

District Board Meeting
Wednesday, February 12, 2025 6:00 PM

Triangle Lake Charter School--Library
20264 Blachly Grange Rd.
Blachly, OR 97412

Agenda

1. **CALL TO ORDER**
2. **WELCOME GUESTS AND VISITORS**
3. **CHANGES OR ADDITIONS TO THE AGENDA**
4. **PUBLIC FORUM/COMMUNICATIONS**
5. **CONSENT AGENDA**
 - 5.1. **BOARD MINUTES**
 - 5.2. **FINANCIAL REPORT**
 - 5.3. **RESCIND THE RECENT ADOPTION OF BOARD POLICIES**
 - 5.4. **FIRST READ BUDGET CALENDAR**
 - 5.5. **ADDED AGENDA ITEM: RESIGNATION**
 - 5.6. **MOTION**
6. **REPORTS**
 - 6.1. **ENROLLMENT**
 - 6.2. **FACILITIES REPORT**
 - 6.3. **TRANSPORTATION & TECHNOLOGY REPORT**
 - 6.4. **STUDENT SERVICES REPORT**
 - 6.5. **PRINCIPAL'S REPORT**
 - 6.6. **INTERIM SUPERINTENDENT'S REPORT**
7. **UNFINISHED BUSINESS**
 - 7.1. **BOARD GOALS**
8. **NEW BUSINESS**
9. **THE BOARD WILL RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**
10. **RECONVENE REGULAR SESSION**
11. **ANNOUNCEMENTS**
 - 11.1. **UPCOMING BOARD MEETING**
12. **ADJOURN THE REGULAR MEETING**

Blachly School District #90

Code: BDDH-AR
Revised/Reviewed: 2/21/18; 11/17/21; 10/09/24

Public Comment at Board Meetings

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 provide public comment in person, if the opportunity is available on the Board agenda, please complete and submit the Intent to Speak card to the Board secretary prior to the meeting. Those attending virtually and want to provide public comment should notify the Board secretary by submitting an email to comments@blachly.k12.or.us as directed prior to the start of the meeting.

A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda. A person providing public comment will be allowed three minutes. Signing up to provide public comment does not guarantee time will be available.

Any person, who is allowed to speak to the Board during a meeting, should state their name, whether they are a resident of the district and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints published complaint procedures for consideration of a legitimate complaint involving a staff member. Any 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 employee, a supervisor and the Board.”

SEE FORM ON REVERSE

INTENT TO SPEAK

The Board welcomes input. To provide in-person public comment please submit this completed card to the Board secretary prior the start of the meeting.

Name: _____ Phone: _____

Name of organization (if applicable): _____

Address: _____

Email (optional): _____

Topic or comment to be presented (brief description): _____

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure NX published complaint procedures. A hearing conducted by the Board regarding personnel may take place in an executive session.

The Board requests that a topic or comment is limited to three minutes or less.

Blachly School District #90

Code: BDDH
Adopted: 12/13/93
Revised/Readopted: 1/16/08; 11/19/08; 2/21/18;
1/19/22; 10/09/24

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak card to the Board secretary prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner. If a person has more comments than time allows or is unable to comment due to time constraints, the

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

person is encouraged to submit additional written comments to the Board through the district office as directed.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.

The Board will not hear public comment at Board work sessions.

Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to comments@blachly90.com . Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any 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 employee, a supervisor and the Board.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).
Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).
Oregon House Bill 2560 (2021).

Cross Reference(s):

BDDC - Board Meeting Agenda
KC - Community Involvement in Decision Making

Regular Board Meeting
Wednesday, January 8, 2025 6:00 PM Pacific

Triangle Lake Charter School--Library
20264 Blachly Grange Rd.
Blachly, OR 97412

Ciara Clark: Present
Dwight Coon: Present
Meleah Drago: Present
Jeff Eastburn: Absent
Derek Pennel: Present
Bev Schiesser: Present
Lenae Sjostrom: Absent

Present: 5, Absent: 2.

Staff: Shane Bencoter, Dennis Boyd, Katherine Tripp, Molly Rust, Aria Richardson

Public: Lenora Kent, Tony Scruto,

1. CALL TO ORDER

Board Chair Pennel called the meeting to order at 6:01pm.

2. WELCOME GUESTS AND VISITORS

3. CHANGES OR ADDITIONS TO THE AGENDA

There were no changes or additions to the agenda.

4. PUBLIC FORUM/COMMUNICATIONS

There were no public comments submitted.

5. CONSENT AGENDA

5.1. BOARD MINUTES

There were no changes to the December minutes.

5.2. FINANCIAL REPORT

Ms. Rust presented her reports. There are no new state fund numbers at this time.

Director Clark asks if this is the total for all legal services done up to this point. Ms. Rust answers yes, everything is included.

Revenues have been steady over the last couple of months.

Director Drago asks if the Lane Community College item is for a single student or multiple.

Ms. Rust answers several students.

Director Coon asks if the OSAA payment was for the entire season. Ms. Rust answers yes, unless we add games at the end of the season.

5.3. SECOND READ BOARD POLICIES

Director Pennel shares how we have dealt with policy updates in the past, and asks both the board and Interim Superintendent Bottensek how they would like to move forward with this process. Interim Superintendent Bottensek shares that she would prefer to strike through the options she doesn't want so the board can see it on first read, then clean this up for second read. Director Pennel also shares that AR's are handled by the Superintendent at the school level and are provided for the board to view but not approve.

Director Drago asks for clarification on the AR Medications, she is wondering why medications for adrenal is pulled out but not mentioned in the policy. Interim Superintendent Bottensek will follow up on this AR to get clarification and answer the board members' question.

Director Schiesser asks if we have Narcan in several locations in the school. Interim Superintendent Bottensek answers it is currently just in the main office, but the plan is to get secure places set throughout the school. All the staff did get trained on Narcan at the start of the year.

5.4. MOTION

Director Coon moved to approve the consent agenda as presented. This motion, made by Dwight Coon and seconded by Bev Schiesser, Carried.

Jeff Eastburn: Absent, Lenae Sjostrom: Absent, Ciara Clark: Yea, Dwight Coon: Yea, Meleah Drago: Yea, Derek Pennel: Yea, Bev Schiesser: Yea
Yea: 5, Nay: 0, Absent: 2

6. REPORTS

6.1. ENROLLMENT

Interim Superintendent Bottensek shares that we had a dip in on-campus students but have two new on-campus enrollments hopefully starting next week. We will not be growing the online program until we get at least 8 more campus students.

6.2. FACILITIES REPORT

Board Chair Pennel asks if you can adjust the brightness of the new gym lights. Mr. Benscoter answers yes, there are 3 settings.

Director Schiesser asks if the score board is being worked on. Mr. Benscoter shares the clock has been going out for several years, as well as the control panel. We have been unable to buy parts for it for several years now. Director Clark asks if we will get a cost estimate for the score board for our next meeting. Mr. Benscoter, Interim Superintendent Bottensek and Athletic Director Carl will get together to come up with a plan to move forward.

Director Pennel asks where they are at with the tiny home. Mr. Benscoter answers it hasn't started, they are still in the planning phase.

6.3. TRANSPORTATION & TECHNOLOGY REPORT

Board Chair Pennel asks what is going on with buses needing repair. Mr. Boyd answers that most of the current issues are error/sensor codes, and bus 4 is back in use.

6.4. STUDENT SERVICES REPORT

Director Schiesser asked if as part of this report, quarterly possibly, could we get types of complaints and numbers from students to help us follow up on climate? Ms. Tripp answers that she can try to get more data, but she needs to not break things down by category due to anonymity. Possibly giving a report on major and minor referrals quarterly. Director Scheisser would just like the board to be more in the know of the general school climate, so they can stay more informed. Ms. Tripp will provide some additional information around climate in her next report.

6.5. PRINCIPAL'S REPORT

Director Schiesser asks if we are going to have a student rep again this year? It would be nice to have a student rep who takes more of an acting role in meetings than in our past. Board

Chair Pennel shares that it would give more of a student voice. Principal Bottensek will have a discussion with the student council and Ms. Kara who works with the student council.

6.6. INTERIM SUPERINTENDENT'S REPORT

Board Chair Pennel reminds the board that we will schedule a time in February to discuss the plan moving forward for the superintendent position for next year.

Interim Superintendent Bottensek reminds the board of the new rule as of January 1 that all board meeting recordings will be posted to the website within 7 days of the meeting. Board Chair Pennel asks, if the intent was to take the place of the approved minutes, Interim Superintendent Bottensek answers no, it is strictly for those who wish to watch the meeting. Interim Superintendent Bottensek explains more about the Lunch Program Audit that is coming up.

Board Chair Pennel asks for more information on the Accreditation process. Interim Superintendent Bottensek shares that we have several meetings scheduled, including work sessions with teachers during some PD days. The first week in April is Accreditation week. April 2nd is the day that we are scheduled to have all of our meetings.

Director Scheisser asks, when we have new hires, they sometimes join us at a meeting. It would be nice to meet them, but could we have a bio included in the hiring report? Interim Superintendent Bottensek says yes, we can get those to the board prior to the meetings where they will be presented.

7. UNFINISHED BUSINESS

The board asks that we add board goals to the agenda for the remainder of the year. Interim Superintendent Bottensek answers yes, we will do that.

8. NEW BUSINESS

8.1. LESD 25-27 LOCAL SERVICE PLAN

Board Chair Pennel moved to adopt the Local Service Plan for service years 25-27 as presented. This motion, made by Derek Pennel and seconded by Dwight Coon, Carried.

Jeff Eastburn: Absent, Lenae Sjostrom: Absent, Ciara Clark: Yea, Dwight Coon: Yea, Meleah Drago: Yea, Derek Pennel: Yea, Bev Schiesser: Yea

Yea: 5, Nay: 0, Absent: 2

Superintendent Tony Scruto with LESD and Nora Kent are in attendance to share the 25-27 Local Service Plan. Mr. Scruto explains the changes to the presented plan. He explains the way the plan is broken out now by service type.

Board Chair Pennel asks what a custom service example would be. Mr. Scruto answers. An example would be library services or nursing services. Both were originally put in place just for a couple of districts, and then turned into menu services.

Board Chair Pennel asks, what happens in practice if there are more students wanting to attend than the number of slots available. Mr. Scruto shares that they are planning based on the size of the districts involved, also, looking at participation historically.

9. THE BOARD WILL RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION

Board Chair Pennel recessed the regular session at 7:09pm.

10. RECONVENE REGULAR SESSION

Board Chair Pennel reconvened the regular session at 8:10pm.

11. ANNOUNCEMENTS

11.1. UPCOMING BOARD MEETING

12. ADJOURN THE REGULAR MEETING

Board Chair Pennel adjourned the meeting at 8:13pm.

GENERAL FUND CHANGES

Adopted Budget Ending Fund Balance		<u>\$ 500,214</u>
REVENUE		
Property Tax & Interest Earnings	6,411	
Gen Fund Grant	9,780	
Misc. revenue	-28,155	
State School Fund	-1,102,587	
State timber sales	934.123	
Beginning Fund Balance	-53,202	
TOTAL CHANGE TO REVENUE		<u>\$ (233,630)</u>
EXPENDITURES		
Salaries	115,457	
Benefits	134,005	
Services	(15,878)	
Supplies	(32,000)	
Dues, insurance	(7,122)	
Transfers	50,000	
TOTAL CHANGE TO EXPENDITURES		<u>\$ 244,462</u>
ROUNDING ADJUSTMENT	-	<u>\$ -</u>
CURRENT ENDING FUND BALANCE		<u><u>\$ 511,045</u></u>
	NET CHANGE	\$ 10,831

Blachly School District
December 31, 2024

	Original Budget	Jul Actual	Aug Actual	Sep Actual	Oct Actual	Nov Actual	Dec Actual	Jan Estimate	Feb Estimate	Mar Estimate	Apr Estimate	May Estimate	Jun Estimate	Final Total	Over/ (Under)
Revenue															
State School Fund	5,423,724	903,626	451,542	451,542	451,542	451,542	451,542	-	-	386,600	386,600	386,600	-	4,321,137	(1,102,587)
State Timber Sales	100,000	-	100,000	-	-	54,986	-	314,673	564,464	-	-	-	-	1,034,123	934,123
Property Taxes	389,787	-	948	725	420	292,881	64,130	3,794	-	7,609	1,535	1,399	10,346	383,787	(6,000)
Federal Forest Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest Earnings	70,000	4,361	7,568	8,702	8,522	7,943	9,226	8,006	6,500	5,000	3,800	3,200	3,174	76,000	6,000
Common School Fund	60,003	-	-	-	-	-	-	33,207	-	-	-	-	33,207	66,414	6,411
Other County Revenue	800	-	-	87	-	-	117	-	-	-	-	96	500	800	-
Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Small Grants	-	-	-	-	-	3,780	-	-	6,000	-	-	-	-	9,780	9,780
Lane ESD Flex Dollars	77,904	-	-	-	-	-	-	24,875	-	-	-	-	24,874	49,749	(28,155)
Miscellaneous	8,000	1,863	313	1	-	812	-	-	1,000	1,000	1,000	1,000	1,012	8,000	-
County School Fund	2,000	-	-	-	-	-	-	-	-	-	-	-	2,000	2,000	-
Indirect	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Beginning Fund Balance	132,561	79,359	-	-	-	-	-	-	-	-	-	-	-	79,359	(53,202)
Total Revenue	6,264,779	989,208	560,370	461,057	460,483	811,943	525,014	384,555	577,964	400,210	392,935	392,295	75,113	6,031,149	(233,630)
Expenditures															
Salaries	2,665,264	74,009	78,276	216,235	222,258	202,354	196,268	196,551	220,654	218,223	213,359	218,223	493,397	2,549,807	(115,457)
Benefits	1,708,730	37,965	42,226	128,069	136,636	124,951	124,840	128,216	137,673	136,698	134,748	136,698	306,004	1,574,725	(134,005)
Purchased Services	578,160	43,964	33,546	56,859	42,914	71,329	48,035	42,790	44,259	66,459	42,959	43,029	57,897	594,038	15,878
Supplies and Materials	386,177	36,517	21,136	35,597	22,419	33,201	27,654	12,928	45,930	45,930	45,930	47,071	43,862	418,177	32,000
Other	147,919	117,872	3,979	3,767	3,557	4,258	7,243	1,615	3,000	3,000	3,000	3,000	750	155,041	7,122
Transfers	278,315	-	-	-	-	-	-	-	-	-	-	-	228,315	228,315	(50,000)
Contingency	500,214	-	-	-	-	-	-	-	-	-	-	-	-	-	(500,214)
Total Expenditures	6,264,779	310,328	179,163	440,527	427,784	436,093	404,041	382,101	451,516	470,309	439,995	448,020	1,130,225	5,520,104	(744,675)
Ending Fund Balance	-													511,045	511,045

Blachly School District #90

Code: AC
Adopted: 3/21/01
Revised/Readopted: 1/20/16; 2/21/18; 11/17/21

Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

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

END OF POLICY

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. 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)).

Legal Reference(s):

ORS 174.100	ORS 659A.006	ORS 659A.409
ORS 192.630	ORS 659A.009	OAR 581-002-0001 – 002-0005
ORS 326.051(1)(e)	ORS 659A.029	OAR 581-021-0045
ORS 408.230	ORS 659A.030	OAR 581-021-0046
ORS 659.805	ORS 659A.040	OAR 581-021-0047
ORS 659.815	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 659.850 - 659.860	ORS 659A.230 - 659A.233	OAR 581-022-2370
ORS 659.865	ORS 659A.236	OAR 839-003
ORS 659A.001	ORS 659A.309	
ORS 659A.003	ORS 659A.321	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

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).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (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).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (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); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 3041 (2021).

Cross Reference(s):

ACA - Americans with Disabilities Act

ACB - All Students Belong

GBA - Equal Employment Opportunity

GBEA - Workplace Harassment

JB - Equal Educational Opportunity

KL - Public Complaints

Blachly School District #90

Code: GBN/JBA
Adopted: 2/2/94
Revised/Readopted: 4/15/09; 9/16/15; 9/19/18;
9/16/20
Orig. Code: JBA/GBN

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. 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 district processes complaints 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 district, the district 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 Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures¹.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties² shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or

¹ Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

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

- c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district 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 action, 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
TLCS Principal	Title IX Coordinator	541-925-3262	rklingsporn@blachly.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

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

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

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

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district 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 district 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 district 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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district 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 district 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 district'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 person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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

The written notification must include⁴:

1. Name and contact information for all person designated by the district 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 district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁴ Remember confidentiality laws when providing any information.

5. Information about services available to the student or staff member through the school or district, 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 district;
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 district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

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

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 district conditioning the provision of an aid, benefit, or service of the district 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 district’s education program or activity⁵;
3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic Violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

The district 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* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

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.

TLCS Building Principal is designated as the Title IX Coordinator and can be contacted at 541-925-3262. The Title IX Coordinator will coordinate the district’s efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

⁵ “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))

Response

The district 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.⁶ The district shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ 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.⁹

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.¹⁰ The district 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 district 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 district 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 district 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

⁶ (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.

⁷ (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 district's educational environment, or deter sexual harassment.⁷ The district 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))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The district 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))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹¹, or both.

No Retaliation

Neither the district or any person may retaliate¹² 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 district 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 school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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).

Cross Reference(s):

AC - Nondiscrimination

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying -- Staff

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

GBNAA/JHFF - Reporting Requirements for Suspected Sexual Conduct with Students
JBA/GBN - Sexual Harassment
JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying,
Teen Dating Violence, or Domestic Violence – Student
JHFE - Reporting of Suspected Abuse of a Child

Blachly School District #90

Code: JBA/GBN
Adopted: 2/2/94
Revised/Readopted: 4/15/09; 9/16/15; 9/19/18;
9/16/20
Orig. Code: JBA/GBN

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. 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 district processes complaints 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 district, the district 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 Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures¹.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties² shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or

¹ Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

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

- c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district 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 action, 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
TLCS Principal	Title IX Coordinator	541-925-3262	rklingporn@blachly.k12.or.us

These individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

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

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

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

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district 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 district 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 district 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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district 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
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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 district'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 person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

1. Name and contact information for all person designated by the district 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 district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁴ Remember confidentiality laws when providing any information.

5. Information about services available to the student or staff member through the school or district, 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 district;
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 district'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
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Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district 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 district’s education program or activity⁵;
3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
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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.

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⁶ (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.

⁷ (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 district's educational environment, or deter sexual harassment.⁷ The district 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))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁹ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁰ The district 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))

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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 school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Cross Reference(s):

GBN/JBA - Sexual Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying -- Staff

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying,

Teen Dating Violence, or Domestic Violence – Student

JHFE - Reporting of Suspected Abuse of a Child

JHFF/GBNAA - Reporting Requirements for Suspected Sexual Conduct with Students

Blachly School District #90

Code: **JFE**
Adopted: 4/15/09

Pregnant and Parenting Students

A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all school-sponsored activities unless physically unable. The district shall ensure that pregnant and parenting students receive special services as temporarily necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law.

No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood.

The district shall, in considering and obtaining special services for pregnant and parenting students:

1. Inform pregnant and parenting students and their parents of the availability of such services in the district, education service district or in the community;
2. Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;
3. Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and parenting students;
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and/or parenting students when their educational needs cannot be met by the regularly provided school program.

The superintendent will develop administrative regulations as necessary to ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 109.520](#)

[ORS 336.640](#)

[OAR 581-021-0046](#)

OSBA Model Sample Policy

Code: AC

Adopted:

Nondiscrimination and Civil Rights

The district does not discriminate on any basis listed below and prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex², sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

"The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

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

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. "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.

² 34 CFR § 106.10 provides "discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

Civil Rights Coordinator

The principal is the district's civil rights coordinator.

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
 - a. The notice of nondiscrimination⁴ required by OAR 581-021-0045; and
 - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. Satisfy the following training requirements:
 - a. Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):
 - (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
 - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American's with Disabilities Act of 1990, those statutes'

⁴ The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

- implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
- (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Identifying discrimination and reports of discrimination;
 - (5) Responding to reports of discrimination;
 - (6) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;
 - (7) Preventing discrimination in public school programs and activities;
 - (8) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;
 - (9) Tracking and documenting reports of discrimination.
- b. In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:
- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
 - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
 - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
 - (4) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.⁵

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.001	ORS 659A.236
ORS 192.630	ORS 659A.003	ORS 659A.309
ORS 326.051(1)(e)	ORS 659A.006	ORS 659A.321
ORS 332.505	ORS 659A.009	ORS 659A.409
ORS 408.230	ORS 659A.029	OAR 581-021-0045
ORS 659.805	ORS 659A.030	OAR 581-021-0046
ORS 659.815	ORS 659A.040	OAR 581-021-0047
ORS 659.850 - 659.860	ORS 659A.103 - 659A.145	OAR 581-021-0650 - 0665
ORS 659.865	ORS 659A.230 - 659A.233	OAR 581-022-2310

⁵ Training must first be completed by June 30, 2025.

[OAR 581-022-2370](#)

[OAR 581-075-0001 - 075-0005](#)

[OAR 581-075-0901](#)

[OAR 839-003](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

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).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (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 (2024).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

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); 29 C.F.R. Part 1635 (2019).

OSBA Model Sample Policy

Code: GBN/JBA

Adopted:

Sexual Harassment

¹The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. 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 district processes complaints or reports of sexual harassment using administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Additional requirements for processing complaints are included in this policy.³

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, Title IX Coordinator, civil rights coordinator, 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 district 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.

Oregon Definition

¹ Sexual harassment is generally considered a type of sex-based discrimination. Consequently, additional laws and complaint procedures may apply.

³ Other complaint policies and administrative regulations that may apply include, but are not limited to: AC – Nondiscrimination and Civil Rights; ACB – Every Student Belongs; GBEA – Workplace Harassment, GBNA – Hazing, Harassment, Intimidation, Menacing, or Cyberbullying – Staff; GBNA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements; GBNA/JHFE – Suspected Abuse of a Child Reporting Requirements; and JFCF – [Hazing.] Harassment, Intimidation, Bulling, [Menacing,] Cyberbullying, Teen Dating Violence or Domestic Violence - Students.

Sexual harassment of students, staff members or third parties⁵ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁶.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district 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):

TLCS Principal at (541) 925-3262 ext. 109 or bbottensek@blachly.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to make a report should use the above contact information. The person designated will coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. This person is also designated as the Title IX coordinator.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a district official. The district 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;

⁵ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

⁶ "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.

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

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

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district 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 district 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 district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment and prevent reoccurrence:

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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement, if necessary, at district 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 district 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 district'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 person¹¹ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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

¹¹ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

The written notification must include¹²:

1. Name and contact information for all person designated by the district 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 district that the "person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district 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 district, 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 district;
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 district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and

¹² Remember confidentiality laws when providing any information.

3. Be made available to students, students’ parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

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 school student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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 (2024).

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

OSBA Model Sample Policy

Code: JBA/GBN

Adopted:

Sexual Harassment

¹The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. 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 district processes complaints or reports of sexual harassment using administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Additional requirements for processing complaints are included in this policy.³

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, Title IX Coordinator, civil rights coordinator, 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 district 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.

Oregon Definition

¹ Sexual harassment is generally considered a type of sex-based discrimination. Consequently, additional laws and complaint procedures may apply.

³ Other complaint policies and administrative regulations that may apply include, but are not limited to: AC – Nondiscrimination and Civil Rights; ACB – Every Student Belongs; GBEA – Workplace Harassment, GBNA – Hazing, Harassment, Intimidation, Menacing, or Cyberbullying – Staff; GBNA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements; GBNA/JHFE – Suspected Abuse of a Child Reporting Requirements; and JFCF – [Hazing.] Harassment, Intimidation, Bullying, [Menacing,] Cyberbullying, Teen Dating Violence or Domestic Violence - Students.

Sexual harassment of students, staff members or third parties⁴ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁵.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district 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):

Brittany Bottensek, Principal at (541) 925-3262 ext. 109 or bbottensek@blachly.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to make a report should use the above contact information. The person designated will coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. This person is also designated as the Title IX coordinator.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a district official. The district 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;

⁴ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

⁵ "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.

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

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

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

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district 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 district 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 district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment and prevent reoccurrence:

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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district 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 district 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 district'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 person⁶ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

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

⁶ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

The written notification must include⁷:

1. Name and contact information for all person designated by the district 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 district that the "person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district 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 district, 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 district;
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 district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

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

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and

⁷ Remember confidentiality laws when providing any information.

OSBA Model Sample Policy

Code: JFE

Adopted:

Pregnant and/or Parenting Students**

The district shall not discriminate in its education program or activity against any student based on their current, potential, or past pregnancy, parenting, or related conditions. No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood. A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all district-sponsored activities. The district shall ensure that pregnant and/or parenting students receive special services as necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law. The district shall, in considering and obtaining special services for pregnant and/or parenting students:

1. Inform pregnant and/or parenting students and their parents of the availability of such services in the district, education service district or in the community.
2. Facilitate the provision of such services, including counseling, life skills and parenting education, childcare, transportation, career development and health and nutrition services to pregnant and/or parenting students.
3. Inform pregnant and/or parenting students and their parents of the availability of resources provided by other agencies, including health and social services.
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and/or parenting students.
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and/or parenting students when their educational needs cannot be met by the regularly provided school program.

When a district employee is notified of a student's pregnancy or related condition by the student or a person who has a legal right to act on behalf of the student, the employee will provide notice to that person. The notice will include:

1. The Title IX Coordinator's contact information;
2. That the Title IX Coordinator can coordinate specific actions to prevent discrimination and ensure the student's equal access to the district's education program or activity;
3. The district's responsibilities under Title IX; and
4. The district's notice of nondiscrimination.

The student will be allowed access to a lactation space¹ described in Board policy GBDA – Expression of Milk or Breastfeeding.

The superintendent will develop guidelines necessary to ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 336.640](#)
[ORS 339.010](#)

[ORS 339.030](#)
[OAR 581-021-0046](#)

[OAR 581-023-0100\(3\)](#)

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 (2024).

¹ A lactation space must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. (34 CFR 106.40(b)(3)(v))

Notice

Budget Committee meetings are open and the public is invited to attend.
Please keep this notice posted until June 30, 2025

BLACHLY SCHOOL DISTRICT #90

2025-26 Budget Calendar

2025

April 9 Regular School Board meeting

April 16 Publish Budget Committee meetings in Register-Guard & on district website

April 30 First Budget Committee meeting (Budget Message/public comment)

May 14 Regular Board meeting

May 28 Second Budget Meeting - target date for approval

June 4 Publish notice of budget hearing/summary in Register-Guard

June 11 Regular School Board meeting

- Budget Hearing
- Adopt the budget
- Make appropriations
- Declare the Levy by fund

July 15 Deadline to certify the tax levy to the County Assessor

Budget Committee Meeting

Times: 6:00 - 8:00 PM. or two hours length when starting time is delayed

Place: Triangle Lake Charter School, Blachly School District

Additional meetings will be posted as necessary.

BOARD MAINTENANCE REPORT FOR JANUARY 2025

LED LIGHTING CLASSROOMS

An Onsite audit is scheduled in February to go over current lighting with recommended upgrades to qualify for the rebates provided thru Blachly Lane Electric.

RENEW AMERICAS SCHOOLS

Currently working on filling out the School Energy Assessment for the Renew Americas Schools Application.

Renew Americas School Factsheet

https://drive.google.com/file/d/1Py4eLihvO3yiNoHmroadCckRfqhMU_x/view

BRUSH AND TREES

The brush and small trees were removed on the hill behind the “storage building” before they could become a problem in the future.

OUTDOOR SCHOOL STORAGE SHED

The Outdoor School Program recently received a grant for the placement of a storage facility.

We removed a few trees on the east end of the football field and excavated and prepped a gravel pad for the construction of a storage shed for the Outdoor School supplies.

Technology and Transportation

Board Report for February 2025

1. New Hire for Bus Driver. Upon completion of background checks, training will commence.
2. Bus 168 at repair shop for wire damage caused by rodents (mice, squirrels).

Student Services Board Report

Principal's Round Table Initiative

This month, I have started what I am calling the Principal's Round Table, where I am meeting with every student at the school and asking them a series of five questions about their experiences at school. I plan to meet with students once a week in small groups of six, categorized as follows:

- 6 students from K-2
- 6 students from 3-5
- 6 students from 6-8
- 6 students from 9-12

Students are selected using a random name generator to ensure a diverse range of voices are heard. The questions being asked are:

1. What is your favorite thing about being at school, and why?
2. What is your least favorite thing about school, and why?
3. Do you feel like you belong here at school? What makes you feel that way?
4. Do the activities and work in class feel too easy, too hard, or just right for you? Can you give an example?
5. If you could change one thing about our school to make it even better, what would it be?

This initiative aims to gather valuable student feedback to help improve the school environment and ensure that all students feel heard and valued.

Semester One Referral Overview

As we continue to refine our behavior tracking and reporting system, we have fully transitioned to using state codes for referrals. This shift aligns our reporting with state requirements and ensures consistency in how we document behavioral incidents. It is important to note that some referrals represent minor infractions rather than major incidents. The severity of each incident is indicated on the referral itself.

The use of state codes provides a clearer picture of behavior trends and helps us implement targeted interventions. We will continue monitoring and analyzing referral data to support students in maintaining a positive school environment.

Additionally, Ms. Kara and I have been attending a workshop at the ESD on Student and School Safety. This has taken place on the first three Tuesdays of February after school.

Summary of Semester One Referrals:

Description	Total
Alcohol (1000)	0
Arson (1100)	0
Attendance Policy Violation (1200)	0
Battery (Physical Attack/Harm) (1300)	5
Bullying (1810)	14
Burglary/Breaking & Entering (1400)	0
Bus Referral (BR)	37
Cheating/Plagiarism (9010)	4
Chemical/Biological Threat (2730)	0
Disorderly Conduct (1500)	6
Drugs Excluding Alcohol & Tobacco (1600)	0
Fighting (1700)	8
Harrassment (Sexual) (1900)	15
Harrassment, Intimidation, Bullying (Non-Sexual) (1800)	14
Homicide (2000)	0
Inappropriate Use of Medication (2100)	0
Insubordination (2200)	87
Kidnapping (Abduction) (2300)	0
Lying/Forgery (9080)	0
Manufacture or Delivery of a Controlled Substance (1699)	0
Obscene Behavior (2400)	19
Other Offenses (e.g., Forgery, Extortion) (9000)	7
Other Vandalism (3597)	0
Other Violent Crime Offense (e.g. Coercion, Hate/B (8000)	0
Physical Altercation (Minor) (2500)	30
Robbery (Taking of Things by Force) (2600)	0
School Threat (2700)	0
Sexual Battery (Assault) (2800)	0
Sexual Offenses, Other (Lewd Behavior, Indecent Ex (2900)	4
Skipping Class/School (1220)	0
Suicide (3000)	0
Theft (3100)	2
Threat/Intimidation (3200)	0
Tobacco (3300)	0
Trespassing (3400)	
Vandalism (Damage to School or Personal Property) (3500)	4
Violation of School Rules/Policies (3600)	10
Weapons Possession (3700)	0

Board Goals 2024-2025

Blachly School District #90

1. Focus on addressing and/or completing key operational tasks of the District
 - Accreditation renewal
 - TLEA contract
 - Triangle Grange property boundary resolution
 - Address control gaps identified in District investigation
 - Long-term superintendent/admin staffing model/plan in place

2. Provide the needed focus, resources, and training to improve (and maintain) District graduation rates above Oregon state averages (81.3% for most recent cohort.)