you for modified work. We have located a (temporary/permanent) position for you which your physician feels you will be able to perform successfully. If temporary, the availability of this position will be periodically reevaluated. The job is:

* See attached job analysis with physician's approval.

You will be receiving \$ _____ per (hour/week/month). Our workers' compensation carrier will prorate your workers' compensation benefits if this salary is less than your regular wage.

Starting date: _____
Hours per day/week: _____
Starting time: _____
Duration of job: _____

Report to: _____
Phone: _____
Location: _____

If you receive this letter after the report to work date, you have 24 hours to contact:

Failure to report to work could affect time-loss compensation and could affect your vocational eligibility.

We are looking forward to seeing you and wish you a speedy recovery.

Sincerely,

Name: _____ Title: _____

I have read and understand the above information. I accept this job as offered. Yes No

Employee signature: _____ Date: _____
Witness: _____ Date: _____

Lane Education Service District
Report of Accident

Immediate supervisor should complete this form promptly with worker input. Please print clearly and attach to 801 Form if a claim is filed.

1. Employee: _____
 2. Employer: Lane ESD
 3. Date of accident: _____ Time: _____ a.m. p.m.
 4. Immediate supervisor: _____
 5. Accident location: _____
 6. Describe accident fully: (What happened and why, unsafe conditions and/or practices?)

 7. What corrective action was taken, or is planned, to prevent similar accidents from occurring in the future?

 8. List witnesses and phone numbers: _____
 9. When was the accident reported? _____ To whom? _____
Was report made within 24 hours of the accident? Yes No
If not, why? _____
 10. Was the accident caused by faulty equipment? If yes, preserve evidence.
Identify: _____
 11. Was the accident caused by another person not employed by Lane ESD? Yes No
If yes:
Name: _____
Address: _____
 12. Describe injury (part of body/type of inquiry): _____

 13. Describe first aid/medical treatment (when administered and by whom): _____

 14. Is a previous injury or condition of the employee (or coworker) a contributing factor? Yes No
If so, explain: _____
 15. Is there a reason to question whether this is a job-related injury or illness? Yes No
- Name: _____ Title: _____

Lane Education Service District

Code: GCBDB/GDBDB-AR
Adopted: 10/09/96
Orig. Code: GCBDB/GDBDB-AR

Light/Modified Duty Program

Lane Education Service District

Code: GCBDC/GDBDC
Adopted: 8/28/12
Revised/Readopted: 2/05/19
Orig. Code(s): GCBDC/GDBDC

~~Domestic Violence/Harassment/Sexual Assault or Stalking Leave~~

(Version 1)

(For employers who employ six or more employees)

Definitions

- ~~1. "Covered employer" means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.~~
- ~~2. "Eligible employee" means an employee who is a victim of domestic violence, harassment, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.~~
- ~~3. "Protective order" means an order authorized by Oregon Revised Statutes (ORS) 30.866, 107.095(1)(e), 107.700 – 107.735, 124.005 – 124.040 or 163.730 – 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.~~
- ~~4. "Victim of domestic violence" means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.~~
- ~~5. "Victim of harassment" means an individual against whom harassment has been committed as described in ORS 166.065 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.~~
- ~~6. "Victim of sexual assault" means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.~~
- ~~7. "Victim of stalking" means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court's stalking protective order or a temporary court's stalking protective order under ORS 30.866.~~
- ~~8. "Victim services provider" means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.~~

An ESD (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in ~~protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;~~
2. ~~To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;~~
3. ~~To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;~~
4. ~~To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent;~~
5. ~~To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child/dependent.~~

~~The ESD may limit the amount of leave, if the employee's leave creates an undue hardship on the ESD.~~

~~The ESD shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.~~

~~The employee shall give the ESD reasonable advanced notice of the employee's intent to take leave unless giving advance notice is not feasible.~~

~~The ESD may require the employee to provide certification that:~~

1. ~~The employee or minor child/dependent is a victim of domestic violence, harassment, sexual assault or stalking; and~~
2. The leave is taken for one of the identified purposes in this policy.

~~Sufficient certification includes:~~

1. ~~A copy of a report from law enforcement indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking;~~
2. ~~A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking;~~
3. ~~Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or a victim services provider that the employee or~~

the employee's child or dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

All records and information kept by the ESD regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee ~~unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.~~

~~The employee may use all paid accrued leave that is offered by the ESD, including personal, sick and vacation leave. The employee may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available.~~

~~END OF POLICY~~

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Lane Education Service District

Code: GCBDC/GDBDC
Adopted:

Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave (Safe Leave) * (Version 2)

{Applies to employers who employ six or more employees in Oregon and meet the definition of “covered employer.”}

When applicable, the ESD will comply with the provisions of protected leave identified in ORS 659A.272 to address domestic violence, harassment, sexual assault, bias, or stalking.

The ESD (covered employer¹) shall allow an eligible employee² to take reasonable leave from employment for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment or stalking of, or the commission of a bias crime against the eligible employee or the employee’s minor child or dependent;
3. To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the eligible employee’s minor child or dependent; or
5. To relocate³ or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee’s minor child or dependent.

The ESD may limit the amount of leave if the eligible employee’s leave creates an undue hardship on the ESD.

The ESD shall not deny leave to an eligible employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or

¹ “Covered employer” means an employer who employs six or more individuals in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking, or in the year immediately preceding the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking.

² “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault, bias or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, bias or stalking.

³ “Relocate” is described in OAR 839-009-0345 (5).

other terms, conditions or privileges of employment because the employee makes inquiries about, applies for, or takes such leave.

The eligible employee shall give the ESD reasonable advanced notice of the employee's intention to take leave unless giving advance notice is not feasible.

The ESD may require the eligible employee to provide certification that:

1. The employee or employee's minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

The eligible employee shall provide a certification within a reasonable time after receiving the ESD's request for the certification.

Sufficient certification to support a request for such leave includes:

1. A copy of a report from law enforcement indicating the eligible employee or the employee's minor child or dependent was a victim of domestic violence, harassment, sexual assault, bias, or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking; or
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy, employee of the Department of Justice division providing victim and survivor services or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, bias, or stalking.

All records and information kept by the ESD regarding the employee's leave under ORS 659A.270 – 659A.285, including the fact the employee has requested or obtained such leave, are confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any accrued paid leave, including sick leave, vacation leave or any other paid leave offered by the ESD. [The ESD may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available, consistent with Board policies, any applicable collective bargaining agreement or other agreement.]

Definitions

1. "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.

2. “Victim of bias” means an individual who has been a victim of a bias crime as defined in ORS 147.380; or any other individual designated as a victim of bias by rule adopted under ORS 659A.805.
3. “Victim of domestic violence” means an individual who has been a victim of abuse, as defined in ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
4. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065; or any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467, 163.472 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
7. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault, bias or stalking.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

[OAR 839-009-0325 - 0365](#)

Lane Education Service District

Code: GCBDC/GDBDC-AR
Revised/Reviewed: 8/11/16; 1/08/19
Orig. Code(s): GCBDC/GDBDC-AR

Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave

(For employers who employ six or more employees)

PLEASE PRINT

When the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least [30] days prior to the date the requested leave is to begin unless giving advance notice is not feasible. When it is not feasible, in emergency situations, oral or written notice as soon as practical is allowed.

PLEASE PRINT

Name of Eligible Employee _____

Effective Date of the Leave _____

Department _____ Title _____

Effective Date of the Leave _____

Status: Full-time Part-time Temporary Hire Date _____ Length of Service _____

The requested leave is for:

- Myself
- My minor child or dependent for which I am a parent or guardian

The leave is for:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
- To seek medical treatment for or to recover from injuries caused by domestic violence or harassment, sexual assault to, harassment or stalking of or the commission of a bias crime against for the eligible employee or the eligible employee's minor child or dependent.
- To obtain, or to assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking.
- To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- To relocate¹ or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

¹ "Relocate" is described in OAR 839-009-0345 (5).

The following has been provided by the employee to certify the need for the requested leave:

- A copy of a report from law enforcement indicating that myself, the eligible employee or my the eligible employee's minor child or dependent is/was a victim or alleged victim of domestic violence, harassment, sexual assault, bias, or stalking.
- A copy of a protective order or other any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent, evidence from a court, administrative agency or attorney that I or my minor child or dependent the eligible employee appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking or other order authorized by ORS 30.866, 107.095(1)(e), 107.700-107.735, 124.005 - 124.040 or 163.730 - 163.750.
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, employee of the Department of Justice division providing victim or survivor services or victim services provider that I with or from whom the eligible employee or my the eligible employee's minor child or dependent is receiving services.

I understand that I may use any accrued paid leave, including personal and sick leave, or accrued vacation leave or any other paid leave that is offered by the employer [in the order specified by the [ESD] [applicable collective bargaining agreement].

If my request for a leave is approved, I understand it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the ESD may terminate my employment. I understand if I am unable to return to work following the period of authorized leave, I will notify the ESD my employer as soon as practical and provide any required information which will allow the ESD my employer to determine my eligibility for an extension of leave.

I authorize the ESD to deduct from my paychecks or seek to recover any amounts paid employee contributions for health insurance coverage by the ESD on my behalf premiums, life insurance or long term disability insurance which remain unpaid after my leave, consistent with state law.

Signature of employee/Employee: _____ Date: _____

Lane Education Service District

Code: GCBDD/GDBDD PENDING
Adopted: 3/29/16
Orig. Code(s): GCBDD/GDBDD

Sick Time

(There are several comments embedded in this document. Adjust your review settings to see them if they are not immediately visible.)

"Employee" means an individual who is employed by the ESD and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221 renders personal services at a fixed rate to the ESD if the ESD either pays or agrees to pay for personal services or permits the individual to perform personal services. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the ESD and are eligible to use sick time beginning on the 91st calendar day of employment with the ESD and may use sick time as it is accrued.

An ESD employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. For regular employees requiring substitutes, paid sick time of 56 hours shall be front-loaded to an employee at the beginning of each year. For all other regular employees, paid sick time of 40 hours shall be front-loaded to an employee at the beginning of each year.

For substitute and temporary employees, paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works. Substitutes and temporary employees may access available sick time on the 91st day of employment.

All employees are limited to accruing no more than 80 hours of sick time [and] using no more than 40 hours of sick time in a year.

When a substitute is required, classified staff shall take sick time in minimum increments not to exceed of at least three and one-half hours. When a substitute is required, licensed employees shall take sick time in minimum increments not to exceed 4 of at least four hours. [All other regular employees, and substitute and temporary employees shall take sick time in hourly increments.] Sick time may be used for the employee's or a family member's mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifying the Family Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA). Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272. [When sick time is used to care for, or to deal with the death of, an individual related by blood or affinity whose close association with the ESD employee is the equivalent of a family relationship, the ESD requires an attestation form signed and submitted by the employee.]

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

¹ "Family member" is defined in OAR 839-007-0000 by the Oregon Family Leave Act (OFLA).

Commented [LF1]: Hi Tony,
I consulted with Spencer Lewis, policy director, on this policy and he shares these:

"Three concerns:

- Is it clear when a sub is required? Are positions designated as such? It needs to be clear to employees when the different increment provisions apply;
- I have some concerns about different employees within the same classifications being treated differently, example: is there a situation in which one speech pathologist needs a sub, but the other doesn't? This could create a pay equity issue, but if they are not doing work of comparable character, then it should be OK;
- I have concerns about different rules applying to the same employee at different times as the law doesn't contemplate this. The law does allow the employer to require four-hour increments as long as 56 hours are front-loaded, which they are doing-- and it is a benefit to employees to allow them to use less than four hour increments at times, so as long as they are consistent and clear, then the risk should be minimal (they can require four hours, but sometimes they give employees a greater benefit and let them take less-- seems like it should be OK). In order to require the four-hour increments, they have to provide an undue hardship notice-- which should clearly outline when which increments are required. There is a chance BOLI says this is not OK.

Is there anything in the CBA to support the determination of when a sub is required? Do they use this determination for other leave?"

Commented [LF2]: Does the CBA provide any clarity?

Commented [LF3]: Is there a list of positions in the CBA that require use of a substitute when sick time is used by the referenced employee group?

Commented [LF4]: ORS 653.621 Minimum use increments; notice to employer; rules. (1)(a) Upon request of an employee with accrued sick time available, an employer must allow the employee to use sick time. If possible, the employee shall include the anticipated duration of the sick time requested in the request.

(b) Sick time earned under ORS 653.606 shall be taken in hourly increments unless:

(A) To do so would impose an undue hardship on the employer; and

(B) The employer has a policy or combination of policies that allows an employee to use at least 56 hours of paid leave per year that may be taken in minimum increments of four hours and may be used for the purposes specified in ORS 653.616.

The ESD reserves the right, after an employee uses sick time for more than [three] [five] consecutive scheduled workdays, ~~days of absence~~, to require verification ~~proof of personal illness~~ or certification in accordance with law of the need for the sick time ~~injury from an employee~~, including a medical verification or certification² ~~examination by a physician chosen and paid for by the ESD. If an~~ An employee fails ~~refusing~~ to provide verification or certification or fails ~~submit to such an examination or~~ to provide other evidence as required by the ESD, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or /OFLA leave, the sick time leave and qualifying the FMLA, PFMLI or /OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time leave and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the ESD ~~requires~~ ~~may require~~ the employee to provide advance notice of their intention to use sick time ⁽³⁾ ~~within 10 days prior to when~~ of the requested sick time is to begin, or as soon as otherwise practicable. When ~~and~~ the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the ESD (e.g., grading deadlines, inservice training, mandatory meetings). [The ESD may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the ESD.]

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the ESD [consistent with the reporting time established by the ESD] [at least 24 hours in advance] [before the start of the employee's shift], or when circumstances prevent the employee from providing notice as required, as soon as practicable.

[The ESD may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.]

The ESD shall establish a standard process to track the eligibility for sick time of substitutes and other temporary employees.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#) [ORS 342.610](#) [ORS 659A.150 - 659A.186](#)
[ORS 342.545](#) [ORS 653.601 - 653.661](#) [OAR 839-007-0020 - 0065](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2018).

² In the case of need for leave under ORS 659A.272, the ESD may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

³ [ORS 653.621(3): "...not to exceed 10 days"]

Lane Education Service District

Code: GCBDE/GDBDE
Adopted: 2/22/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCBDE/GDBDE

Jury Duty

~~DELETE~~ (Could this be in a staff handbook? Is it in other agreements? OSBA does not have a related sample policy.)

The Board district shall ensure employees against loss of pay occasioned by a call to jury duty. It shall be the policy of Lane SD for employees to request deferment of jury duty for employees on 10-month or shorter contracts in the summer period.

The specific provisions governing the application of this policy will be contained in the administrative rules.

~~END OF POLICY~~

~~Legal Reference(s):~~

~~ORS 334.125 (5)
ORS 408.290~~

~~Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99-272, Title IX, Section 2003, 100 Stat. 232.
Internal Revenue Code, 26 U.S.C. Section 4980 B (f)(4).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Sections 4301-4333, as amended by the
Veterans' Benefits Improvements Act of 1996, P.L. 104-~~

Lane Education Service District

Code: GCBDE/GDBDE-AR
Adopted: 6/1/94
Readopted: 9/25/01
Orig. Code(s): GCBDE/GDBDE-AR

Jury Duty

Move to staff handbook? Is it in an agreement now?

When an employee is summoned to serve as a juror, ~~he/she the employee shall notify his/her their~~ immediate supervisor so that department work schedules can be planned in advance. During the entire jury duty period, the employee shall report ~~his/her their~~ schedule for the following day. Upon completion of service, the employee shall submit to ~~his/her their~~ supervisor the court stipend which will include a copy of the pay voucher showing the days actually called for ~~duty~~.

Court duty is defined as appearance before a court proceeding (civil or criminal) as witness and in response to a subpoena. Such leave shall not be available if the employee is a party in interest (e.g., a defendant or complainant) or appearing on behalf of, or in connection with, an action sponsored by the employee association (LCEA).

A full-time employee who is relieved from jury duty two hours or more before the end of any workday shall report to ~~his/her their~~ assignment for the remainder of the day. Exceptions may be made for ~~employees whose work station is located outside of the metropolitan area.~~

~~Upon return to work, the employee shall notify the business office that:~~

- ~~1. His/Her The employee's next payroll check should be reduced by the amount of compensation or witness fees received; or~~
- ~~2. He/She The employee will reimburse the ESD an amount equal to the compensation or witness fees received. If this option is elected, the employee will receive full salary from the ESD.~~

~~Payments made as reimbursement for expenses, e.g., travel, are deemed to be employee expenses and not compensation.~~

Lane Education Service District

Code: GCBDF/GDBDF
Adopted: 12/05/23

Paid Family Medical Leave Insurance (Adopt v.1 EFFECTIVE 1/1/2026)

(Version 1)

(The questionnaire indicates the ESD has an equivalent plan and does not use Paid Leave Oregon. See version 2 of this policy for adoption when the ESD uses an equivalent plan.)

The ESD participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon (PLO)¹. This includes submitting employee and employer contributions to the Employment Department (“Department”) as required by state law.² The ESD does not administer PFML I or PLO. All applications and questions should be directed to the Department.

Definitions

1. “Family leave” means leave from work taken by a covered individual:
 - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
 - b. To care for a family member with a serious health condition.
2. “Family leave” does not mean:
 - a. Leave described in Oregon Revised Statute (ORS) 659A.159 (1)(d) (non-serious health condition of child or school or child care provider closure due to public health emergency);
 - b. Leave described in ORS 659A.159 (1)(e) (death of a family member); or
 - c. Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).
3. “Family member” means:
 - a. The spouse of a covered individual;
 - b. A child of a covered individual or the child’s spouse or domestic partner;
 - c. A parent of a covered individual or the parent’s spouse or domestic partner;
 - d. A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner;
 - e. A grandparent of a covered individual or the grandparent’s spouse or domestic partner;
 - f. A grandchild of a covered individual or the grandchild’s spouse or domestic partner;
 - g. The domestic partner of a covered individual; or
 - h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

¹ Paid Leave Oregon is the program developed by the Oregon Department of Employment to administer Paid Family and Medical Leave Insurance.

² The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900). The employer contribution is 40 percent and the employee contribution is 60 percent of this amount. The amount will be set annually

Lane Education Service District

Code: GCBDF/GDBDF
Adopted: 12/05/23



4. “Medical Leave” means leave from work taken by a covered individual that is made necessary by the individual’s own serious health condition.
5. “Safe leave” means related to domestic violence, harassment, sexual assault, stalking and relocation for health and safety reasons as provided in ORS 659A.272.
6. “Serious health condition” means an illness, injury, impairment, or physical or mental condition of a claimant or their family member that:
- a. Requires inpatient care in a medical care facility such as, but not limited to, a hospital, hospice, or residential facility such as, but not limited to, a nursing home or inpatient substance abuse treatment center;
 - b. In the medical judgment of the treating health care provider poses an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
 - c. Requires constant or continuing care, including home care administered by a health care professional;
 - d. Involves a period of incapacity. “Incapacity” is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days. A period of incapacity includes any subsequent required treatment or recovery period relating to the same condition. The incapacity must involve one of the following:
 - (1) Two or more treatments by a health care provider; or
 - (2) One treatment plus a regimen of continuing care.
 - e. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as, but not limited to, asthma, diabetes, or epilepsy;
 - f. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as, but not limited to, Alzheimer’s Disease, a severe stroke, or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;
 - g. Involves multiple treatments for restorative surgery or for a condition such as, but not limited to, chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three calendar days;
 - h. Involves any period of disability due to pregnancy, childbirth, miscarriage or stillbirth, or period of absence for prenatal care; or
 - i. Involves any period of absence from work for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

E

Eligibility

1. To be eligible for PLO benefits, an individual must:

- a. Be an employee of the ESD³;
- b. Earn at least \$1,000 in the base or alternate base year⁴;
- c. Contribute to the PLO in accordance with state law;
- d. Experience an event qualifying the employee for:
 - (1) Family leave;
 - (2) Medical leave; or
 - (3) Safe leave.
- e. Submit an application to Department;
- f. Have not exceeded maximum paid leave for the year; and
- g. Have no current disqualifications⁵.

Leave

PLO can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.⁶ Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under PLO must be taken concurrently with any leave taken by an eligible employee under ORS 659A.150 - 659A.186 (OFLA) or under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes.

The ESD will maintain an employee's existing health benefits while the employee is using leave. The employee will be required to pay the employee's contribution to premiums.

END OF POLICY

Legal Reference(s):

[ORS 657B](#)

[OAR 471-070](#)

[Senate Bill 912 \(2023\)](#).
[Senate Bill 913 \(2023\)](#).
[Senate Bill 999 \(2023\)](#).

³ PFMLI is a state-wide benefit, and not unique to the ESD. An eligible individual does not need to be an employee of the ESD in order to be eligible for PFMLI, but this policy only applies to employees of the ESD.

⁴ Pay could come from another Oregon employer.

⁵ Disqualifications may include eligibility for Workers' Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

⁶ In some pregnancy-related situations, employees may be able to take two additional weeks, for a total for 14 weeks.

Lane Education Service District

Code: GCBDF/GDBDF
Adopted:

Paid Family and Medical Leave Insurance * (Version 2)

{This exemption is designed for ESDs providing an equivalent plan instead of using Paid Leave Oregon.}

The ESD provides an equivalent plan for paid family and medical leave and does not participate in Paid Leave Oregon. This plan [has been approved] by the Employment Department. ^{1} The ESD will file the Oregon Quarterly Tax Report as required.

The ESD will make available a notice poster that outlines the requirements and procedures for the equivalent plan.² This poster will be displayed in each of the ESD's buildings or worksites in an area that is accessible to and regularly frequented by employees. This poster will be provided³ to remote employees upon hire or assignment to remote work.

***ADOPT Ver. 2 now – until 12/31/2025**

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END OF POLICY

Legal Reference(s):

[ORS 657B.210 – 657B.260](#)

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

^{1} Deadlines for the ESD to file an exemption application can be found on OAR 471-070-2205. Application requirements can be found in OAR 471-070-2210.

Finance Department - 317-870-4100
Lane Education Service District

³ By hand delivery, regular mail, or through an electronic delivery method.

Code: GCBDF/GDBDF

Adopted:

Paid Family and Medical Leave Insurance * – GCBDF/GDBDF

Paid Family and Medical Leave Insurance *

Lane Education Service District

Code: GCBDF/GDBDF-AR
Revised/Reviewed: 11/07/23

Paid Family Medical Leave Insurance (PFMLI) **ADOPT - Effective 1/1/2026**

Application

Employees may submit applications for Paid Leave Oregon (PLO) to the Oregon Employment Department (“Department”).¹ Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.² The Department may require verification from the employee.³ The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.⁴ The ESD cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department in accordance with Oregon Revised Statute (ORS) 657B.010 and Oregon Administrative Rule (OAR) 471-070-2220.

Employee Notice to ESD

If the leave is foreseeable⁵, the employee must provide the ESD with written notice⁶ at least 30 calendar days prior to the leave. If the leave is not foreseeable⁷ the employee must give oral notice to the ESD within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.⁸ The ESD requests as much advanced notice as possible.

The notice must include:

1. The employee’s first and last name;

¹ For application requirements see ORS 657B.060 and Oregon Administrative Regulation (OAR) 471-070-1100. <https://paidleave.oregon.gov/>

² Exceptions may be granted when the applicant can demonstrate good cause for late submission.

³ See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

⁴ The benefit may be less than the employee’s salary. See ORS 657B.050.

⁵ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310(1).

⁶ Written notice includes, but it not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁷ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

⁸ If other leave also applies (OFLA, FMLA, etc.), notice requirements for those types of leave may also apply.

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2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the ESD as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or PLO to satisfy the notice requirements.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(9)-(10).

Concurrent Use of ESD-Provided Paid Leave

The ESD allows employees to use employer-provided paid leave in addition to receiving PLO benefits to replace an employee's wages up to 100 percent of the eligible employee's average weekly wage. Example:

An employee applies and is approved for PLO for a personal serious medical condition. The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available ESD-provided paid leave (sick, vacation or otherwise) for days that PLO is received, but is limited to only utilizing an amount that increases the employee paid leave to 100 percent of regular payment. In this example, the amount would be 25 percent.

Return to Work

Upon completion of leave, the employee is entitled to return to the position held in the ESD prior to the leave, if that position still exists and if the employee had been employed in the ESD for 90 days prior to taking leave.⁹ If the position no longer exists, the employee is entitled to a position equal to their previous position, with equal benefits, pay and other terms and conditions of employment.

Communications Between the ESD and the Department

Upon receipt of an application or update in information from an ESD employee for PLO, the Department will notify the ESD. The ESD may provide additional information to the Department within 10 days. This information may include, but is not limited to, information about the employee's notice to the ESD or verification of the employee's continued employment with the ESD. If the ESD does not report such information to the Department, the Department will proceed using available information. The ESD can provide additional information to the Department as it becomes available.

If the Department requests additional information from the ESD, the ESD will respond within 10 calendar days.

⁹ If the employee's leave also qualifies for OFLA/FMLA protection, see also Board policy GCBDA/GDBDA - Family Medical Leave and its accompanying administrative regulations.

Once the Department has issued a decision regarding an application submitted by an employee of the ESD, the Department will notify the ESD regarding the approval or denial and any applicable dates and periods of leave. The ESD cannot appeal a Department decision.

ESD Notice to Employees

At the time of hire and each time the policy or procedure changes, the ESD must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;
2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the ESD before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or PLO, taking leave under the program or claiming PFMLI or PLO benefits are prohibited;
7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to an employer by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹⁰

The ESD will display this notice in an area that is accessible to and regularly frequented by employees in each building or worksite. The ESD will provide this notice to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

ESD Filings

The ESD will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the ESD fails to submit required filings or report, or fails to pay all required contributions, the ESD may be penalized in accordance with OAR 471-070-8520.

¹⁰ Paid Leave Oregon will provide a model notice, <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>. This policy can also be used as the notice.

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or PLO, giving notification of leave under PLO, taking PLO leave or claiming PLO benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

Any health information related to family leave, medical leave or safe leave provided to the ESD by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

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Lane Education Service District

Code: GCBE/GDBE
Adopted: 1/25/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCBE/GDBE

Vacation - DELETE

(Is this covered in staff handbook? Agreements?)

The Board shall provide for annual vacation for ~~all regular 12-month employees, consistent with any~~ pertinent statutes and pursuant to the provisions of ~~this policy and related administrative rules.~~

The purpose of vacation is to provide an interval ~~of rest and relief from the routine of work. The Board~~ believes such a respite, taken regularly, will ~~increase the employee's productivity and serve the welfare of~~ the employee.

The Board reserves the right to specify the conditions under which vacation may be taken. The superintendent shall develop procedures which will assure that all employees regularly use their accrued vacation.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 336.010](#)

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Lane Education Service District

Code: GCBE/GDBE-AR
Adopted: 5/07/19
Revised/Readopted: 5/07/21
Orig. Code(s): GCBE/GDBE-AR

Staff Vacation DELETE

(This references the CBA. Is there anything in this AR that is not in the CBA? Even then, could it be in the staff handbook? Or does it need to stay as an AR?)

Vacation is awarded to staff working a 260-day contract, as described in the LCEA ESD Collective Bargaining Agreement and the Lane ESD Management Agreement. Employees who work a 260-day contract shall be granted full accrued vacation leave each year. Employees are strongly encouraged to use their vacation award each year. However, the director or superintendent shall retain discretion regarding the scheduling of the leave. The needs and operations of the ESD as well as the interests of the employee shall be considered in determining the scheduling of vacation.

To assist in the development of the vacation schedule, the guidelines stated herein are to be followed:

1. ~~Management staff hired prior to 7/1/2007 are awarded vacation accrual at the end of each fiscal year, or July 1 of the subsequent year. Management staff hired after 7/1/2007 are awarded vacation accrual at the start of each fiscal year or prorated upon hire.~~
2. ~~Bargaining unit members hired before 7/1/2019 are awarded vacation accrual at the end of each fiscal year. Bargaining unit members hired after 7/1/2019 are awarded vacation accrual at the start of each fiscal year or prorated upon hire.~~
3. ~~Vacation posted to an employee's record is to be used during the fiscal year that it is posted;~~
4. ~~In the event that an employee is unable to use their full vacation award, up to 5 days of unused vacation will be posted to the employee's leave record on the subsequent July 1. The maximum amount of vacation days to be rolled over into a subsequent year is 5 (five). Any vacation days in excess of 5 days on June 30th those days are forfeited.~~
5. ~~In special circumstances, directors have the discretion to allow employees who have successfully completed their probation to use earned vacation days prior to posting on the employee leave records. Requests should be made in writing by the employee, approved by the director prior to use;~~
6. ~~In the event an employee terminates prior to using the accrued vacation, he/she shall be paid for the time at the employee's daily salary rate at the time of his/her resignation.~~
7. ~~Should an employee terminate having used more than accrued, the overuse of vacation leave will be deducted from the employee's final paycheck.~~
8. ~~The superintendent contract will contain information on vacation award, accrual, and carry-over of leaves.~~

Lane Education Service District

Code: GCC
Adopted:

Recruitment of Licensed Staff *

(Highly recommended)

The superintendent will develop and maintain a recruitment program designed to attract licensed personnel to the ESD.

It is the responsibility of the superintendent, with the assistance of other ESD administrators, to determine the personnel needs of the ESD and to locate suitable candidates to recommend for employment by the ESD. Those factors considered will include, but not be limited to, the diverse characteristics of the ESD.

The search for licensed staff members may extend to a variety of educational institutions and geographical areas.

Present employees who meet the stated requirements are encouraged to apply for any vacant ESD position.

END OF POLICY

Legal Reference(s):

ORS 326.051	ORS 659A.030	ORS 659A.309
ORS 334.125(5)	ORS 659A.040 to -659A.052	ORS 659A.409
ORS 342.934	ORS 659A.109	
ORS 659.805	ORS 659A.142	OAR 581-021-0045
ORS 659.850	ORS 659A.145	OAR 581-024-0245
ORS 659A.009	ORS 659A.233	
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ORS 659A.029	ORS 659A.236	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2016).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2016).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.

Lane Education Service District

Code: GCCA
Adopted:

Posting of Licensed Staff Vacancies *

OPTIONAL policy

The ESD shall attempt to recruit the most suitably qualified applicants for filling licensed positions. Announced vacancies will be prominently posted in district facilities as deemed appropriate by the superintendent.

All postings will notify applicants that equal employment opportunity and treatment shall be practiced by the ESD. The employers' duties under the Americans with Disabilities Act, including the duty to reasonably accommodate upon request and with appropriate advance notice, will be clearly stated.

A copy of the posting will be sent to association representatives. During the summer break such notices will be mailed to the president of the association. All notices will include the following information:

1. Job title;
2. Qualifications (license required);
3. Essential job functions;
4. Special requirements;
5. Terms of employment;
6. Salary range;
7. Posting dates;
8. Closing dates;
9. Other - as may be required or requested by the administrator initiating the job order.

END OF POLICY

Legal Reference(s):

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

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

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Lane Education Service District

Code: GCDA/GDDA
Adopted: 8/30/94
Revised/Readopted: 9/25/01; 12/15/09; 2/25/14;
3/29/16; 12/06/17; 2/05/19;
12/03/19
Orig. Code(s): GCDA/GDDA

Criminal Records Checks and Fingerprinting

(Version 1)

~~In a continuing effort to ensure the safety and welfare of students and staff, the ESD shall require all newly hired full time and part time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and fingerprinting as required by law. Other individuals, as determined by the ESD, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting, as established by Board policy and as required by law.~~

~~“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.~~

~~Pursuant to state law, a criminal records check or fingerprint based criminal records checks shall be required of the following individuals²:~~

- ~~1. All individuals employed as or by a contractor, whether employed part time or full time, and considered by the ESD to have direct, unsupervised contact with students;~~
- ~~2. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood education program or at a grade K through 12 school site during the regular school day;~~
- ~~3. Any individual considered for volunteer service with the ESD who is allowed to have direct, unsupervised contact with students.~~

~~The ESD will provide the 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 shall require a fingerprint based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions³:~~

- ~~1. Volunteers transporting students, other than their own, in a private vehicle off ESD property for an ESD sponsored activity.~~

¹Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the ESD has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

²Subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

³If the ESD requires fingerprinting for certain volunteer positions, the ESD is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the positions in the ESD that require such fingerprinting.

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

~~A subject individual shall be subject to the collection of fingerprint information, only after the offer of employment or contract from the ESD and may be charged a fee by the ESD. A subject individual may request the fee be withheld from the amount otherwise due the individual.~~

~~When the ESD is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract, the individual will not be employed or contracted. When the ESD is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual may be employed or contracted with by the district, or if employed by the district may be terminated. A subject 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 or contracted with by the ESD.~~

~~The ESD's use of criminal history must be relevant to the specific requirements of the position, services or employment.~~

~~A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the ESD.~~

~~The ESD shall begin the employment of a subject individual or terms of an ESD contractor on a probationary basis pending the return and disposition of 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.~~

~~The superintendent shall develop administrative regulations as necessary to meet the requirements of law.~~

Appeals

~~A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the ESD to the Superintendent of Public Instruction as under ORS 183.413—183.470.~~

~~A volunteer may appeal a determination from a fingerprint-based criminal records check by ODE that prevents the ability to volunteer with the ESD to the Superintendent of Public Instruction as a contested case under ORS 183.413—183.470.~~

END OF POLICY

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).~~

Lane Education Service District

Code: GCDA/GDDA

Adopted:

Orig. Code(s): GCDA/GDDA; GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting *

(Version 2)

{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 ~~{ }~~ not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)

All newly hired employees² not identified under Oregon Revised Statutes (ORS) 342.223³ 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 district⁴ or private school, and has not resided outside the state between the two periods of employment⁵.

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 ~~[ESD]~~ 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 ~~[may⁶]~~ ~~[shall not]~~ begin the employment of an individual [on a probationary basis pending] - ~~[before]~~ the return and disposition of the required criminal records checks.

¹ {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.}

² 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).

³ 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.

⁴ 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.

⁵ {Additional exception applies through July 1, 2024. See ORS 326.603(4)(b).}

⁶ Decisions regarding which employees may begin before the return of the required criminal records checks must be made in a nondiscriminatory manner.

When the criminal records check indicates an individual has been convicted of any crimes⁷ 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 crime, the individual ~~may not~~ be employed by the ESD, or if employed by the ESD ~~may not~~ 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 not~~ 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⁽⁸⁾

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⁷ See OAR 581-021-0511(8).

⁸ {The ESD should include language regarding background checks in any contract that includes direct, unsupervised contact with students whenever applicable.}

All individuals employed as or by a contractor and considered by the ESD to have direct, unsupervised contact with students⁹ or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

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. Notification¹⁰ 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 [may] [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 ESD shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:~~

- ~~1. Head coach;~~
- ~~1. Assistant coach;~~
- ~~1. Overnight chaperone;~~
- ~~1. Volunteers transporting students, other than their own, in a private vehicle off ESD property for an ESD-sponsored activity;~~
- ~~2. List of other positions subject to this fingerprinting, if any.~~

~~The service of a volunteer into a position identified by the ESD as requiring a fingerprint-based criminal records check [may] [will not] begin [on a probationary basis pending] [before] the return and disposition of a state and national criminal records check based on fingerprints. [§] -~~

Commented [LF1]: The questionnaire indicates that no volunteers are fingerprinted, however the original district policy said this group of persons were fingerprinted. If this is not current practice any longer, this section, between the indicators **...**, should be struck. Let me know when to make any edits.

⁹ "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)

¹⁰ 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.

¹¹ {If the ESD requires fingerprinting for certain volunteer positions, the ESD is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the positions in the ESD which require such fingerprinting.}

^{12} All ~~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 any volunteer allowed to have direct, unsupervised contact with students~~ **[may] [will not] begin** **[on a probationary basis pending] [before]** the return and disposition of a criminal records check.]

~~[A volunteer that is not likely to have direct, unsupervised contact with students, as determined by the ESD, [will] [will not] be required to submit to an in-state 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 342.142, 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 [may] [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] [ESD].
Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the [individual] [ESD].
[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.]~~

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;

¹² {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.}

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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)] ~~[may]~~ ~~{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 [may] {will} result in immediate termination from the ability to volunteer in the ESD.} [The ESD [may] {will} remove the volunteer from the position allowing direct, unsupervised contact with students.] -~~

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

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 334.125](#)

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[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).

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Lane Education Service District

Code: GCDA/GDDA-AR
Adopted: 10/26/94
Revised/Reviewed: 9/25/01; 12/04/07; 10/27/09;
3/19/13; 8/11/16; 11/07/17;
1/08/19; 11/05/19; 1/03/23
Orig. Code(s): GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting - DELETE

Requirements

- ~~1. Any individual newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a criminal records check and fingerprinting.~~
- ~~2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall also be required to undergo a criminal records check and fingerprinting with TSPC.~~
- ~~3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.~~
- ~~4. Any individual hired as or by a contractor², whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the ESD shall be required to submit to a criminal records check and fingerprinting.~~
- ~~5. The superintendent will identify contractors who are subject to such requirements.~~
- ~~6. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.~~
- ~~7. A volunteer allowed by the ESD into a position that has direct, unsupervised contact with students shall undergo an in-state criminal records check.~~

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the ESD has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the ESD.

8. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy³ by the ESD as requiring a finger print based criminal records check, shall undergo a state and national criminal records check based on fingerprints.
9. A volunteer that is not likely to have direct, unsupervised contact with students will be required to undergo an in state criminal records check.

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if:

1. The ESD has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district, private school or ESD, and has not resided outside the state between the two periods of employment; or
2. The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the commission.

Notification

1. The ESD will provide the following notification to individuals subject to criminal records checks and fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the ODE that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the ESD;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on ESD employment applications, contracts, ODE forms (written or electronic) will result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes, if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will

³ See policy GCDA/GDDA—Criminal Records Checks and Fingerprinting.

⁴ Any individual hired within the last three months.

result in immediate termination from the ability to volunteer in the ESD. The ESD will remove ~~the volunteer from the position allowing direct, unsupervised contact with students.~~

- ~~2. The ESD will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.~~

Processing and Reporting Procedures

- ~~1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the ESD. The ESD shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.~~
- ~~2. Fingerprints may be collected by one of the following:
 - ~~a. Employing ESD staff;~~
 - ~~b. Contracted agent of employing ESD; or~~
 - ~~c. Local or state law enforcement agency.~~~~
- ~~3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the ESD will provide the name of the individual to be fingerprinted to the authorized fingerprinter.~~
- ~~4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the ESD of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.~~
- ~~5. A copy of the fingerprinting results will be kept by the ESD.~~

Fees

- ~~1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the ESD and not requiring licensure, including persons hired as or by contractors⁵, shall be paid by the individual.~~
- ~~2. An individual offered a contract or employment by the ESD may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.~~
- ~~3. Fees associated with required criminal records checks for volunteers shall be paid by the individual.~~
- ~~4. Fees associated with a required fingerprinting for volunteers shall be paid by the individual.~~

⁵ A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the ESD.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

- ~~1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the ESD upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁶ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.~~
- ~~2. A subject individual will be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.~~
- ~~3. Employment termination shall remove the individual from any ESD policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of the Accountability for Schools for the 21st Century Law.~~
- ~~4. A volunteer who refuses to submit, when required, to criminal records check or a fingerprint based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the ESD.~~
- ~~5. If the ESD has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual may be denied the ability to volunteer.~~
- ~~6. A volunteer who knowingly makes a false statement, as determined by the ESD, on an ESD volunteer application form may be denied the ability to volunteer in the ESD.~~

Appeals

~~A subject individual may appeal a determination from ODE, that prevents employment or eligibility to contract with the ESD to the Superintendent of Public Instruction as a contested case under ORS 183.413 — 183.470.~~

~~A volunteer may appeal a determination from a fingerprint based criminal records check by ODE that prevents the ability to volunteer with the ESD to the Superintendent of Public Instruction as a contested case under ORS 183.413 — 183.470.~~

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

Lane Education Service District

Code: GCI/GDI
Adopted: 1/25/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCI/GDI

Assignments and Transfers

Initial assignment of employees will be made by the superintendent or his/her designee. Assignment of all licensed and classified personnel employed by Lane ESD will be under the superintendent's direction of the superintendent.

The superintendent will develop procedures for voluntary and involuntary transfer of employees within the ESD.

These procedures will be based on filling the ESD's personnel needs.

END OF POLICY

Legal Reference(s):

[ORS 236.610 to -236.630](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: GCJA/GDJA
Adopted: 3/20/01
Revised/Readopted: 6/07/22
Orig. Code(s): GCJA/GDJA

Telecommuting/Remote Work

The Board recognizes telecommuting/remote work as a work option for selected employees. The Board affirms that all positions and employees have the expectation of some “in person attendance.” When appropriately applied, the practice of telecommuting/remote work can benefit both the ESD and the employee in the following ways:

- Increased productivity;
- Enhanced employee morale;
- Reduced vehicular fuel consumption;
- Reduced air pollution and traffic congestion.

Telecommuting is a work alternative between the ESD and employee and approved by the supervisor where the employee works at home or an alternative location part of the week and at a central worksite the other part of the week.

Examples of work that may appropriate for remote work, may include but are not limited to:

1. Preparing of training and instructional presentations and/or materials;
2. Online collection of data, online research, online acquisition of materials;
3. Data analysis, review and vetting of curricular materials, legal review;
4. Distinct projects, large reports, note transcription, proposals, campaigns;
5. Financial analysis, budget creation, account reconciliation, accounts payable;
6. Data and/or evaluative analysis;
7. Publication, design, editing, or content creation;
8. Consultative work, policy analysis and creation; or
9. Projects, tasks and deliverables with distinct and quantifiable outcomes.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 334.125](#)

Lane Education Service District

Code: GCJA/GDJA-AR
Adopted: 3/20/01
Revised/Readopted: 10/25/05; 6/07/22
Orig. Code(s): GCJA/GDJA-AR

Telecommuting/Remote Work

All positions within the ESD have the expectation of “in person attendance” at locations determined by the Superintendent and/or designee, and the needs of the program.

Some positions based upon the associated duties and responsibilities in conjunction with an employee’s suitability may be considered for “remote” work. The approval of a “remote” work option is defined to mean that a specified portion of an employee’s work assignment can be successfully completed from a remote location.

All “remote” work agreements are approved on a case-by-case basis for a specific scope and duration. An employee’s “remote” work agreement will be reviewed as needed and not less than once a year during the evaluation process, to determine if such an agreement should be continued, modified or discontinued. Approval of remote work is at the sole discretion of the ESD.

Employees interested in any level of a “remote” work option shall complete the Remote Work application for their supervisor to review. The application will also be reviewed by Technology Services and Human Resources. The purpose of the application and agreement is to address potential issues in advance of any occurrence and ensure that both the supervisor and the employee have a clear, shared understanding of the employee’s “remote” work arrangement.

A remote work agreement is not a contract of employment and does not provide any contractual rights nor does it alter or supersede the terms of the existing collective bargaining agreement or applicable policy. The ESD reserves the right to modify or terminate “remote work status” at its sole discretion.

Employees requesting to remote work as the result of a medical condition or to care for a family member, should contact Human Resources. Remote work is not intended to be used to avoid placing an employee on a protected leave of absence to which they are entitled.

In considering Remote Work Applications, the ESD reserves the right to:

1. Determine the number of remote positions, if any;
2. Require remote employees to attend employee training or other professional development activities;
3. Rescind any remote assignment, or change a remote or partially remote position at its sole discretion;
4. Require remote employees to modify their location of work with reasonable notice.

Definition of the Workday

In making a Remote Work application the employee is expected to know their status of related to the Fair Labor Standards Act (FLSA) and commit to complying with these rules:

1. Exempt or non-exempt status: The ESD has determined the status all employees based upon the criteria established under FLSA standards. An employee's exempt or nonexempt status applies to both "in person" and "remote" work.
2. Work-week: A full-time work week for employees shall be defined as 40 hours of work within a 7-day period, from 12:01 ~~A.m.~~ Sunday through 12:00 ~~midnight a.m.~~ Saturday.
3. Travel time: Travel time for employees may be compensable according to ESD fiscal policy. Travel incurred while commuting to and from an approved "remote" work location and other regular work locations are not compensable.
4. Rest and Meal periods: The ESD will be responsible for establishing the rest and meal periods schedule for nonexempt employees. Nonexempt employees are expected to comply the schedule or confer with their supervisor if the schedule is not working as intended.
5. Overtime: Employee with approved "remote" work assignments are expected follow all ESD procedures for approval and documentation of compensatory time and overtime

Remote Work Application

The information collected in the "Remote" Work application is intended to allow the ESD to properly assess those who have the potential of being approved for a "remote" work agreement.

Considerations and parameters for approval of "remote" work assignments include but are not limited to the following:

1. Considerations related to the employee's assignment/duties include but are not limited to:
 - a. Does the assignment require ongoing access to equipment, materials and files that should be accessed on ESD property?
 - b. Does the assignment require extensive face-to face contact with supervisors, subordinates, other employees, clients or the public on ESD property?
 - c. Does the assignment require extensive time in meetings or performing work at ESD, component district or community work sites?
 - d. Do security issues require the assignment to be conducted on ESD property?
2. Considerations related to the employee's suitability for telecommuting include but are not limited to:
 - a. The employee has effective written and verbal communication skills.
 - b. The employer has an ESD assigned laptop.
 - c. The employee works independently without constant supervision.
 - d. The employee has successfully completed probation and is productive in their current work location.
 - e. The employee is well organized.
 - f. The employee is self-motivated with demonstrated problem-solving skills.
 - g. The employee is able to work within timelines and meet deadlines.
 - h. The employee has ability to work in an environment with little structure.
 - i. The employee has overall good performance.
 - j. Other relevant criteria.

3. Positions and types of work that do not lend themselves the requirements for remote work, may include but are not limited to, identifiable portions of:
 - a. Positions which require “face to face” interaction or service as a prime function.
 - b. Jobs which require close and ongoing supervision of employees.
 - c. Positions which require discussions with employees, negotiations, or direction.
 - d. Tasks and jobs requiring equipment or material located onsite.
 - e. Technology services dealing with the support of onsite hardware or equipment.
 - f. Collaborative meetings, group work, team building and cooperative endeavors.
 - g. Any interaction involving “face to face” communication with external patrons.
4. Considerations related to the employee’s proposed workspace include:
 - a. Space that is safe, distraction-free, and has adequate lighting and ventilation.
 - b. Allows for ergonomically correct positioning.
 - c. Internet connection with adequate speed and bandwidth to support the assigned work.
5. The following expectations apply to all employees who are approved for “remote” work:
 - a. The alternate work location is located within Oregon/ESD region. In the event that an employee moves or changes positions within the ESD, the remote work plan will be reevaluated to ensure that a remote work option continues to be appropriate;
 - b. The employee is responsible for providing their own internet, phone service and telephone; unless a cell phone is assigned to the positions. In the event of connectivity issues in the alternative work site, the employee will be expected to report in person to a Lane ESD worksite;
 - c. The employee will follow all password requirements to secure computer information so no one in the home except the employee can access work-related information. Employees also agree to prevent information from being viewable for periods of time when not using the computer. The precautions described in this agreement apply regardless of the storage media on which information is maintained, the locations where the information is stored, the systems used to process the information, or the process in which the information is stored;
 - d. Employees working remote schedules will follow all ESD handbooks, policies, directives, and board policies. Employees are subject to all performance expectations regarding confidentiality, including HIPAA and FERPA. Employees must take proper measures to secure ESD data, information, assets and systems;
 - e. The ESD will not be responsible for any operating costs, maintenance, insurance, equipment or incidental expenses associated with the “remote” work assignment. The ESD does not assume any liability for loss, depreciation, damage, or wear and tear of employee-owned equipment;
 - f. The employee will avoid negligent behavior with ESD-owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure. An employee may not leave ESD technology or other property in an unoccupied vehicle;
 - g. The employee will hold work related conversations in such a way as to maintain confidentiality of student and employee information as required by board policy and law;
 - h. The employee will report to work to do printing, copying, and to secure supplies and other materials purchased if needed for performance of job duties;
 - i. The employee will be able to dedicate their full attention to their job duties during working hours;
 - j. Non-exempt employees will adhere to all meal and rest break and attendance schedules established by their supervisor and in accordance with state law. Employees are expected to track and record hours worked in the same manner required as when working at the regular worksite;
 - k. Unless exempt, employees will refrain from work outside of scheduled work hours, without supervisor approval; and report via timesheet or flex time tracker any hours worked beyond scheduled work hours;

- l. Remote work is not intended to permit employees to attend to personal business, such as performing outside employment or providing primary care for anyone at the alternate worksite;
- m. Provision of childcare, or care to dependents or family members should not have a significant impact on completion of all work tasks and/or scheduled work time;
- n. When accessing all leaves, all normal absence reporting and approval processes using the ESDs absence management system will be used;
- o. In the case of a protected leave, employees should not work regardless of “remote” work authorization;
- p. The employee will coordinate with other team members, whether on-site or remote, to support effective collaboration and communication;
- q. The employee will be available to co-workers, supervisors, and district or community partners by phone, text, or email during assigned work hours;
- r. The employee will check-in with their supervisor on a regularly scheduled basis, as established by their supervisor;
- s. Supervisors may schedule the employee to be on-site at any time including scheduled remote workdays;
- t. The employee will work from their agreed upon location, unless otherwise directed or approved. Working at/from an alternative location is permitted with prior permission from the supervisor. Staff may not work from a location which is out of state;
- u. For security reasons, ESD technology must be used when performing remote work;
- v. The employee will maintain a work area that is ergonomically safe and free of obstructions and hazardous situations. Employees are expected to submit work-related accident/injury reports in the same manner as if working onsite;
- w. The employee will complete all communication, job requirements and duties in accordance with expectations for quality, quantity, and timeliness;
- x. The employee will maintain a professional work environment in appearance and free from distractions during online meetings;
- y. ESD-provided equipment is ESD property and the ESD retains control over the property and reserves the right to monitor such property even when used at a remote location;
- z. At the end of the employment relationship or termination of the remote work agreement, equipment assigned property must be returned to the ESD;
- aa. Employees are expected to notify the ESD promptly of any ESD property that is lost or stolen from their remote location. Unless reported promptly the employee will reimburse the ESD for lost or stolen property;
- bb. Employees must protect assigned ESD property and not engage in any form of misuse. Equipment supplied by the ESD is to be used for business purposes only. The remote worker will sign an inventory of all ESD property received and agree to take appropriate action to protect the items from damage or theft.

Lane Education Service District

Code: GCKA/GDKA
Adopted: 1/25/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCKA/GDKA

~~Overtime -DELETE~~

(Is this included in agreements? Also, this restates law. Add to staff handbook.)

Lane ESD may budget funds to compensate employees eligible under ORS ~~279.340~~~~653.268~~ as determined by human resources.

Overtime is defined as time worked over 40 hours in one week. A week is defined as ~~seven consecutive~~ days covering Monday through Sunday.

If funds are available, overtime will be compensated at not less than one and one ~~half times the rate of pay.~~ ~~A rate of pay will be calculated for each eligible employee working overtime.~~

~~If funds are not available for overtime, compensatory time at not less than time and one half will be allowed.~~

~~The ESD will develop procedures to implement this policy to include overtime request procedures, establishing rate of pay and scheduling compensatory time.~~

~~END OF POLICY~~

Legal Reference(s):

~~ORS 279.340~~~~ORS 653.268~~

~~Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Sections 206 and 207.~~

Lane Education Service District

Code: GCKB/GDKB
Adopted: 9/25/01
Orig. Code(s): GCKB/GDKB

Meetings - DELETE

(This can be communicated in staff handbook)

~~The superintendent or his/her designee will hold staff meetings to take care of business that cannot be handled through staff bulletins or through the departmental or committee structure.~~

~~All staff are expected to attend staff meetings unless prior arrangements have been made with the appropriate director.~~

~~Any meeting sponsored or called by a labor organization during contract hours is subject to prior approval by the superintendent or designee. Attendance by staff members at meetings scheduled by the labor organization will be left to the discretion of each employee. Any cost associated with attending a meeting called by a labor organization will be borne by the individual employee or the labor organization, subject to statutory and collective bargaining agreement provisions.~~

END OF POLICY

Legal Reference(s):

ORS 334.125 (7)

Lane Education Service District

Code: GCL
Adopted: 4/26/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCL

~~Staff Development – Licensed * – DELETE~~

~~The Lane ESD Board recognizes the importance of continued educational experiences and other professional growth activities as a means to improve job performance. Continual work toward professional growth will be expected of all licensed staff members.~~

~~Professional development activities growth experiences may include, but are not limited to, college courses, workshops, curriculum planning, research, travel, supervision of teacher trainees and other activities approved by the supervisor. Professional development offerings from the ESD may be planned to help licensed employees meet the requirements of their licenses.~~

~~When contracting with third parties to provide training for employees, the Board recognizes it is not relieved of the responsibility to ensure that appropriate reasonable accommodations for qualified individuals with disabilities have been made. The Board will provide The ESD will provide appropriate, reasonable accommodations to ensure such training, whether provided by the ESD or through ESD contracts with third parties, is made available for qualified disabled employees with disabilities.~~

~~Requests for release time for attendance at meetings or conferences may be approved as deemed appropriate by the ESD and with the stipulation that:~~

- ~~1. Requests are to be submitted sufficiently in advance to permit appropriate administrator consideration; and~~
- ~~2. Where release time is granted, a written report will be submitted to the administration after such meeting or conference. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of teachers, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend ESD funds.~~

~~Continuing professional development (CPD) plan requirements, as set forth in OAR Chapter 584, Division 090 by the Teacher Standards and Practices Commission (TSPC) for license renewal, are the sole responsibility of the employee. The selection of the employee's CPD advisor shall be subject to approval by the individual's supervisor.~~

~~Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee's supervisor [or superintendent], who will verify that the licensed employee has successfully completed the professional development requirements on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.~~

~~END OF POLICY~~

Legal Reference(s):

[ORS 329.095](#)

[ORS 342.138\(3\)](#)

[OAR 584-018-0205](#)

[ORS 329.125](#)

[ORS 342.856](#)

[ORS 329.704](#)

[OAR 584-255-0010 to -0030](#)

[ORS 334.125](#)

[OAR 581-024-0245](#)

[Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 \(ERB 1978\).](#)

[Eugene Educ. Ass'n v. Eugene Sch. District 4J, Case No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 \(1980\).](#)

[Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 \(2012\); 29 C.F.R. Part 1630 \(2017\); 28 C.F.R. Part 35 \(2017\).](#)

[Americans with Disabilities Act Amendments Act of 2008.](#)

Lane Education Service District

Code: GCL-AR
Revised/Reviewed: 5/11/94; 9/25/01; 4/04/17
Orig. Code(s): GCL-AR

~~Staff Development—Licensed~~

~~(This is from the OARs but not required to be in an AR. OPTIONAL)~~

~~The completion of professional development requirements, as set forth in Oregon Administrative Rule (OAR) Chapter 584, Division 255 by the Teacher Standards and Practices Commission (TSPC) for licensing or license renewal, is the sole responsibility of the employee.~~

~~1. Each professional licensed employee employed by the ESD shall meet the standards as stated in OAR 584.420-0030 for:~~

~~a. Learner and Learning:~~

- ~~(1) Learner development;~~
- ~~(2) Learning differences;~~
- ~~(3) Learning environments.~~

~~b. Content:~~

- ~~(1) Content knowledge;~~
- ~~(2) Application of content.~~

~~e. Instructional Practice:~~

- ~~(1) Assessment;~~
- ~~(2) Planning for instruction;~~
- ~~(3) Instructional strategies.~~

~~d. Professional Responsibility:~~

- ~~(1) Professional learning and ethical practice;~~
- ~~(2) Leadership and collaboration.~~

~~2. The continuing professional development of each licensed employee shall conform to the following standards for professional development as stated in OAR 584.255-0020:~~

~~a. Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility and goal alignment;~~

~~b. Leadership: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who: develop capacity, advocate and create support systems for professional learning;~~

~~e. Resources: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring and coordinating resources for educator learning;~~

- ~~d. — Data: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator and system data to plan, assess and evaluate professional learning;~~
 - ~~e. — Learning Designs: Professional learning that increases educator effectiveness and results for all students integrates theories, research and models of human learning to achieve its intended outcomes;~~
 - ~~f. — Implementation: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change;~~
 - ~~g. — Outcomes: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.~~
- ~~3. — Each employee is responsible for acquiring the number of continuing professional development units (PDUs) to meet the requirements as stated by the TSPC.~~
 - ~~4. — The ESD will attempt to offer as many professional development activities as recognized needs warrant and resources permit.~~
 - ~~5. — Acceptable professional development activities shall be those reviewed and approved by the employee's supervisor or superintendent and for which evidence is submitted to verify completion.~~
 - ~~6. — Licensed individuals transferring to the ESD from another ESD or district, including those educators hired without previous experience, shall submit any PDUs of credit earned to their supervisor or superintendent for review.~~
 - ~~7. — Upon receipt of evidence from an employee, the employee's supervisor or superintendent shall verify completion of the required PDUs for license renewal on the TSPC provided Professional Educational Experience Report (PEER) form, and submit the form to the superintendent.~~
 - ~~8. — The superintendent shall ensure that the required forms are submitted to the TSPC.~~
- 9.1. Completed TSPC, PEER forms shall be filed in the employee's personnel file.

Lane Education Service District

Code: GCN/GDN
Adopted: 4/24/01
Readopted: 9/25/01
Orig. Code(s): GCN/GDN

Evaluation of Staff (Version 1)

A priority of Lane Education Service District is to create and sustain a professional staff and work environment that enables effective participation in the identification, design, development, delivery and evaluation of valued services to learners, schools, families and communities. In order to meet this priority, staff members must be evaluated in accordance with a well-defined set of performance standards and job expectations. Furthermore, the Board believes that the employee must take a major share of the responsibility for his/her own growth and performance. The goal of the evaluation programs is to create an environment in which the employee can realize personal satisfaction and fulfillment while working to accomplish the goals of the organization.

The objective of the four employee evaluation programs (classified, licensed, confidential and administrator) is to facilitate decision making regarding an employee's performance and professional development. To this end, the programs serve the purpose of:

1. Fostering increasing competence and growth of the employee;
Measuring and judging performance;
3. Clarifying both the job to be done and the expectations of accomplishment;
4. Enhancing communication.

These purposes are accomplished through the following processes:

2. Collecting data in an orderly and systematic fashion;
2. Relating individual performance to organizational goals and a set of performance standards;
3. Establishing performance/personal goals through employee/supervisor communication.

It shall be the responsibility of the superintendent to assure that the evaluation plans are regularly and consistently applied to all employees and that records of evaluations are provided and maintained as required by the evaluation plans themselves and by the statutes. Copies of the evaluation plans and procedures shall be retained in the human resources department and distributed, as necessary.

END OF POLICY

Lane Education Service District

Code: GCN/GDN
Adopted:

Evaluation of Staff *

(Version 2)

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract non-extension, contract renewal or non-renewal, dismissal and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the ESD for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support

Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the teacher's professional growth path;
6. Customized by each ESD, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students, the school and the ESD;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the ESD must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the ESD.

Classified Staff

All classified employees will be formally evaluated ~~[by their immediate supervisor]~~ at least ~~[twice]~~ during their first year of employment and at least ~~[once each year]~~ thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 334.125\(5\)](#)

[ORS 342.815 to -342.934](#)

[OAR 581-024-0245](#)

Lane Education Service District

Code: GCPA
Adopted: 1/25/94
Revised/Readopted: 6/25/01; 8/27/02; 7/18/06;
5/19/09
Orig. Code(s): GCPA

~~Layoff Reduction or Recall of Licensed Staff *~~

When the Board is considering a reduction of staff due to a lack of funds to continue the educational program at its anticipated level or due to the elimination or adjustment of classes due to an administrative decision ~~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.

Using the goals and priorities of the ESD, the Board shall direct the superintendent to prepare a reduction plan identifying which programs are to be reduced or eliminated for Board approval. As a result of the program reductions or elimination, the superintendent shall bring a list of positions to be cut or eliminated to the Board for approval. The ESD shall consider cultural or linguistic expertise and seniority, and may consider merit and competence, in accordance with Oregon law.

~~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 fail to renew ~~non-renew~~ 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 Law².

[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 ~~C~~oordinator, ~~C~~onsultant and ~~S~~pecialist, who perform services for which a Teacher Standards and Practices Commission (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.]

END OF POLICY

Legal Reference(s):

[ORS 342.805 - 342.910](#)

[ORS 342.934](#)

¹ See ORS 342.934 (HB 2001 (2021)) for definitions and requirements.

² ORS 342.805 - 342.937.

Lane Education Service District

Code: GCPA-AR
Adopted: 2/11/94
Revised/Readopted: 9/25/01; 8/27/02
Orig. Code(s): GCPA-AR

~~Layoff/Recall~~ Reduction or Recall of Licensed Staff

~~The administration will maintain data on enrollments and programs in an attempt to anticipate areas that may become over staffed. This may result in minimum class loads or a decision to discontinue certain programs.~~ The Board will make the final decision on the value of programs to be kept, cut or eliminated.

~~The administration may attempt to reduce nonsalary expenditures; however, short term savings, i.e., repair and maintenance, may result in larger, long term expenditures.~~

~~If possible, natural attrition as well as transferring of staff will be used as first measures. Cuts in contract lengths or cuts in salaries will also be examined.~~

The Board will determine when staff layoffs become necessary, and will approve positions to be cut or limited as after receiving a recommendation from the superintendent.¹ Individuals that may be impacted by the layoff shall not be discussed by the Board. The affected ~~Affected~~ employees shall be notified within a reasonable time.

Definitions

1. "Competence" means the ability of a teacher to teach a subject or grade level based on consideration of any of the following:
 - a. Teaching experience within the past five years related to the subject or grade level;
 - b. Educational attainments, which may not be based solely on being licensed to teach; or teacher's willingness to undergo additional training or pursue additional education.
2. "Cultural or linguistic expertise" means the expertise of one teacher, as measured against the expertise of another teacher, based on consideration of any of the following factors:
 - a. A teacher's linguistic ability in relation to an in-district language, as determined by the ESD using a method of verification or attestation of fluency for all in-district languages;
 - b. A teacher's completion of a teacher pathway program that is implemented by a teacher pathway partnership at the national, state, regional or local level and that has the primary focus of increasing the number of culturally or linguistically diverse teachers; or
 - c. A teacher's current work assignment that requires the teacher to work at least 50 percent of the teacher's work assignment time:
 - (1) At a school where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to one school; or

¹ Districts are encouraged to consult with legal counsel and any applicable collective bargaining agreements prior to taking any action on reductions of staff.

(2) At programs, schools or school districts where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to multiple programs, schools or school districts.

3. “In-district language” means a heritage language or a language other than English that is spoken:

- a. By five percent or more of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the students enrolled in the schools of the district; or
- b. At five percent or more of the homes of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the homes of the students enrolled in the schools of the district. “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher.

4. “Qualified” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force.

5. “Qualified teacher with cultural or linguistic expertise” means a teacher who:

- a. Has more cultural or linguistic expertise than a teacher with more or equal seniority; and
- b. Holds proper licenses or other credentials to fill a remaining position.

6. “Student from a historically underserved background” includes a student who:

- a. Is an English language learner;
- b. Is from a racial or ethnic group that has historically experienced academic disparities, including racial or ethnic groups for which a statewide education plan has been developed under ORS 329.841, 329.843 or 329.845 for students who are black, African-American, American Indian, Alaska Native, Latino or Hispanic;
- c. Is economically disadvantaged; or
- d. Has a disability.

7. “Teacher” has the meaning given that term in ORS 342.120.]

Procedures

~~In determining teachers to be retained when layoffs occur, Lane ESD shall:~~

- ~~1. Determine whether teachers to be retained hold proper licensure at the time of layoff;~~
- ~~2. Determine competence and merit of teachers;~~
- ~~3. Determine length of service of teachers to be retained.~~

~~The ESD shall not waive the right to consider competence in making decisions about staff layoffs or recall of staff. Retained teachers will be licensed and qualified, as defined in Oregon statutes, for the positions they fill.~~

Licensed Support Personnel

~~If the Board determines that a support program should be eliminated the following shall occur:~~

~~Layoff/Recall – Reduction or Recall of Licensed Staff – GCPA-AR~~

1. If the licensed teacher is properly licensed as a classroom teacher and meets the definition of competence, he/she shall be considered a classroom teacher;
2. If the licensed teacher is not properly licensed as a classroom teacher he/she will be considered only for that position for which he/she is licensed, competent and qualified.

When determining which teachers will be retained when the ESD reduces staff, the ESD shall prioritize seniority, except as follows:

1. An ESD shall retain a qualified teacher with cultural or linguistic expertise who has less seniority if the release of the less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared to teachers without cultural or linguistic expertise.
2. If a qualified teacher with cultural or linguistic expertise is retained as described above and the ESD is determining which teachers to retain who do not have cultural or linguistic expertise, the ESD shall prioritize:
3. Seniority²; or
4. Competence or merit in accordance with law.

The ESD may retain a teacher with less seniority than a teacher being released if the ESD determines that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

The ESD shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about reduction in staff or recall of staff. Retained teachers will be properly licensed and qualified, as defined in Oregon statutes, for the positions they fill.

The ESD will develop criteria and procedures for identifying in-district languages, verifying teacher language abilities, reviewing teacher pathway programs and determining which teachers teach in schools with 25 percent or more students from a historically underserved population. Procedures and timelines will be communicated to teachers.

Recall

If a teacher is laid off he/she shall notify the administration in writing of the position for which he/she wishes to be recalled.

A teacher who was released due to a reduction in staffs laid off will remain on the layoff list and be eligible for recall for 27 months after from the last date of release, unless waived by a rejection of a specific position layoff. No new teacher shall be hired to any position until all staff who remain on a recall list laid-off employees who are licensed and fully qualified and competent for the position have been given an opportunity to accept the position.

The ESD shall notify teachers on the recall list laid-off employees of a position opening by registered letter, return receipt requested, at their last known address. Teachers Laid-off teachers shall have [7]

² Seniority shall be calculated from the first day of actual service as teachers with the district, inclusive of approved leaves of absence. In the event there is a tie in calculating seniority, it shall be broken by drawing lots.

calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional [14] calendar days from date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

If the teacher cannot be reached at his/her last known address, or if he/she rejects any position offered for which the teacher is licensed and, qualified, or the teacher fails to respond within the specified timeline, the teacher and competent, he/she shall forfeit all recall rights. Teachers who wish to waive reemployment rights may do so by written notification to the district.

Employees/Staff returning to work from layoff shall have all previously accrued sick leave and seniority reinstated, but shall not receive benefits for the period of the release/layoff.

Teachers will have recall rights for a maximum 27-month period. If they choose, released teachers/staff members on layoff may maintain/keep up their institutional insurance and health plans by paying their own premiums as prescribed by law, subject to the rules of the insurance carrier.

[Teachers affected by a reduction in staff may be who have been laid off will be placed on the substitute list for any position requested when released/laid off. They will be notified for those positions requested given preference before other substitutes are notified/called.]

Lane Education Service District

Code: GCPB/GDPB
Adopted: 5/28/96
Revised/Readopted: 9/25/01; 12/15/09; 2/05/19
Orig. Code(s): GCPB/GDPB

Resignation of Staff *

A licensed staff member who wishes to resign from their/his/her position with the ESD must give a written notice of at least 60 days, ~~at or upon~~ or at the time of resignation. The superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that they/he/she must continue teaching for part or all of the 60-day period.

Where less than a 60-day notice is given, the Board may request the Teacher Standards and Practices Commission to discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

The superintendent is authorized to accept resignations of classified employees effective the day they are received.

END OF POLICY

Legal Reference(s):

[ORS 342.553](#) [OAR 581-024-0245](#)
[ORS 652.140](#) [OAR 584-050-0020](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Lane Education Service District

Code: GCPC/GDPC
Adopted:

Retirement of Staff *

{Senate Bill (SB) 1049 (2019) made it possible for employees to retire under PERS and work for a PERS-covered employer, without hour restrictions in most situations. House Bill (HB) 2296 (2023) extends this law to 2034. The law does not require ESDs to allow PERS-retired employees to work in the ESD, rather, leaves the decision up to the ESD. OSBA encourages ESDs to evaluate the situation (including financial impacts) prior to making a decision regarding these employees. If ESDs do allow retired employees to return to work, OSBA recommends working with legal counsel to develop criteria and procedures that can be consistently implemented. Also consider the bargaining impacts of the selected practice.}

To assist the ESD in its planning efforts, staff members considering retirement are encouraged to notify the ESD as early as possible, preferably at the beginning of the school year in which the retirement will take place.

[Retiring employees are encouraged to coordinate with PERS and the [Human Resources Department] to ensure that all requirements are met. The superintendent will develop requirements, limitations and procedures for employment as a PERS-retiree.^{1}]

{Regarding PERS-workback, there are three main options for ESDs, please choose one of the following:}

~~[When an employee of the ESD retires under PERS, that employee's employment with the ESD will terminate. Individuals who have retired under PERS are not eligible for employment in the ESD.]~~

{OR}

~~[When an employee of the ESD retires under PERS, that employee's employment with the ESD will terminate. PERS-retired individuals may apply for open positions with the ESD.^{2}]~~

{OR}

[ESD employees will be allowed to retire under PERS and return to their position in the ESD ~~[only for the remainder of the school year]~~^{{4}, 5}]

END OF POLICY

¹ {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

² There must be a break in service for retired employees returning to work.

³ {House Bill 2296 (2023) modified Senate Bill 1049 (2019), which allows PERS-retired employees to continue to work for PERS-employers without hour restrictions; this provision is now set to expire at the end of 2034.}

⁴ {ESDs can limit workback, but must consider equity pay laws when developing any criteria.}

⁵ There must be a break in service for retired employees returning to work.

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS Chapter 238A](#)
[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).
OR. CONST., art. IX, §§ 10-13.

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Lane Education Service District

Code: GCPD
Adopted:

Discipline and Dismissal of Licensed Staff *

PENDING

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)

[ORS 342.835](#)
[ORS 342.865 to -342.910](#)
[ORS 342.934](#)

[ORS 652.140](#)
[OAR 584-020-0040](#)

Lane Education Service District

Code: GCPD-AR
Revised/Reviewed:

Discipline and Dismissal of Licensed Staff *

PENDING

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

Discipline

Staff members will be disciplined according to the severity and frequency of the conduct at issue. Discipline may be in the form of verbal reprimand, written reprimand or suspension depending on the circumstances of each case.

1. “Verbal Reprimand”: The administrator will hold a conference with the employee. He/She will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored.
2. “Written Reprimand”: The administrator will hold a conference with the employee. The employee may have a representative present of his/her choice. The administrator will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored. A “letter of reprimand” shall be written and placed in the employee’s personnel file.
3. “Suspension”: Employees may be suspended in order to maintain the health and/or safety of other employees and/or students. Employees may also be suspended pending investigation of complaints regarding their job performance or conduct.

Dismissal

1. Probationary Teachers
 - a. Contracts of probationary teachers may be non-renewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended non-renewal and reason(s) for non-renewal must be given to the teacher by March 15 or sooner if so specified in a collective bargaining agreement. Written notice must be given prior to Board action on the non-renewal. The teacher may request a hearing before the Board.
 - b. Probationary teachers may be dismissed at any time for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended dismissal and reason(s) for dismissal must be given to the teacher prior to Board action on the dismissal. The teacher may request a hearing before the Board.
 - c. The following procedures apply to hearings before the Board:
 - (1) The employee shall receive notice of the time, date and place of the hearing;

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- (2) The hearing shall be in executive session unless the employee has requested an open session;
- (3) The employee shall have an opportunity to be present and be represented by anyone of his/her choice;
- (4) The ESD may be represented by anyone of its choice;
- (5) Both parties shall have the opportunity to make opening statements, to call witnesses and to cross-examine the other party's witnesses, to present documentary evidence and to make closing statements;
- (6) The Board shall provide a written statement of the reasons for the final action taken (non-renewal of contract or dismissal); and
- (7) The Board may, at its option, designate an individual to preside over and conduct the actual hearing.

[NOTE: These procedures are guidelines only and are subject to change depending on state and/or federal legislation and the actions of state and/or federal courts. These procedures may also be modified by existing collective bargaining agreements or individual employment contracts. These guidelines should be carefully reviewed by the ESD's attorney before their adoption and implementation.]

Contract Teachers

- 2. a. Contract teachers may be dismissed or their employment contract non-extended when their job performance or conduct falls within one or more of the broad reasons listed in ORS 342.865: inefficiency, immorality, insubordination, neglect of duty including duties specified by written rules, physical or mental incapacity, conviction of a felony or of a crime involving moral turpitude, inadequate performance, failure to comply with such reasonable requirements as the Board may prescribe to show normal improvement and evidence of professional training and growth, or any cause which constitutes grounds for the revocation of such contract teacher's teaching license.
- b. The superintendent and employee shall meet to discuss the superintendent's proposed recommendation to the Board regarding dismissal or contract non-extension. The employee may be accompanied by anyone of his/her choice.
- c. The employee shall be notified if the superintendent intends to recommend dismissal or contract non-extension.

The notice shall contain:

- (1) (a) The statutory grounds upon which the superintendent believes such dismissal or non-extension is justified;
- (b) A plain and concise statement of the facts relied on to support the statutory grounds for dismissal or non-extension;
- (c) A copy of ORS 342.805 to -342.934; and
- (d) The day and time of the Board meeting during which the recommendation will be made.
- (2) A notice of intended dismissal must be given at least 20 days prior to the time a dismissal recommendation is made to the Board. It must be delivered in person or must be sent by certified mail.

(3) Notice of intended dismissal must be sent to the Board and to the Fair Dismissal Appeals Board.

- d. The employee may be present at the Board meeting and be accompanied by anyone of his/her choice.
- e. The employee shall receive notice of the Board's action and the reasons for such actions. Notice shall be sent by certified mail, return receipt requested, or in the manner provided by law for the service of a summons in a civil action.

3. Illness/Other Circumstances

Sickness or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 332.507 may be sufficient reason for the Board to place the teacher on leave without pay for the remainder of the regular school year. The ESD may terminate the teacher's employment without penalty on August 1 if the Board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term and the teacher is not on workers' compensation leave or federal or state family illness leave.

Wages

- 4. Whenever an employee is dismissed or where such employment is terminated by mutual agreement all wages earned and unpaid at the time of discharge or termination shall be payable no later than the end of the first business day after discharge or termination.

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Lane Education Service District

Code: GCQA/GDQA
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GCQA/GDQA

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~~Outside Activities of Staff -~~
DELETE
(Version 1)

~~When the evaluation of a staff member's performance of job responsibilities and objectives clearly indicates that such performance is being adversely affected by outside activities of the staff member, the Board reserves the right to require that the unsatisfactory job performance improve and to request that the outside activity or activities cease, if necessary, to that end.~~

END OF POLICY

Legal Reference(s):

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

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Lane Education Service District

Code: GCQA/GDQA
Adopted:

Nonschool Employment (Version 2)

All employees are expected to accomplish those tasks required by the ESD.

Employees must avoid outside employment that interferes with the performance of their responsibilities and the maintenance of productive relationships with students, parents and other staff members. If outside employment interferes with job performance, the employee will be required to make a choice between ESD employment and outside employment.

END OF POLICY

Legal Reference(s):

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

Lane Education Service District

Code: GCQB/GDQB
Adopted: 7/12/94
Readopted: 9/25/01; 2/07/23
Orig. Code(s): GCQB/GDQB

Research

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

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

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2022).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

Lane Education Service District

Code: GCQBA[GDQBA]
Adopted: 4/26/94
Readopted: 9/25/01
Orig. Code(s): GCQBA/GDQBA

Copyrights and Patents

(This includes a policy code for classified staff. Does this requirement in the first sentence apply to classified staff?)

~~A normal and necessary part~~ part of the leadership role and service function ~~expected~~ of Lane ESD staff members, may involves the authorship, production or publication of materials of a variety of types. The Board recognizes the importance of this form of leadership and supports such creative endeavor.

When monographs, books, study sets, audiovisual materials or other types of materials are created by ESD staff members as a part of their programs of work and with the use of ESD facilities and support services, such materials become and remain the property of the ESD until a specific contract or agreement assigning such property right is authorized by the Board. Proceeds resulting from such assignment of property right shall be retained by the ESD as compensation against the cost of development and publication.

It shall be the policy of the Board to register copyright of such materials when such action is considered to be in the best interest of the ESD.

The superintendent will develop administrative ~~rules~~ regulations as may be deemed appropriate to carry out this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.745](#)

[ORS 334.125](#)

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (~~2001~~2016).

Patents, Title 35 U.S.C. §§ 1-3767, as amended, United States Code, (2012).

Lane Education Service District

Code: GCQBA/[GDQBA]-AR
Adopted: 1/11/95
Readopted: 9/25/01
Revised/Reviewed:
Orig. Code(s): GCQBA/GDQBA-AR

Copyrights and Patents

The following copyright and patent guidelines will govern the disposition of products developed by ESD staff members in the course of their work:

1. Ownership of such products shall be retained by the ESD or, if appropriate, sold to another entity;
2. All proceeds for rental, use or sale of such products shall be retained by the ESD and placed in a special fund to be used to support the creation of additional materials or otherwise benefit the originating programs.

Lane Education Service District

Code: GCQE
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GCQE

Student Teachers KEEP

Do not need in policy to do this. Staff handbook.

The superintendent may formulate student teaching and intern teaching programs whereby students attending institutions of higher education in Oregon may be granted the privilege of engaging in supervised teaching.

Student teachers and interns will be permitted to instruct classes for a portion or an entire school day but should not be used as substitutes.

All arrangements for the placement of student teachers in Lane ESD will be made through direct contact between the superintendent or designee and the teacher's training program.

END OF POLICY

Legal Reference(s):

[ORS 334.125 \(5\)](#)

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Lane Education Service District

Code: GCQF
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GCQF

Sabbaticals - KEEP

(Staff handbook)

It is the intent of the Board to provide a program of sabbatical leaves for licensed staff members, within the constraints of available resources and consideration for the impact on programs and staff, when such sabbatical leave will clearly benefit both the employee and Lane ESD.

The Board reserves the right to specify the conditions under which sabbatical leave shall be granted. The conditions will be set forth in ESD administrative rules.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Lane Education Service District

Code: GCQF-AR
Adopted: 2/11/94
Revised/Readopted: 9/25/01
Orig. Code(s): GCQF-AR

Sabbaticals – Procedures - KEEP

(Staff handbook)

After five consecutive years of service with the ESD, a licensed employee may, subject to the constraints of available resources and consideration for the impact on programs and staff, be granted sabbatical leave.

Application: Application for such leave shall be made to the employee's service area administrator no later than February 15 preceding the academic year of the desired leave.

Selection: Applications shall be reviewed by the Board, the superintendent and selected administrative staff members, none of whom shall have a pending leave application.

Sabbatical leave shall only be granted for the following purposes: study, travel and related work experience. Sabbatical leave for the purpose of travel will normally be approved only if the proposed travel program incorporates a plan of study or research in an area related to the applicant's field of work.

The total number of licensed ESD staff members on sabbatical leave at any one time shall not exceed two of the total eligible staff members.

The ESD reserves the right to specify, within the limits of statutes and judicial precedence, the conditions under which sabbatical leave may be taken.

Commitment of Employee: Acceptance of sabbatical leave incurs a commitment by the employee to return to active duty in the ESD for a period equal to twice the time spent on sabbatical leave, unless the employee is rendered physically or mentally unable to do so.

Within 30 days of the employee's return to active duty, he/she shall file a written report of the sabbatical leave with the superintendent. Should it be determined by the superintendent that the intent of a sabbatical leave was not fulfilled, the Board may take action to financially penalize the employee.

Interruption of leave by a verifiable serious illness or accident shall not constitute a violation of the contract or prejudice the employee against receiving the rights and benefits provided for under the terms of the sabbatical leave agreement, provided such interruption is not extended over a period of time that would cause the purposes of the leave to be abandoned. In such latter case, the sabbatical leave and its benefits may be terminated. In all cases of serious injury to or illness of the employee on sabbatical leave, the superintendent shall be promptly notified by registered letter.

Compensation: The employee shall be compensated at one-half the salary to which he/she would have been entitled had leave not been taken.

While on leave, the employee shall be entitled to insurance benefits provided his/her peers.

Generally: At the expiration of the sabbatical leave, the employee shall, unless otherwise agreed by the employee, be reinstated in the position held at the time of the granting of the leave.

Time on sabbatical leave shall not be counted as time on the job for purposes of vertical advancement on the salary schedule.

Course credit obtained during sabbatical leave will be applied toward credit on the salary schedule if approval prior to the leave has been obtained by the employee.

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Lane Education Service District

Code: GD
Adopted: 1/25/94
Readopted: 9/25/01; 10/26/10
Orig. Code(s): GD

Classified Staff/Classified Staff Positions - KEEP

The Board recognizes that it is vital to the successful operation of Lane ESD that classified staff positions be filled with qualified and competent personnel.

“Classified employee” means any ESD employee working on an hourly basis. The superintendent or designee will designate classified employee positions. The essential job functions, and titles and examples of work performed, are to be prescribed in a written job description for each position classification.

The superintendent shall approve the employment, fix the compensation and establish the term of employment for each person employed by the ESD. Candidates for employment shall be recommended to the superintendent by appropriate administrative staff members.

Any candidate who is hired and who is subsequently determined to have misrepresented facts material to his/her qualifications for employment or material to the determination of salary shall be subject to dismissal. The Board shall consider such misrepresentation grounds for dismissal.

Specific procedures for the recruitment, screening and employment of candidates and for the further application of this policy will be set forth in administrative rules developed by the superintendent.

END OF POLICY

Legal Reference(s):

ORS 326.051	ORS 659A.030	ORS 659A.309
ORS 334.125(5)	ORS 659A.040 to -659A.052	ORS 659A.409
ORS 659.805	ORS 659A.142	
ORS 659.850	ORS 659A.145	OAR 581-021-0045
ORS 659A.009	ORS 659A.233	OAR 581-024-0245
ORS 659A.029	ORS 659A.236	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R Part 1626 (2016).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2016).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.
Americans with Disabilities Act Amendments Act of 2008.

Lane Education Service District

Code: GDA
Adopted:

Instructional Assistants^{††}

~~Instructional assistants shall be hired by the superintendent.~~

~~All instructional assistants² must:~~

- ~~1. Have a high school diploma or the equivalent;~~
- ~~2. Be at least 18 years of age or older; and~~
- ~~3. Have standards of moral character as required of teachers.~~

~~In addition to the above, instructional assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.~~

~~Instructional assistants³ who work in Title IA programs and provide instructional support must have:~~

- ~~1. Completed at least two years of study at an institution of higher education; or~~
- ~~2. Obtained an associate's or higher degree; or~~
- ~~3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment or para-professional certificate program, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness,~~

~~writing readiness and mathematics readiness.~~

[†] {Various laws, references and guidance documents use different terms in place of "instructional assistant." ESDs should use the term that is commonly used in their ESD.}

² "Instructional assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with the rules established by the TSPC.

³ Instructional assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. Instructional assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title IA funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an instructional assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title IA programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.

[The ESD [will] [will not] require individuals newly hired as Title IA instructional assistants who have met another ESD's academic assessment to meet the ESD's academic assessment standards.]

~~The general responsibilities of an instructional assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor or related service provider with instruction and/or support. The instructional assistants shall be under the supervision of the appropriately licensed classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent and family involvement activities and media center or computer laboratory support.~~

~~Instructional assistants shall not be used by the ESD or a teacher as substitute teachers. The responsibility for classroom supervision remains with the teacher at all times.~~

END OF POLICY

Legal Reference(s):

ORS 334.125(5),(7)
ORS 342.120

OAR 581-022-2400(2)
OAR 581-037-0005-0025

OAR 584-005-0005(20),(28)

~~The Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212 (2018);
Title II of the Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2022);
Rehabilitation Act, 29 U.S.C. § 791, 793-794 (2018).~~

Lane Education Service District

Code: GDIA
Adopted:

Notice of Employment *

The Board shall give, individual notices ~~in writing,~~ ~~by certified letter,~~ by May 30 to all employees for whom a teaching license is not required.

The notices shall address reasonable assurance of continued employment as covered in the Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

Legal Reference(s):

[OAR 581-024-0245](#)

Lane Education Service District

Code: GDL
Adopted: Unknown
Readopted: 2/26/02
Orig. Code(s): GDL

Staff Development - Classified *

The Lane ESD Board recognizes the importance of continued professional growth for classified employees. Such growth activities are designed to strengthen and refine the skills of district ESD personnel and benefit both the employee and the ESD.

Staff development activities may include, but are not limited to, course work, conferences and training or other activities approved by the supervisor. Staff development activities are to be linked to the specific needs of the employee in relationship to the goals of the ESD and the employee's work assignment.

~~When contracting with third parties to provide training for employees, the Board recognizes it is not relieved of the responsibility to ensure that appropriate reasonable accommodations for qualified individuals with disabilities have been made. The Board~~ The ESD will provide appropriate, reasonable accommodations to ensure such training, whether provided by the ESD or through ESD contracts with third parties, is made available for disabled employees with disabilities.

Requests for release time for attendance in professional development activities may be approved as deemed appropriate by the ESD and with the stipulation that:

1. Requests are to be submitted sufficiently in advance to permit supervisor consideration; and
2. Where release time is granted, a written report, if appropriate, may be required. Where such activities are devoted primarily or exclusively to political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend ESD funds.

END OF POLICY

Legal Reference(s):

~~ORS 329.095
ORS 329.125
ORS 329.704
ORS 334.125
OAR 581-022-0606
OAR 581-022-1720~~

~~Clackamas Intermediate Education District Association v. Clackamas Intermediate Education District, Case No. C-141-77, 3 PECBR 1848 (1978);
Eugene Education Association v. Eugene School District 4J, Case No. C-93-79, 5 PECBR 3004 (1980);
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).~~

Lane Education Service District

Code: GDO
Adopted: 1/25/94
Readopted: 9/25/01; 10/28/08
Orig. Code(s): GDO

Promotion of Classified Staff

(Is there anything in the CBA that makes argument for keeping or deleting this from policy?)

Classified employees promoted to a new job classification will be advanced on the salary schedule as follows:

1. Classified employees who are promoted to a new job classification prior to March 31 of any fiscal year shall be eligible for advancement to the next step of the new salary schedule grade at July 1 of the next fiscal year, provided that performance and progress in the new job classification is judged to be satisfactory by the employee's supervisor and service area director at that time;
2. Classified employees who are promoted to a new job classification after March 31 of any fiscal year shall be eligible for advancement to regular status in the new job classification upon satisfactory completion of the nine-month probationary period but shall remain at the salary grade and step to which they were promoted until the end of the next fiscal year.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(5\)](#)

Lane Education Service District

Code: GDPA
Adopted: 8/27/02
Readopted: 10/28/08
Orig. Code(s): GDPA

~~Layoff/Recall~~ Reduction or Recall of Classified Staff *

(Does this still apply and reflect current practice? Is there anything in the CBA to support this or make argument for deleting this policy? Do you want this to follow the same rules as policy GCPA?)

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.

Employees intending to exercise their right to bump must provide written notice to human resources within 14 calendar days of their layoff notice. A classified employee on unpaid leave is subject to the same layoff conditions as other employees.

“Bumping” to a position description not currently held will require a qualification process to determine that the employee is fully qualified.

An employee whose position is being eliminated or who is displaced by bumping will be given the opportunity to fill an existing vacancy, if the employee is qualified for the position.

Employees filling a position description, which they do not currently hold, are subject to a nine-month probationary period, using the same procedure as a new hire or current employee in a new position. An employee who is unable to fulfill the position requirements during the probationary period shall be subject to additional layoff action.

Employees who “bump” to a new position description will be placed on the step commensurate with their applicable experience for the position, unless they have previously held the position, in which case they will be placed on the step they previously attained when they held the position.

Rural educational/behavioral assistants are hired to work with students within a local school district. Terms of employment for that position are defined by the enrollment of a student in that district. In the event that a student leaves the program or the district, the educational/behavioral assistant assigned to work with that student may have the option to bump the least senior educational/behavioral assistant in that district whenever more than one educational/behavioral assistant position exists and for which the bumping employee is determined to be fully qualified.

Recall

The following procedures will be followed in the recall of staff members who have been laid off through reduction in force:

1. Except as otherwise provided in Oregon law, laid-off employees shall retain a right to be recalled for a period of 27 months from the effective date on which the lay-off occurred, provided they have followed the requirements of this policy;
2. At the time of lay-off, the employee shall indicate in writing if he/she desires to be recalled by the district. The written notice shall include an address to which a notice of recall may be mailed;
3. If a position vacancy occurs for which the laid-off employee is qualified, the district will notify the employee by certified mail, return receipt requested. The district will specify in the notice the date the employee will return to work. When more than one laid-off employee is qualified for a vacant position, notice of recall shall go first to the most senior laid-off employee. If the employee fails to meet the requirements of sub-sections 4. and 5. of this section B., notice of recall shall then go to the next most senior laid-off employee.
4. The laid off employee shall have 7 calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional 14 calendar days from the date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

5. Failure of the employee to respond within the specified 7-day period or the decline of a position that provides at least 80 percent of the wages associated with the position the employee previously held shall result in forfeiture of the employee's right to recall. Forfeiture of rights to recall does not apply to offers of educational assistant/behavioral assistant positions, unless this is the position the employee previously held.

The following provisions will apply regarding employee benefits in layoff situations:

1. Insurance benefits will be paid through the month following the effective date of the layoff for employees who are laid off because of a reduction in force. Such employees may thereafter arrange to pay premiums and retain insurance coverage(s) when and to the extent insurance policies allow. The effective date of layoff shall be last day worked.

The implementation of this policy shall be consistent with state and federal statutes governing discrimination applicable to this ~~district~~ ESD.

Reduction in force and recall grievances shall be processed in accordance with Oregon law for all such grievances not resolved through the Board level.

END OF POLICY

Legal Reference(s):

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

Lane Education Service District

Code: GDPA-AR
Adopted: 2/11/94
Revised/Readopted: 8/27/02
Orig. Code(s): GDPA-AR

~~Layoff/Recall~~ Reduction or Recall of Classified Staff

(Does this still apply and reflect current practice? Is there anything in the CBA to support this or make argument for deleting this AR?)

This ~~rule~~ administrative regulation applies only to [page 2, paragraph 6.] of Board policy GDPA - Reduction or Recall of Classified Staff, ~~reductions in force~~ affecting educational assistants/ and behavioral assistants.

No modifications of the 45 calendar day requirements are intended by these rules to impact the notice to urban educational assistants (EA's)/behavioral assistants (BA's) assigned to work in Eugene, Springfield, Bethel and South Lane school districts.

Because rural educational assistants (EA's)/behavioral assistants (BA's) who are working in Siuslaw, Mapleton, Oakridge and McKenzie school districts are assigned to students rather than classrooms, the 45-day notification is modified as follows:

1. EA/BA who has worked 60 days or less will be given a minimum of 3 days notice prior to the layoff;
2. EA/BA who has worked at least 60 days but less than 90 days will be given a minimum of 5 days notice prior to the layoff;
3. EA/BA who has worked 90 days or more will be given a minimum of 10 days notice or until the end of the school year, whichever is less;
4. The ESD will endeavor to provide 45 days notice when such notice is available.

Educational assistants/Behavioral assistants assigned to Siuslaw, Mapleton, Oakridge and McKenzie school districts accrue seniority for layoff and recall purposes only in the component district in which they were hired.

No other provisions of Board policy GDPA are affected by this ~~rule~~ administrative regulation.

Commented [LF1]: Need some other identifying mechanism.

Lane Education Service District

Code: GDPB
Adopted: 1/25/94
Readopted: 9/25/01
Orig. Code(s): GDPB

Resignation of Classified Employees

(Does this need to be in policy? Or can it be in the staff handbook?)

A classified staff member who wishes to resign from his/her position with Lane ESD shall, whenever possible, file a written notice in the superintendent's office at least 15 days prior to the date he/she wishes to leave ESD employment. The superintendent is authorized to accept the resignation effective the day it is received.

END OF POLICY

Legal Reference(s):

[OAR 581-024-0245](#)

Pierce v. Douglas County School District No. 4, 60 Or. App. 285 (1982); rev'd, 297 Or. 363 (1984).

Special Education Department Board Report | October 2025

Staffing Updates

We are pleased to share that a new Special Education Office Manager has been hired and will begin on October 13. Recruitment efforts are ongoing for a Speech-Language Pathologist (SLP) and a Behavior Consultant, with interviews continuing as we work to fill these critical positions.

Professional Learning and Collaboration

In September, we hosted the first Early Release Collaborative Meeting of the school year for licensed staff. The session focused on the teacher evaluation process, providing an opportunity for shared learning, discussion, and reflection to promote consistent and supportive evaluation practices across programs.

On October 10, during our licensed professional development day, we are thrilled to host a Social Stories (10.4) webinar with Carol Gray, a nationally recognized expert in the field. This exciting opportunity is made possible through our Lane Regional Inclusive Grant.

We have opened registration to all ESDs across Oregon as well as our Lane County school districts. ESD staff are invited to attend an in-person watch party at the main campus to experience the session together.

Student Support and Program Updates

We are excited to welcome our first service dog into one of our Life Skills classrooms. The service dog will provide support to a student with a seizure disorder, contributing to both safety and emotional well-being in the classroom environment.

Additionally, we continue to develop agreements and shared understanding regarding the role of nurses within Life Skills classrooms. This ongoing work is helping to clarify responsibilities and strengthen collaboration between nursing staff and classroom teams to best support student health and educational access.

School Improvement Team | Board Report | 10-07-25

Curriculum Leaders September Meeting

The September Curriculum Leaders meeting was our kick off to the 25-26 school year and focused on attendance. We had representatives from 13 of our 16 school districts in attendance (yay!) and brought in the ODE Every Day Matters team for attendance updates from the state level. In response to requests from our district partners, we adopted a collaborative workspace approach to the second half of the meeting and moved size-alike district teams through a series of discussion prompts and scenarios. Link to full [agenda](#).

Migrant Education Summer Program 2025

At this year's Migrant Education Summer Program, we proudly centered our theme around *SOMOS*—"we are"—celebrating the power of individual and collective stories. Each student and staff member had the opportunity to share their unique journey, affirming identity, and culture. While we were initially concerned about attendance, we were thrilled to enroll 297 students, showing the deep trust and engagement of our families. Our family engagement events were powerful, and participation exceeded expectations. Students especially loved learning how to embroider, a skill that connected them to their cultural and ancestral roots in a hands-on, meaningful way. These experiences helped students not only express themselves but also take pride in where they come from.

Our middle school students had the chance to engage in Career and Technical Education (CTE) workshops, which received rave reviews. Many shared that they're now excited to pursue CTE courses in high school, showing the long-term impact of early exposure. Our binational teachers brought an incredible amount of heart and cultural understanding into the classroom, and students responded with genuine joy and enthusiasm. Their presence deepened the cultural relevance of our instruction and created safe, inspiring spaces for learning. We are also grateful for our many community partners whose contributions have enriched our program and helped us offer dynamic, empowering opportunities for migrant students and their families. Together, through *SOMOS*, we continue to affirm that every voice matters and every story strengthens our community.



September 2025 Board Report

Staffing

- **Technology services department-** We are currently vetting references for the desktop technician role.

Classrooms

- **JDEP Pod 3 Launch-** We were able to work with SpEd to ensure the opening of this classroom was successful. We are hoping the county will have cabling installed in these rooms soon so we can expand the wireless capabilities.
- **Single Sign On-** This project was put on hold while our systems team was on leave.

System Upgrades and Improvements

- **Ninja One-** With deployment of this application we have increased the security posture of the agency by at least 25%. This application is keeping our systems up to date and patched in a way that has saved our staff time and increased the security of our environment. With our improved security posture we will have the ability to utilize technology that we could not previously consider.
- **Securly-** Finalizing the changes to the system configuration and expansion. Working with support to finish up this deployment in the next two weeks. The expansion of this application will help keep our staff and students safer. We will have increased visibility into the students' habits online allowing for a more proactive approach to their safety while maintaining federal, state, and copyright law.
- **Acceptable Use Process and Cybersecurity Handbook-** We will put these through review one last time before final approval and adoption in October.

Regional Initiatives and Support

- **Education Nexus-** We have started to stand up pilot districts around the state that are testing the use of our program that we call "The Broker". IMESD's pilot had the registrar of that participating district stating that our program cut the time it usually took them in half. We are at the forefront of secure, student data technology and hope to expand our support structure through the ESD's in Oregon, then Washington and to anyone that we can help. We are



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speaking with multiple districts in Washington that are interested in coming on board for the expansion in the next phase.

Board Report | Director Nora Kent | October 7, 2025

I attended a tour of the Siuslaw Elementary School on Wednesday, September . Mike Hucklerod, Principal of the high school, and Chair of the Facilities Committee, conducted the tour. There are many needed improvements to the building and grounds to make it safe and improve the educational environment.

School Board Directors Tom Posegate and Adrian Pollut, also members of the Facilities Committee, will present proposals by the Siuslaw School District that could positively affect many future generations at the Coffee Conversations on October 17 that I will be facilitating.

Liaison Report | McKenzie School District | Danna Brownell | October 7th, 2025

At the last McKenzie School Board Meeting, Special Programs Director, Lacey Joy, presented the annual Integrated Guidance Report.

Of note:

The district has been recognized as a state model for providing on-site and telehealth counseling at no cost to students. Challenges include sustaining programs amid declining funding, improving family engagement in attendance, and meeting state academic targets. Ninth-grade on-track goals remain strong, while attendance and third-grade literacy targets require renewed focus. Strategic adjustments for the coming year include intensified attendance initiatives, literacy alignment, and continued support for CTE pathways.